

July 24, 2009

Ordered to be printed as passed

111TH CONGRESS
1ST SESSION

S. 1390

AN ACT

To authorize appropriations for fiscal year 2010 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.

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 “National Defense Au-
3 thorization Act for Fiscal Year 2010”.

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

6 (a) DIVISIONS.—This Act is organized into seven di-
7 visions 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 (4) Division D—Funding Tables.

15 (5) Division E—Matthew Shepard Hate Crimes
16 Prevention Act.

17 (6) Division F—SBIR/STTR Reauthorization.

18 (7) Division G—Maritime Administration Au-
19 thorization.

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

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

Sec. 3. Congressional defense committees.

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- Sec. 1513. Treatment as additional authorizations.
- Sec. 1514. Funding tables.
- Sec. 1515. Special transfer authority.
- Sec. 1516. Limitations on availability of funds in Afghanistan Security Forces Fund.
- Sec. 1517. Availability of funds in Pakistan Counterinsurgency Fund.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.
- Sec. 2002. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2003. Effective date.
- Sec. 2004. Funding tables.
- Sec. 2005. Technical corrections regarding certain military construction projects, New Mexico.

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. Extension of authorizations of certain fiscal year 2006 projects.

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 and extension of authority to carry out certain fiscal year 2006 project.

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 2007 projects.
- Sec. 2306. Extension of authorizations of certain fiscal year 2006 projects.
- Sec. 2307. Temporary prohibition on use of funds for military construction improvements, Palanquero Air Base, Colombia.
- Sec. 2308. Conveyance to Indian tribes of certain housing units.

TITLE XXIV—DEFENSE AGENCIES

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- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Family housing.
- Sec. 2403. Energy conservation projects.
- Sec. 2404. Authorization of appropriations, Defense Agencies.
- Sec. 2405. Modification of authority to carry out certain fiscal year 2008 project.
- Sec. 2406. Modification of authority to carry out certain fiscal year 2009 project.
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Subtitle B—Chemical Demilitarization Authorizations

- Sec. 2411. Authorization of appropriations, chemical demilitarization construction, Defense-wide.

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, Guard and Reserve.
- Sec. 2607. Extension of authorizations of certain fiscal year 2007 projects.
- Sec. 2608. Extension of authorizations of certain fiscal year 2006 project.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

- 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.

- Sec. 2704. Report on global defense posture realignment and interagency review.
- Sec. 2705. Sense of the Senate on need for community assistance related to base closures and realignments and force repositioning.
- Sec. 2706. Relocation of certain Army Reserve units in Connecticut.
- Sec. 2707. Authority to construct previously authorized Armed Forces Reserve Center in vicinity of specified location at Pease Air National Guard Base, New Hampshire.
- Sec. 2708. Requirement for master plan to provide world class military medical facilities in the National Capital Region.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

- Sec. 2801. Military construction and land acquisition projects authorized by American Recovery and Reinvestment Act of 2009.

Subtitle A—Military Construction Program and Military Family Housing Changes

- Sec. 2811. Extension of authority to use operation and maintenance funds for construction projects inside the United States Central Command and United States Africa Command areas of responsibility.
- Sec. 2812. Modification of authority for scope of work variations.
- Sec. 2813. Modification of conveyance authority at military installations.
- Sec. 2814. Two-year extension of authority for pilot projects for acquisition or construction of military unaccompanied housing.

Subtitle B—Energy Security

- Sec. 2821. Report on Department of Defense efforts toward installation of solar panels and other renewable energy projects on military installations.

Subtitle C—Land Conveyances

- Sec. 2831. Land conveyance, Naval Air Station Oceana, Virginia.
- Sec. 2832. Release of reversionary interest.
- Sec. 2833. Land conveyance, Ellsworth Air Force Base, South Dakota.
- Sec. 2834. Land conveyance, F.E. Warren Air Force Base, Cheyenne, Wyoming.
- Sec. 2835. Land conveyance, Lackland Air Force Base, Texas.
- Sec. 2836. Land conveyance, Haines Tank Farm, Haines, Alaska.
- Sec. 2837. Land conveyances of certain parcels in the Camp Catlin and Ohana Nui areas, Pearl Harbor, Hawaii.

Subtitle D—Other Matters

- Sec. 2841. Expansion of First Sergeants Barracks Initiative.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2901. Authorized Army construction and land acquisition projects.
- Sec. 2902. Authorized Air Force construction and land acquisition projects.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental cleanup.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense nuclear waste disposal.
- Sec. 3105. Funding table.

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Nuclear weapons stockpile life extension program.
- Sec. 3112. Elimination of nuclear weapons life extension program from exception to requirement to request funds in budget of the President.
- Sec. 3113. Repeal of Reliable Replacement Warhead program.
- Sec. 3114. Authorization of use of International Nuclear Materials Protection and Cooperation program funds for bilateral and multilateral nonproliferation and disarmament activities.
- Sec. 3115. Repeal of prohibition on funding activities associated with international cooperative stockpile stewardship.
- Sec. 3116. Modification of minor construction threshold for plant projects.
- Sec. 3117. Two-year extension of authority for appointment of certain scientific, engineering, and technical personnel.
- Sec. 3118. Repeal of sunset date for consolidation of counterintelligence programs of Department of Energy and National Nuclear Security Administration.

Subtitle C—Other Matters

- Sec. 3131. Ten-year plan for utilization and funding of certain Department of Energy facilities.
- Sec. 3132. Review of management and operation of certain national laboratories.
- Sec. 3133. Inclusion in 2010 stockpile stewardship plan of certain information relating to stockpile stewardship criteria.
- Sec. 3134. Comptroller General of the United States review of projects carried out by the Office of Environmental Management of the Department of Energy pursuant to the American Recovery and Reinvestment Act of 2009.
- Sec. 3135. Identification in budget materials of amounts for certain Department of Energy pension obligations.
- Sec. 3136. Expansion of authority of Ombudsman of Energy Employees Occupational Illness Compensation Program.
- Sec. 3137. Comptroller General study of stockpile stewardship program.
- Sec. 3138. Sense of the Senate on production of molybdenum-99.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

- Sec. 3201. Authorization.

TITLE XXXIII—MARITIME ADMINISTRATION

- Sec. 3301. Maritime Administration.

DIVISION D—FUNDING TABLES

Sec. 4001. Authorization of amounts in funding tables.

TITLE XLI—PROCUREMENT

Sec. 4101. Procurement.

Sec. 4102. Procurement for overseas contingency operations.

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND
EVALUATION

Sec. 4201. Research, development, test, and evaluation.

Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

TITLE XLIII—OPERATION AND MAINTENANCE

Sec. 4301. Operation and maintenance.

Sec. 4302. Operation and maintenance for overseas contingency operations.

TITLE XLIV—OTHER AUTHORIZATIONS

Sec. 4401. Other authorizations.

Sec. 4402. Other authorizations for overseas contingency operations.

TITLE XLV—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 4501. Military construction.

Sec. 4502. 2005 base realignment and closure round FY 2010 project listing.

Sec. 4503. American Recovery and Reinvestment Act military construction.

Sec. 4504. Military construction for overseas contingency operations.

TITLE XLVI—DEPARTMENT OF ENERGY NATIONAL SECURITY
PROGRAMS

Sec. 4601. Department of Energy national security programs.

DIVISION E—MATTHEW SHEPARD HATE CRIMES PREVENTION
ACT

Sec. 4701. Short title.

Sec. 4702. Findings.

Sec. 4703. Definition of hate crime.

Sec. 4704. Support for criminal investigations and prosecutions by State, local, and tribal law enforcement officials.

Sec. 4705. Grant program.

Sec. 4706. Authorization for additional personnel to assist State, local, and tribal law enforcement.

Sec. 4707. Prohibition of certain hate crime acts.

Sec. 4708. Statistics.

Sec. 4709. Severability.

Sec. 4710. Rule of construction.

Sec. 4711. Construction and application.

Sec. 4712. Limitation on prosecutions.

Sec. 4713. Guidelines for hate-crimes offenses.

Sec. 4714. Attacks on United States servicemen.

DIVISION F—SBIR/STTR REAUTHORIZATION

Sec. 5001. Short title.

Sec. 5002. Definitions.

TITLE LI—REAUTHORIZATION OF THE SBIR AND STTR PROGRAMS

- Sec. 5101. Extension of termination dates.
- Sec. 5102. Status of the Office of Technology.
- Sec. 5103. SBIR allocation increase.
- Sec. 5104. STTR allocation increase.
- Sec. 5105. SBIR and STTR award levels.
- Sec. 5106. Agency and program collaboration.
- Sec. 5107. Elimination of Phase II invitations.
- Sec. 5108. Majority-venture investments in SBIR firms.
- Sec. 5109. SBIR and STTR special acquisition preference.
- Sec. 5110. Collaborating with Federal laboratories and research and development centers.
- Sec. 5111. Notice requirement.

TITLE LII—OUTREACH AND COMMERCIALIZATION INITIATIVES

- Sec. 5201. Rural and State outreach.
- Sec. 5202. SBIR—STEM Workforce Development Grant Pilot Program.
- Sec. 5203. Technical assistance for awardees.
- Sec. 5204. Commercialization program at Department of Defense.
- Sec. 5205. Commercialization Pilot Program for civilian agencies.
- Sec. 5206. Nanotechnology initiative.
- Sec. 5207. Accelerating cures.

TITLE LIII—OVERSIGHT AND EVALUATION

- Sec. 5301. Streamlining annual evaluation requirements.
- Sec. 5302. Data collection from agencies for SBIR.
- Sec. 5303. Data collection from agencies for STTR.
- Sec. 5304. Public database.
- Sec. 5305. Government database.
- Sec. 5306. Accuracy in funding base calculations.
- Sec. 5307. Continued evaluation by the National Academy of Sciences.
- Sec. 5308. Technology insertion reporting requirements.
- Sec. 5309. Intellectual property protections.

TITLE LIV—POLICY DIRECTIVES

- Sec. 5401. Conforming amendments to the SBIR and the STTR Policy Directives.
- Sec. 5402. Priorities for certain research initiatives.
- Sec. 5403. Report on SBIR and STTR program goals.
- Sec. 5404. Competitive selection procedures for SBIR and STTR programs.

DIVISION G—MARITIME ADMINISTRATION AUTHORIZATION

TITLE LX—MARITIME ADMINISTRATION

- Sec. 6001. Short title.
- Sec. 6002. Cooperative agreements, administrative expenses, and contracting authority.
- Sec. 6003. Use of funding for DOT maritime heritage property.
- Sec. 6004. Liquidation of unused leave balance at the Merchant Marine Academy.

- Sec. 6005. Permanent authority to hire adjunct professors at the Merchant Marine Academy.
- Sec. 6006. Use of midshipman fees.
- Sec. 6007. Construction of vessels in the United States policy.
- Sec. 6008. Port infrastructure development program.
- Sec. 6009. Reefs for marine life conservation program.
- Sec. 6010. Student incentive payment agreements.
- Sec. 6011. United States merchant marine academy graduate program receipt, disbursement, and accounting for non-appropriated funds.
- Sec. 6012. America's short sea transportation grants for the development of marine highways.
- Sec. 6013. Expansion of the marine view system.
- Sec. 6014. Authorization of appropriations for fiscal year 2010.

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

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

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

10 **SEC. 101. ARMY.**

11 Funds are hereby authorized to be appropriated for
12 fiscal year 2010 for procurement for the Army as follows:

- 13 (1) For aircraft, \$5,144,891,000.
- 14 (2) For missiles, \$1,375,109,000.
- 15 (3) For weapons and tracked combat vehicles,
16 \$2,451,952,000.
- 17 (4) For ammunition, \$2,059,895,000.
- 18 (5) For other procurement, \$9,617,991,000.

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

2 (a) NAVY.—Funds are hereby authorized to be appro-
3 priated for fiscal year 2010 for procurement for the Navy
4 as follows:

5 (1) For aircraft, \$18,655,412,000.

6 (2) For weapons, including missiles and tor-
7 pedoes, \$3,515,455,000.

8 (3) For shipbuilding and conversion,
9 \$13,776,867,000.

10 (4) For other procurement, \$5,595,176,000.

11 (b) MARINE CORPS.—Funds are hereby authorized to
12 be appropriated for fiscal year 2010 for procurement for
13 the Marine Corps in the amount of \$1,600,638,000.

14 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
15 are hereby authorized to be appropriated for fiscal year
16 2010 for procurement of ammunition for the Navy and
17 the Marine Corps in the amount of \$840,675,000.

18 **SEC. 103. AIR FORCE.**

19 Funds are hereby authorized to be appropriated for
20 fiscal year 2010 for procurement for the Air Force as fol-
21 lows:

22 (1) For aircraft, \$13,077,876,000.

23 (2) For missiles, \$6,107,728,000.

24 (3) For ammunition, \$822,462,000.

25 (4) For other procurement, \$17,245,341,000.

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

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2010 for Defense-wide procurement as follows:

4 (1) For Defense-wide procurement,
5 \$4,050,052,000.

6 (2) For the Rapid Acquisition Fund,
7 \$79,300,000.

8 (3) For the Mine Resistant Ambush Protected
9 Vehicle Fund, \$1,200,000,000.

10 **SEC. 105. FUNDING TABLE.**

11 The amounts authorized to be appropriated by sec-
12 tions 101, 102, 103, and 104 shall be available, in accord-
13 ance with the requirements of section 4001, for projects,
14 programs, and activities, and in the amounts, specified in
15 the funding table in section 4101.

16 **SEC. 106. ELIMINATION OF F-22A AIRCRAFT PROCURE-**
17 **MENT FUNDING.**

18 (a) **ELIMINATION OF FUNDING.**—The amount au-
19 thorized to be appropriated by section 103(1) for procure-
20 ment for the Air Force for aircraft procurement is hereby
21 decreased by \$1,750,000,000, with the amount of the de-
22 crease to be derived from amounts available for F-22A
23 aircraft procurement.

24 (b) **RESTORED FUNDING.**—

25 (1) **OPERATION AND MAINTENANCE, ARMY.**—

26 The amount authorized to be appropriated by sec-

1 tion 301(1) for operation and maintenance for the
2 Army is hereby increased by \$350,000,000.

3 (2) OPERATION AND MAINTENANCE, NAVY.—

4 The amount authorized to be appropriated by sec-
5 tion 301(2) for operation and maintenance for the
6 Navy is hereby increased by \$100,000,000.

7 (3) OPERATION AND MAINTENANCE, AIR

8 FORCE.—The amount authorized to be appropriated
9 by section 301(4) for operation and maintenance for
10 the Air Force is hereby increased by \$250,000,000.

11 (4) OPERATION AND MAINTENANCE, DEFENSE-

12 WIDE.—The amount authorized to be appropriated
13 by section 301(5) for operation and maintenance for
14 Defense-wide activities is hereby increased by
15 \$150,000,000.

16 (5) MILITARY PERSONNEL.—The amount au-

17 thorized to be appropriated by section 421(a)(1) for
18 military personnel is hereby increased by
19 \$400,000,000.

20 (6) DIVISION A AND DIVISION B GENERALLY.—

21 In addition to the amounts specified in paragraphs
22 (1) through (5), the total amount authorized to be
23 appropriated for the Department of Defense by divi-
24 sions A and B is hereby increased by \$500,000,000.

1 **Subtitle B—Navy Programs**

2 **SEC. 111. TREATMENT OF LITTORAL COMBAT SHIP PRO-**
3 **GRAM AS A MAJOR DEFENSE ACQUISITION**
4 **PROGRAM.**

5 Effective as of the date of the enactment of this Act,
6 the program for the Littoral Combat Ship shall be treated
7 as a major defense acquisition program for purposes of
8 chapter 144 of title 10, United States Code.

9 **SEC. 112. REPORT ON STRATEGIC PLAN FOR HOME-**
10 **PORTING THE LITTORAL COMBAT SHIP.**

11 (a) REPORT REQUIRED.—Not later than 90 days
12 after the date of the enactment of this Act, the Secretary
13 of the Navy shall submit to the congressional defense com-
14 mittees a report setting forth the strategic plan of the
15 Navy for homeporting the Littoral Combat Ship (LCS) on
16 the East Coast and West Coast of the United States.

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

19 (1) The requirements for homeporting of the
20 Littoral Combat ship of the commanders of the com-
21 batant commands, set forth by geographic area of
22 responsibility (AOR).

23 (2) A description of the manner in which the
24 Navy will meet the requirements identified under
25 paragraph (1).

1 (3) An assessment of the effect of each type of
2 Littoral Combat Ship on each port in which such
3 ship could be homeported.

4 (4) A map, based on the current plan of 55 Lit-
5 toral Combat Ships, identifying where each ship will
6 homeport and how such ports will accommodate both
7 types of Littoral Combat Ships, based on the current
8 program and a 313-ship Navy.

9 (5) An estimate of the costs of infrastructure
10 required for Littoral Combat Ships at each home-
11 port, including—

12 (A) existing infrastructure; and

13 (B) such upgraded infrastructure as may
14 be required.

15 **SEC. 113. PROCUREMENT PROGRAMS FOR FUTURE NAVAL**
16 **SURFACE COMBATANTS.**

17 (a) LIMITATION ON AVAILABILITY OF FUNDS PEND-
18 ING REPORTS ABOUT SURFACE COMBATANT SHIP-
19 BUILDING PROGRAMS.—The Secretary of the Navy may
20 not obligate or expend funds for the construction of, or
21 advanced procurement of materials for, a surface combat-
22 ant to be constructed after fiscal year 2011 until the Sec-
23 retary has submitted to Congress each of the following:

1 (1) An acquisition strategy for such surface
2 combatants that has been approved by the Depart-
3 ment of Defense.

4 (2) The results of reviews by the Joint Require-
5 ments Oversight Council for an Acquisition Category
6 I program that supports the need for an acquisition
7 strategy to procure surface combatants after fiscal
8 year 2011.

9 (3) A verification by an independent review
10 panel convened by the Secretary of Defense that, in
11 evaluating the shipbuilding program concerned, the
12 Secretary of the Navy considered each of the fol-
13 lowing:

14 (A) Modeling and simulation, including
15 war gaming conclusions regarding combat effec-
16 tiveness for the selected ship platforms as com-
17 pared to other reasonable alternative ap-
18 proaches.

19 (B) Assessments of platform operational
20 availability.

21 (C) Life cycle costs from vessel manning
22 levels to accomplish missions.

23 (4) An intelligence analysis reflecting a coordi-
24 nated threat assessment of the Defense Intelligence
25 Agency that provides the basis for deriving the mix

1 of platforms in the shipbuilding program concerned
2 when compared with the surface combatants in the
3 2009 shipbuilding plan.

4 (5) The differences in cost and schedule arising
5 from the need to accommodate new sensors and
6 weapons in future surface combatants to counter the
7 future threats referred to in paragraph (4) when
8 compared with the cost and schedule arising from
9 the need to accommodate sensors and weapons on
10 surface combatants as contemplated by the 2009
11 shipbuilding plan for the vessels concerned.

12 (6) A verification by the commanders of the
13 combatant commands that the shipbuilding program
14 for the vessels concerned would be preferable to the
15 surface combatants included in the 2009 ship-
16 building plan for the vessels concerned in meeting all
17 of their future mission requirements.

18 (7) A joint review by the Navy and the Missile
19 Defense Agency setting forth additional require-
20 ments for investment in Aegis ballistic missile de-
21 fense (BMD) beyond the number of DDG-51 and
22 CG-47 vessels planned to be equipped for this mis-
23 sion area in the budget of the President for fiscal
24 year 2010 (as submitted to Congress pursuant to
25 section 1105 of title 31, United States Code).

1 (b) FUTURE SURFACE COMBATANT ACQUISITION
2 STRATEGY.—Not later than the date upon which Presi-
3 dent submits to Congress the budget for fiscal year 2012
4 (as so submitted), the Secretary of the Navy shall submit
5 to the congressional defense committees a plan to provide
6 for full and open competition on the combat systems for
7 surface combatants proposed in the future-years defense
8 program submitted to Congress under section 221 of title
9 10, United States Code, together with such budget. The
10 plan shall include specifics on the intent of the Navy to
11 satisfy criteria described in subsection (a) and evaluate ap-
12 plicable technologies during the request for proposal and
13 selection process.

14 (c) NAVAL SURFACE FIRE SUPPORT.—Not later than
15 120 days after the enactment of this Act, the Secretary
16 of the Navy shall submit to the congressional defense com-
17 mittees an update to the March 2006 Report to Congress
18 on Naval Surface Fire Support. The update shall identify
19 how the Department of Defense intends to address any
20 shortfalls between required naval surface fire support ca-
21 pability and the plan of the Navy to provide that capa-
22 bility. The update shall include addenda by the Chief of
23 Naval Operations and Commandant of the Marine Corps,
24 as was the case in the 2006 report.

1 (d) TECHNOLOGY ROADMAP FOR FUTURE SURFACE
2 COMBATANTS AND FLEET MODERNIZATION.—

3 (1) IN GENERAL.—Not later than 120 days
4 after the date of the enactment of this Act, the Sec-
5 retary of the Navy shall develop a plan to incor-
6 porate into surface combatants constructed after
7 2011, and into fleet modernization programs, the
8 technologies developed for the DDG–1000 destroyer
9 and the DDG–51 and CG–47 Aegis ships, including
10 the following:

11 (A) For the DDG–1000 destroyer—

12 (i) combat system;

13 (ii) multi-function and dual-band ra-
14 dars;

15 (iii) hull, mechanical and electrical
16 systems achieving significant manpower
17 savings; and

18 (iv) integrated electric propulsion
19 technologies.

20 (B) For the DDG–51 and CG–47 Aegis
21 ships—

22 (i) combat system, including missile
23 defense capability;

24 (ii) hull, mechanical and electrical sys-
25 tems achieving manpower savings; and

1 (iii) anti-submarine warfare sensor
2 systems designed for operating in open
3 ocean areas.

4 (2) SCOPE OF PLAN.—The plan required by
5 paragraph (1) shall include sufficient detail for sys-
6 tems and subsystems to ensure that the plan—

7 (A) avoids redundant development for com-
8 mon functions;

9 (B) reflects implementation of Navy plans
10 for achieving an open architecture for all naval
11 surface combat systems; and

12 (C) fosters full and open competition.

13 (e) DEFINITION.—In this section:

14 (1) The term “2009 shipbuilding plan” means
15 the 30-year shipbuilding plan submitted to Congress
16 pursuant to section 231, title 10, United States
17 Code, together with the budget of the President for
18 fiscal year 2009 (as submitted to Congress pursuant
19 to section 1105 of title 31, United States Code).

20 (2) The term “surface combatant” means a
21 cruiser, a destroyer, or any naval vessel under a pro-
22 gram currently designated as a future surface com-
23 batant program.

1 **SEC. 114. REPORT ON A SERVICE LIFE EXTENSION PRO-**
2 **GRAM FOR OLIVER HAZARD PERRY CLASS**
3 **FRIGATES.**

4 Not later than 90 days after the date of the enact-
5 ment of this Act, the Secretary of the Navy shall submit
6 to the congressional defense committees a report setting
7 forth the following:

8 (1) A detailed analysis of a service life exten-
9 sion program (SLEP) for the Oliver Hazard Perry
10 class frigates (FFGs), including—

11 (A) the cost of the program;

12 (B) a schedule for the program; and

13 (C) the shipyards available to carry out the
14 work under the program.

15 (2) A detailed plan of the Navy for achieving a
16 313-ship fleet as contemplated by the 2006 Quad-
17 rennial Defense Review, including a comparison for
18 purposes of that plan of decommissioning Oliver
19 Hazard Perry class frigates as scheduled with ex-
20 tending the service life of such frigates under the
21 service life extension program.

22 (3) The strategic plan of the Navy for the man-
23 ner in which the Littoral Combat Ship (LCS) will
24 fulfill the roles and missions currently performed by
25 the Oliver Hazard Perry class frigates as they are
26 decommissioned.

1 (4) The strategic plan of the Navy for the Lit-
2 toral Combat Ship if the extension of the service life
3 of the Oliver Hazard Perry class frigates alleviates
4 demand arising under the current capabilities gap in
5 the Littoral Combat Ship.

6 (5) A description of the manner in which the
7 Navy has met the needs of the United States South-
8 ern Command over time, including the assets and
9 vessels the Navy has deployed for military-to-mili-
10 itary engagements, UNITAS exercises, and
11 counterdrug operations in support of the Com-
12 mander of the United States Southern Command
13 during the five-year period ending on the date of the
14 report.

15 **SEC. 115. COMPETITIVE BIDDING FOR PROCUREMENT OF**
16 **STEAM TURBINES FOR SHIPS SERVICE TUR-**
17 **BINE GENERATORS AND MAIN PROPULSION**
18 **TURBINES FOR OHIO-CLASS SUBMARINE RE-**
19 **PLACEMENT PROGRAM.**

20 The Secretary of the Navy shall take measures to en-
21 sure competition, or the option of competition, for steam
22 turbines for the ships service turbine generators and main
23 propulsion turbines for the Ohio-class submarine replace-
24 ment program in accordance with section 202 of the

1 Weapons Systems Acquisition Reform Act of 2009 (Public
2 Law 111–23; 10 U.S.C. 2430 note).

3 **Subtitle C—Air Force Matters**

4 **SEC. 121. LIMITATION ON RETIREMENT OF C-5 AIRCRAFT.**

5 (a) LIMITATION.—The Secretary of the Air Force
6 may not proceed with a decision to retire C-5A aircraft
7 from the active inventory of the Air Force in any number
8 that would reduce the total number of such aircraft in the
9 active inventory below 111 until—

10 (1) the Air Force has modified a C-5A aircraft
11 to the configuration referred to as the Reliability
12 Enhancement and Reengining Program (RERP)
13 configuration, as planned under the C-5 System De-
14 velopment and Demonstration program as of May 1,
15 2003; and

16 (2) the Director of Operational Test and Eval-
17 uation of the Department of Defense—

18 (A) conducts an operational evaluation of
19 that aircraft, as so modified; and

20 (B) provides to the Secretary of Defense
21 and the congressional defense committees an
22 operational assessment.

23 (b) OPERATIONAL EVALUATION.—An operational
24 evaluation for purposes of paragraph (2)(A) of subsection
25 (a) is an evaluation, conducted during operational testing

1 and evaluation of the aircraft, as so modified, of the per-
2 formance of the aircraft with respect to reliability, main-
3 tainability, and availability and with respect to critical
4 operational issues.

5 (c) OPERATIONAL ASSESSMENT.—An operational as-
6 sessment for purposes of paragraph (2)(B) of subsection
7 (a) is an operational assessment of the program to modify
8 C-5A aircraft to the configuration referred to in sub-
9 section (a)(1) regarding both overall suitability and defi-
10 ciencies of the program to improve performance of the C-
11 5A aircraft relative to requirements and specifications for
12 reliability, maintainability, and availability of that aircraft
13 as in effect on May 1, 2003.

14 (d) ADDITIONAL LIMITATIONS ON RETIREMENT OF
15 AIRCRAFT.—The Secretary of the Air Force may not re-
16 tire C-5 aircraft from the active inventory as of the date
17 of this Act until the later of the following:

18 (1) The date that is 150 days after the date on
19 which the Director of Operational Test and Evalua-
20 tion submits the report referred to in subsection
21 (a)(2)(B).

22 (2) The date that is 120 days after the date on
23 which the Secretary submits the report required
24 under subsection (e).

1 (3) The date that is 30 days after the date on
2 which the Secretary certifies to the congressional de-
3 fense committees that—

4 (A) the retirement of such aircraft will not
5 increase the operational risk of meeting the Na-
6 tional Defense Strategy; and

7 (B) the retirement of such aircraft will not
8 reduce the total strategic airlift force structure
9 below 324 strategic airlift aircraft.

10 (e) REPORT ON RETIREMENT OF AIRCRAFT.—The
11 Secretary of the Air Force shall submit to the congres-
12 sional defense committees a report setting forth the fol-
13 lowing:

14 (1) The rationale for the retirement of existing
15 C-5 aircraft and a cost/benefit analysis of alter-
16 native strategic airlift force structures, including the
17 force structure that would result from the retirement
18 of such aircraft.

19 (2) An assessment of the costs and benefits of
20 applying the Reliability Enhancement and Re-
21 engining Program (RERP) modification to the en-
22 tire the C-5A aircraft fleet.

23 (3) An assessment of the implications for the
24 Air Force, the Air National Guard, and the Air

1 Force Reserve of operating a mix of C-5A aircraft
2 and C-5M aircraft.

3 (4) An assessment of the costs and benefits of
4 increasing the number of C-5 aircraft in Back-up
5 Aircraft Inventory (BAI) status as a hedge against
6 future requirements of such aircraft.

7 (5) An assessment of the costs, benefits, and
8 implications of transferring C-5 aircraft to United
9 States flag carriers operating in the Civil Reserve
10 Air Fleet (CRAF) program or to coalition partners
11 in lieu of the retirement of such aircraft.

12 (6) Such other matters relating to the retire-
13 ment of C-5 aircraft as the Secretary considers ap-
14 propriate.

15 (f) MAINTENANCE OF AIRCRAFT UPON RETIRE-
16 MENT.—The Secretary of the Air Force shall maintain
17 any C-5 aircraft retired after the date of the enactment
18 of this Act in Type 1000 storage until opportunities for
19 the transfer of such aircraft as described in subsection
20 (e)(5) have been fully exhausted.

21 **SEC. 122. REVISED AVAILABILITY OF CERTAIN FUNDS**
22 **AVAILABLE FOR THE F-22A FIGHTER AIR-**
23 **CRAFT.**

24 (a) REPEAL OF AUTHORITY ON AVAILABILITY OF
25 FISCAL YEAR 2009 FUNDS.—Section 134 of the Duncan

1 Hunter National Defense Authorization Act for Fiscal
2 Year 2009 (Public Law 110–417; 122 Stat. 4378) is re-
3 pealed.

4 (b) AVAILABILITY OF ADVANCE PROCUREMENT
5 FUNDS FOR OTHER F–22A AIRCRAFT MODERNIZATION
6 PRIORITIES.—Subject to the provisions of appropriations
7 Acts and applicable requirements relating to the transfer
8 of funds, the Secretary of the Air Force may transfer
9 amounts authorized to be appropriated for fiscal year
10 2009 by section 103(1) for aircraft procurement for the
11 Air Force and available for advance procurement for the
12 F–22A fighter aircraft within that subaccount or to other
13 subaccounts for aircraft procurement for the Air Force for
14 purposes of providing funds for other modernization prior-
15 ities with respect to the F–22A fighter aircraft.

16 **SEC. 123. REPORT ON POTENTIAL FOREIGN MILITARY**
17 **SALES OF THE F–22A FIGHTER AIRCRAFT.**

18 (a) REPORT REQUIRED.—Not later than 180 days
19 after the date of the enactment of this Act, the Secretary
20 of Defense shall, in coordination with the Secretary of
21 State and in consultation with the Secretary of the Air
22 Force, submit to the congressional defense committees,
23 the Committee on Foreign Relations of the Senate, and
24 the Committee on Foreign Affairs of the House of Rep-

1 representatives a report on potential foreign military sales of
2 the F-22A fighter aircraft.

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

5 (1) An estimate of the costs to the United
6 States Government, industry, and any foreign mili-
7 tary sales customer of developing an exportable
8 version of the F-22A fighter aircraft.

9 (2) An assessment whether an exportable
10 version of the F-22A fighter aircraft is technically
11 feasible and executable, and, if so, a timeline for
12 achieving an exportable version of the aircraft.

13 (3) An assessment of the potential strategic im-
14 plications of permitting foreign military sales of the
15 F-22A fighter aircraft.

16 (4) An assessment of the impact of foreign mili-
17 tary sales of the F-22A fighter aircraft on the
18 United States aerospace and aviation industry, and
19 the advantages and disadvantages of such sales for
20 sustaining that industry.

21 (5) An identification of any modifications to
22 current law that are required to authorize foreign
23 military sales of the F-22A fighter aircraft.

24 (c) ADDITIONAL REPORT REQUIRED.—Not later
25 than 180 days after the date of the enactment of this Act,

1 the Secretary of Defense shall provide for a federally fund-
2 ed research and development center which will submit to
3 the congressional defense committees, the Committee on
4 Foreign Relations of the Senate, and the Committee on
5 Foreign Affairs of the House of Representatives, through
6 the Secretary of Defense, a report on potential foreign
7 military sales of the F-22A fighter aircraft, addressing
8 the same elements as in subsection (b) of this section.

9 **SEC. 124. NEXT GENERATION BOMBER AIRCRAFT.**

10 (a) FINDINGS.—Congress makes the following find-
11 ings:

12 (1) Long-range strike is a critical mission in
13 which the United States needs to retain a credible
14 and dominant capability.

15 (2) Long range, penetrating strike systems pro-
16 vide—

17 (A) a hedge against being unable to obtain
18 access to forward bases for political reasons;

19 (B) a capacity to respond quickly to con-
20 tingencies;

21 (C) the ability to base outside the reach of
22 emerging adversary anti-access and area-denial
23 capabilities; and

1 (D) the ability to impose disproportionate
2 defensive costs on prospective adversaries of the
3 United States.

4 (3) The 2006 Quadrennial Defense Review
5 found that there was a requirement for a next gen-
6 eration bomber aircraft and directed the United
7 States Air Force to “develop a new land-based, pen-
8 etrating long range strike capability to be fielded by
9 2018”.

10 (4) On April 6, 2009, Secretary Gates an-
11 nounced that the United States “will not pursue a
12 development program for a follow-on Air Force
13 bomber until we have a better understanding of the
14 need, the requirement and the technology”.

15 (5) On May 7, 2009, President Barack Obama
16 announced the termination of the next generation
17 bomber aircraft program in the document of the Of-
18 fice of Management and Budget entitled “Termi-
19 nations, Reductions, and Savings”, stating that
20 “there is no urgent need to begin an expensive devel-
21 opment program for a new bomber” and that “the
22 future bomber fleet may not be affordable over the
23 next six years”.

24 (6) The United States will need a new long-
25 range strike capability because the conflicts of the

1 future will likely feature heavily defended airspace,
2 due in large part to the proliferation of relatively in-
3 expensive, but sophisticated and deadly, air defense
4 systems.

5 (7) General Michael Maples, the Director of the
6 Defense Intelligence Agency, noted during a March
7 10, 2009, hearing of the Committee on Armed Serv-
8 ices of the Senate on worldwide threats that “Rus-
9 sia, quite frankly, is the developer of most of those
10 [advanced air defense] systems and is exporting
11 those systems both to China and to other countries
12 in the world”.

13 (8) The Final Report of the Congressional
14 Commission on the Strategic Posture of the United
15 States, submitted to Congress on May 6, 2009,
16 states that “[t]he bomber force is valuable particu-
17 larly for extending deterrence in time of crisis, as
18 their deployment is visible and signals U.S. commit-
19 ment. Bombers also impose a significant cost burden
20 on potential adversaries in terms of the need to in-
21 vest in advanced air defenses”.

22 (9) The commanders of the United States Pa-
23 cific Command, the United States Strategic Com-
24 mand, and the United States Joint Forces Com-
25 mand have each testified before the Committee on

1 Armed Services of the Senate in support of the ca-
2 pability that the next generation bomber aircraft
3 would provide.

4 (10) On June 17, 2009, General James Cart-
5 wright, Vice-Chairman of the Joint Chiefs of Staff
6 and chair of the Joint Requirements Oversight
7 Council, stated during a hearing before the Com-
8 mittee on Armed Services of the Senate that “the
9 nation needs a new bomber”.

10 (11) Nearly half of the United States bomber
11 aircraft inventory (47 percent) pre-dates the Cuban
12 Missile Crisis.

13 (12) The only air-breathing strike platforms the
14 United States possesses today with reach and surviv-
15 ability to have a chance of successfully executing
16 missions more than 1,000 nautical miles into enemy
17 territory from the last air-to-air refueling are 16
18 combat ready B-2 bomber aircraft.

19 (13) The B-2 bomber aircraft was designed in
20 the 1980s and achieved initial operational capability
21 over a decade ago.

22 (14) The crash of an operational B-2 bomber
23 aircraft during takeoff at Guam in early 2008 indi-
24 cates that attrition can and does occur even in
25 peacetime.

1 (15) The primary mission requirement of the
2 next generation bomber aircraft is the ability to
3 strike targets anywhere on the globe with whatever
4 weapons the contingency requires.

5 (16) The requisite aerodynamic, structural, and
6 low-observable technologies to develop the next gen-
7 eration bomber aircraft already exist in fifth-genera-
8 tion fighter aircraft.

9 (b) POLICY ON CONTINUED DEVELOPMENT OF NEXT
10 GENERATION BOMBER AIRCRAFT IN FISCAL YEAR
11 2010.—It is the policy of the United States to support
12 a development program for next generation bomber air-
13 craft technologies.

14 **SEC. 125. AC-130 GUNSHIPS.**

15 (a) REPORT ON REDUCTION IN SERVICE LIFE IN
16 CONNECTION WITH ACCELERATED DEPLOYMENT.—Not
17 later than 90 days after the date of the enactment of this
18 Act, the Secretary of the Air Force, in consultation with
19 the United States Special Operations Command, shall sub-
20 mit to the congressional defense committees an assess-
21 ment of the reduction in the service life of AC-130
22 gunships of the Air Force as a result of the accelerated
23 deployments of such gunships that are anticipated during
24 the seven- to ten-year period beginning with the date of
25 the enactment of this Act, assuming that operating tempo

1 continues at a rate per year of the average of their oper-
2 ating rate for the last five years.

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

5 (1) An estimate by series of the maintenance
6 costs for the AC-130 gunships during the period de-
7 scribed in subsection (a), including any major air-
8 frame and engine overhauls of such aircraft antici-
9 pated during that period.

10 (2) A description by series of the age, service-
11 ability, and capabilities of the armament systems of
12 the AC-130 gunships.

13 (3) An estimate by series of the costs of mod-
14 ernizing the armament systems of the AC-130
15 gunships to achieve any necessary capability im-
16 provements.

17 (4) A description by series of the age and capa-
18 bilities of the electronic warfare systems of the AC-
19 130 gunships, and an estimate of the cost of up-
20 grading such systems during that period to achieve
21 any necessary capability improvements.

22 (5) A description by series of the age of the avi-
23 onics systems of the AC-130 gunships, and an esti-
24 mate of the cost of upgrading such systems during

1 that period to achieve any necessary capability im-
2 provements.

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

6 (d) ANALYSIS OF ALTERNATIVES.—The Secretary of
7 the Air Force, in consultation with the United States Spe-
8 cial Operations Command, shall conduct an analysis of al-
9 ternatives for any gunship modernization requirements
10 identified by the 2009 quadrennial defense review under
11 section 118 of title 10, United States Code. The results
12 of the analysis of alternatives shall be provided to the con-
13 gressional defense committees not later than 18 months
14 after the completion of the 2009 quadrennial defense re-
15 view.

16 **SEC. 126. REPORT ON E-8C JOINT SURVEILLANCE AND TAR-**
17 **GET ATTACK RADAR SYSTEM RE-ENGINEING.**

18 (a) IN GENERAL.—Not later than 60 days after the
19 date of the enactment of this Act, the Secretary of the
20 Air Force shall submit to the congressional defense com-
21 mittees a report on replacing the engines of E-8C Joint
22 Surveillance and Target Attack Radar System (Joint
23 STARS) aircraft. The report shall include the following:

1 (1) An assessment of funding alternatives and
2 options for accelerating funding for the fielding of
3 Joint STARS aircraft with replaced engines.

4 (2) An analysis of the tradeoffs involved in the
5 decision to replace the engines of Joint STARS air-
6 craft or not to replace those engines, including the
7 potential cost savings from replacing those engines
8 and the operational impacts of not replacing those
9 engines.

10 (3) An identification of the optimum path for-
11 ward for replacing the engines of Joint STARS air-
12 craft and modernizing the Joint STARS fleet.

13 (b) LIMITATION ON CERTAIN ACTIONS.—The Sec-
14 retary of the Air Force may not take any action that
15 would adversely impact the pace of the execution of the
16 program to replace the engines of Joint STARS aircraft
17 before submitting the report required by subsection (a).

18 **Subtitle D—Joint and Multiservice** 19 **Matters**

20 **SEC. 131. MODIFICATION OF NATURE OF DATA LINK UTI-** 21 **LIZABLE BY TACTICAL UNMANNED AERIAL** 22 **VEHICLES.**

23 Section 141(a)(1) of the National Defense Authoriza-
24 tion Act for Fiscal Year 2006 (Public Law 109–163; 119
25 Stat. 3164) is amended by striking “, until such time as

1 the Tactical Common Data Link is replace by an updated
2 standard for use by those vehicles” and inserting “or a
3 data link that uses waveform capable of transmitting and
4 receiving Internet Protocol communications”.

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

8 **Subtitle A—Authorization of**
9 **Appropriations**

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

11 (a) IN GENERAL.—Funds are hereby authorized to
12 be appropriated for fiscal year 2010 for the use of the
13 Department of Defense for research, development, test,
14 and evaluation as follows:

15 (1) For the Army, \$10,863,003,000.

16 (2) For the Navy, \$19,597,696,000.

17 (3) For the Air Force, \$28,693,952,000.

18 (4) For Defense-wide activities,
19 \$20,555,270,000.

20 (5) For Operational Test and Evaluation, De-
21 fense, \$190,770,000.

22 (b) FUNDING TABLE.—The amounts authorized to be
23 appropriated by subsection (a) shall be available, in ac-
24 cordance with the requirements of section 4001, for

1 projects, programs, and activities, and in the amounts,
 2 specified in the funding table in section 4201.

3 **Subtitle B—Program Requirements, Restrictions, and Limitations**
 4
 5

6 **SEC. 211. LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F-35**
 7
 8 **JOINT STRIKE FIGHTER PROGRAM; INCREASE IN FUNDING FOR PROCUREMENT OF**
 9
 10 **UH-1Y/AH-1Z ROTARY WING AIRCRAFT AND FOR MANAGEMENT RESERVES FOR THE F-35**
 11
 12 **JOINT STRIKE FIGHTER PROGRAM.**

13 (a) LIMITATION ON USE OF FUNDS FOR AN ALTERNATIVE PROPULSION SYSTEM FOR THE F-35 JOINT
 14 STRIKE FIGHTER PROGRAM.—None of the funds authorized to be appropriated or otherwise made available by this
 15 Act may be obligated or expended for the development or
 16 procurement of an alternate propulsion system for the F-
 17 35 Joint Strike Fighter program until the Secretary of
 18 Defense submits to the congressional defense committees
 19 a certification in writing that the development and pro-
 20 curement of the alternate propulsion system—

21 (1) will—

22 (A) reduce the total life-cycle costs of the
 23 F-35 Joint Strike Fighter program; and
 24
 25

1 (B) improve the operational readiness of
2 the fleet of F-35 Joint Strike Fighter aircraft;
3 and

4 (2) will not—

5 (A) disrupt the F-35 Joint Strike Fighter
6 program during the research, development, and
7 procurement phases of the program; or

8 (B) result in the procurement of fewer F-
9 35 Joint Strike Fighter aircraft during the life
10 cycle of the program.

11 (b) ADDITIONAL AMOUNT FOR UH-1Y/AH-1Z RO-
12 TARY WING AIRCRAFT.—The amount authorized to be ap-
13 propriated by section 102(a)(1) for aircraft procurement
14 for the Navy is increased by \$282,900,000, with the
15 amount of the increase to be allocated to amounts avail-
16 able for the procurement of UH-1Y/AH-1Z rotary wing
17 aircraft.

18 (c) RESTORATION OF MANAGEMENT RESERVES FOR
19 F-35 JOINT STRIKE FIGHTER PROGRAM.—

20 (1) NAVY JOINT STRIKE FIGHTER.—The
21 amount authorized to be appropriated by section
22 201(a)(2) for research, development, test, and eval-
23 uation for the Navy is hereby increased by
24 \$78,000,000, with the amount of the increase to be
25 allocated to amounts available for the Joint Strike

1 Fighter program (PE # 0604800N) for manage-
2 ment reserves.

3 (2) AIR FORCE JOINT STRIKE FIGHTER.—The
4 amount authorized to be appropriated by section
5 201(a)(3) for research, development, test, and eval-
6 uation for the Air Force is hereby increased by
7 \$78,000,000, with the amount of the increase to be
8 allocated to amounts available for the Joint Strike
9 Fighter program (PE # 0604800F) for manage-
10 ment reserves.

11 (d) OFFSETS.—

12 (1) NAVY JOINT STRIKE FIGHTER F136 DEVEL-
13 OPMENT.—The amount authorized to be appro-
14 priated by section 201(a)(2) for research, develop-
15 ment, test, and evaluation for the Navy is hereby de-
16 creased by \$219,450,000, with the amount of the
17 decrease to be derived from amounts available for
18 the Joint Strike Fighter (PE # 0604800N) for
19 F136 development.

20 (2) AIR FORCE JOINT STRIKE FIGHTER F136
21 DEVELOPMENT.—The amount authorized to be ap-
22 propriated by section 201(a)(3) for research, devel-
23 opment, test, and evaluation for the Air Force is
24 hereby decreased by \$219,450,000, with the amount
25 of the decrease to be derived from amounts available

1 for the Joint Strike Fighter (PE # 0604800F) for
2 F136 development.

3 **SEC. 212. ENHANCEMENT OF DUTIES OF DIRECTOR OF DE-**
4 **PARTMENT OF DEFENSE TEST RESOURCE**
5 **MANAGEMENT CENTER WITH RESPECT TO**
6 **THE MAJOR RANGE AND TEST FACILITY**
7 **BASE.**

8 (a) **AUTHORITY TO REVIEW PROPOSALS FOR SIG-**
9 **NIFICANT CHANGES.**—Section 196(c) of title 10, United
10 States Code, is amended—

11 (1) in paragraph (1), by redesignating subpara-
12 graphs (A) and (B) as clauses (i) and (ii), respec-
13 tively;

14 (2) by redesignating paragraphs (1) through
15 (4) as subparagraphs (A) through (D), respectively;

16 (3) by inserting “(1)” before “The Director”;

17 (4) by redesignating subparagraphs (B), (C),
18 and (D), as so redesignated, as subparagraphs (C),
19 (D), and (E), respectively; and

20 (5) by inserting after subparagraph (A), as so
21 redesignated, the following new subparagraph (B):

22 “(B) To review proposed significant changes to
23 the test and evaluation facilities and resources of the
24 Major Range and Test Facility Base before they are
25 implemented by the Secretaries of the military de-

1 partments or the heads of the Defense Agencies with
2 test and evaluation responsibilities and advise the
3 Secretary of Defense and the Under Secretary of
4 Acquisition, Technology, and Logistics of the impact
5 of such changes on the adequacy of such test and
6 evaluation facilities and resources to meet the test
7 and evaluation requirements of the Department.”.

8 (b) ACCESS TO RECORDS AND DATA.—Such section
9 is further amended by adding at the end the following new
10 paragraph:

11 “(2) The Director shall have access to all records and
12 data of the test and evaluation activities, facilities, and
13 elements of the Major Range and Test Facility Base, in-
14 cluding the records and data of each military department
15 and Defense Agency, that the Director considers necessary
16 in order to carry out the Director’s duties under para-
17 graph (1)(B).”.

18 **SEC. 213. GUIDANCE ON SPECIFICATION OF FUNDING RE-**
19 **QUESTED FOR OPERATION, SUSTAINMENT,**
20 **MODERNIZATION, AND PERSONNEL OF**
21 **MAJOR RANGES AND TEST FACILITIES.**

22 (a) GUIDANCE ON SPECIFICATION OF FUNDING.—
23 The Secretary of Defense shall, acting through the Under
24 Secretary of Defense (Comptroller) and the Director of
25 the Department of Defense Test Resource Management

1 Center, issue guidance on the specification by the military
2 departments and Defense Agencies of amounts to be re-
3 quested in the budget of the President for a fiscal year
4 (as submitted to Congress pursuant to section 1105(a) of
5 title 31, United States Code) for funding for each facility
6 and resource of the Major Range and Test Facility Base
7 in connection with each of the following:

8 (1) Operation.

9 (2) Sustainment.

10 (3) Investment and modernization.

11 (4) Government personnel.

12 (5) Contractor personnel.

13 (b) APPLICABILITY.—The guidance issued under sub-
14 section (a) shall apply with respect to budgets of the Presi-
15 dent for fiscal years after fiscal year 2010.

16 (c) MAJOR RANGE AND TEST FACILITY BASE DE-
17 FINED.—In this section, the term “Major Range and Test
18 Facility Base” has the meaning given that term in section
19 196(h) of title 10, United States Code.

20 **SEC. 214. PERMANENT AUTHORITY FOR THE JOINT DE-**
21 **FENSE MANUFACTURING TECHNOLOGY**
22 **PANEL.**

23 Section 2521 of title 10, United States Code, is
24 amended—

1 (1) by redesignating subsection (e) as sub-
2 section (f); and

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

5 “(e) JOINT DEFENSE MANUFACTURING TECH-
6 NOLOGY PANEL.—(1) There is in the Department of De-
7 fense the Joint Defense Manufacturing Technology Panel.

8 “(2)(A) The Chair of the Joint Defense Manufac-
9 turing Technology Panel shall be the head of the Panel.
10 The Chair shall be appointed, on a rotating basis, from
11 among the appropriate personnel of the military depart-
12 ments and Defense Agencies with manufacturing tech-
13 nology programs.

14 “(B) The Panel shall be composed of at least one in-
15 dividual from among appropriate personnel of each mili-
16 tary department and Defense Agency with manufacturing
17 technology programs. The Panel may include as ex-officio
18 members such individuals from other government organi-
19 zations, academia, and industry as the Chair considers ap-
20 propriate.

21 “(3) The purposes of the Panel shall be as follows:

22 “(A) To identify and integrate requirements for
23 the program.

24 “(B) To conduct joint planning for the pro-
25 gram.

1 “(C) To develop joint strategies for the pro-
2 gram.

3 “(4) In carrying out the purposes specified in para-
4 graph (3), the Panel shall perform the functions as fol-
5 lows:

6 “(A) Conduct comprehensive reviews and as-
7 sessments of defense-related manufacturing issues
8 being addressed by the manufacturing technology
9 programs and related activities of the Department of
10 Defense.

11 “(B) Execute strategic planning to identify
12 joint planning opportunities for increased coopera-
13 tion in the development and implementation of tech-
14 nological products and the leveraging of funding for
15 such purposes with the private sector and other gov-
16 ernment agencies.

17 “(C) Ensure the integration and coordination of
18 requirements and programs under the program with
19 Office of the Secretary of Defense and other na-
20 tional-level initiatives, including the establishment of
21 information exchange processes with other govern-
22 ment agencies, private industry, academia, and pro-
23 fessional associations.

1 “(D) Conduct such other functions as the
2 Under Secretary of Defense for Acquisition, Tech-
3 nology, and Logistics shall specify.

4 “(5) The Panel shall report to and receive direction
5 from the Director of Defense Research and Engineering
6 on manufacturing technology issues of multi-service con-
7 cern and application.

8 “(6) The administrative expenses of the Panel shall
9 be borne by each military department and Defense Agency
10 with manufacturing technology programs in such manner
11 as the Panel shall provide.”.

12 **SEC. 215. EXTENSION AND ENHANCEMENT OF GLOBAL RE-**
13 **SEARCH WATCH PROGRAM.**

14 (a) LIMITATION ON AVAILABILITY OF CERTAIN
15 FUNDS FOR MILITARY DEPARTMENTS PENDING PROVI-
16 SION OF ASSISTANCE UNDER PROGRAM.—Subsection (d)
17 of section 2365 of title 10, United States Code, is amend-
18 ed by adding at the end the following new paragraph:

19 “(3)(A) Funds available to a military department for
20 a fiscal year for monitoring or analyzing the research ac-
21 tivities and capabilities of foreign nations may not be obli-
22 gated or expended until the Director certifies to the Under
23 Secretary of Defense for Acquisition, Technology, and Lo-
24 gistics that the Secretary of such military department has
25 provided the assistance required under paragraph (2).

1 “(B) The limitation in subparagraph (A) shall not be
2 construed to alter or effect the availability to a military
3 department of funds for intelligence activities.”.

4 (b) **FOUR-YEAR EXTENSION OF PROGRAM.**—Sub-
5 section (f) of such section is amended by striking “Sep-
6 tember 30, 2011” and inserting “September 30, 2015”.

7 **SEC. 216. THREE-YEAR EXTENSION OF AUTHORITY FOR**
8 **PRIZES FOR ADVANCED TECHNOLOGY**
9 **ACHIEVEMENTS.**

10 Section 2374a(f) of title 10, United States Code, is
11 amended by striking “September 30, 2010” and inserting
12 “September 30, 2013”.

13 **SEC. 217. MODIFICATION OF REPORT REQUIREMENTS RE-**
14 **GARDING DEFENSE SCIENCE AND TECH-**
15 **NOLOGY PROGRAM.**

16 Section 212 of the National Defense Authorization
17 Act for Fiscal Year 2000 (10 U.S.C. 2501 note) is amend-
18 ed by striking subsection (b), (c), and (d) and inserting
19 the following new subsections:

20 “(b) **FUNDING OBJECTIVE.**—It is the sense of Con-
21 gress that it should be an objective of the Secretary of
22 Defense to increase the budget for the Defense Science
23 and Technology Program, including the science and tech-
24 nology program of each military department, for each fis-
25 cal year after fiscal year 2010 over the budget for that

1 program for the preceding fiscal year by a percent that
2 is at least equal to the rate of inflation, as determined
3 by the Office of Management and Budget.

4 “(c) ACTIONS FOLLOWING FAILURE TO COMPLY
5 WITH OBJECTIVE.—If the proposed budget of the Depart-
6 ment of Defense for a fiscal year fails to comply with the
7 objective set forth in subsection (b), the Secretary of De-
8 fense shall submit to the congressional defense committees
9 each of the following:

10 “(1) Not later than 60 days after the proposed
11 budget is submitted to Congress, a detailed,
12 prioritized list, including estimates of required fund-
13 ing, of proposals for science and technology projects
14 received by the Department through competitive so-
15 licitations in the fiscal year preceding the fiscal year
16 covered by the proposed budget which were not
17 funded but represent science and technology oppor-
18 tunities that support the research and development
19 programs and goals of the military departments and
20 the Defense Agencies.

21 “(2) Not later than six months after the pro-
22 posed budget is submitted to Congress, an inde-
23 pendent assessment, in both classified and unclassi-
24 fied form (as necessary), of any research, tech-
25 nology, or engineering areas that are of interest to

1 the Department in which the United States may not
2 have global technical leadership within the next 10
3 years.

4 “(d) SUNSET.—The requirements of this section shall
5 terminate on December 31, 2014.”.

6 **SEC. 218. PROGRAMS FOR GROUND COMBAT VEHICLE AND**
7 **SELF PROPELLED HOWITZER CAPABILITIES**
8 **FOR THE ARMY.**

9 (a) PROGRAMS REQUIRED.—

10 (1) IN GENERAL.—The Secretary of Defense
11 shall carry out a separate program to achieve each
12 of the following:

13 (A) The development, test, and fielding of
14 an operationally effective, suitable, survivable,
15 and affordable next generation ground combat
16 vehicle for the Army.

17 (B) The development, test, and fielding of
18 an operationally effective, suitable, survivable,
19 and affordable next generation self-propelled
20 howitzer capability for the Army.

21 (2) COMPLIANCE WITH CERTAIN ACQUISITION
22 REQUIREMENTS.—Each program under paragraph
23 (1) shall comply with the requirements of the Weap-
24 ons Systems Acquisition Reform Act of 2009, and
25 the amendments made by that Act.

1 (b) STRATEGY AND PLAN FOR ACQUISITION.—

2 (1) IN GENERAL.—Not later than March 31,
3 2010, the Secretary shall submit to the congress-
4 sional defense committees a report setting forth a
5 strategy and plan for the acquisition of weapon sys-
6 tems under the programs required by subsection (a).
7 Each strategy and plan shall include measurable
8 goals and objectives for the acquisition of such
9 weapon systems, and shall identify all proposed
10 major development, testing, procurement, and field-
11 ing events toward the achievement of such goals and
12 objectives.

13 (2) ELEMENTS.—In developing each strategy
14 and plan under paragraph (1), the Secretary shall
15 consider the following:

16 (A) A single vehicle or family of vehicles
17 utilizing a common chassis and automotive com-
18 ponents.

19 (B) The incorporation of weapon, vehicle,
20 communications, network, and system of sys-
21 tems common operating environment tech-
22 nologies developed under the Future Combat
23 Systems program.

24 (c) ANNUAL REPORTS.—

1 (1) REPORTS REQUIRED.—The Secretary shall
2 submit to the congressional defense committees, at
3 the same time the President submits to Congress the
4 budget for each of fiscal years 2011 through 2015
5 (as submitted pursuant to section 1105(a) of title
6 31, United States Code), a report on the invest-
7 ments proposed to be made under such budget with
8 respect to each program required by subsection (a).

9 (2) ELEMENTS.—Each report under paragraph
10 (1) shall set forth, for the fiscal year covered by the
11 budget with which such report is submitted—

12 (A) the manner in which amounts re-
13 quested in such budget would be available for
14 each program required by subsection (a); and

15 (B) an assessment of the extent to which
16 utilizing such amount in such manner would
17 improve ground combat capabilities for the
18 Army.

19 **SEC. 219. ASSESSMENT OF TECHNOLOGICAL MATURITY**
20 **AND INTEGRATION RISK OF ARMY MOD-**
21 **ERNIZATION PROGRAMS.**

22 (a) ASSESSMENT REQUIRED.—The Director of De-
23 fense Research and Engineering shall, in consultation with
24 the Director of Developmental Test and Evaluation, re-
25 view and assess the technological maturity and integration

1 risk of critical technologies (as jointly identified by the Di-
2 rector and the Secretary of the Army for purposes of this
3 section) of Army modernization programs and appropriate
4 associated programs, including the programs as follows:

5 (1) Manned Ground Vehicle and Ground Com-
6 bat Vehicle.

7 (2) Future Combat Systems network hardware
8 and software.

9 (3) Warfighter Information Network–Tactical,
10 Increment 3.

11 (4) Joint Tactical Radio System.

12 (5) Reconnaissance unmanned aerial vehicles.

13 (6) Future Combat Systems Spin Out tech-
14 nologies.

15 (7) Any other programs jointly identified by the
16 Director and the Secretary for purposes of this sec-
17 tion.

18 (b) REPORT.—Not later than nine months after the
19 date of the enactment of this Act, the Secretary of Defense
20 shall submit to the congressional defense committees a re-
21 port on the technological maturity and integration risk of
22 critical technologies of Army modernization and associated
23 programs covered by the review and assessment required
24 under subsection (a), as determined pursuant to that as-
25 sessment.

1 **SEC. 220. ASSESSMENT OF STRATEGY FOR TECHNOLOGY**
2 **FOR MODERNIZATION OF THE COMBAT VEHI-**
3 **CLE AND TACTICAL WHEELED VEHICLE**
4 **FLEETS.**

5 (a) INDEPENDENT ASSESSMENT OF STRATEGY RE-
6 QUIRED.—

7 (1) IN GENERAL.—Not later than 30 days after
8 the date of the enactment of this Act, the Secretary
9 of Defense shall enter into a contract with an appro-
10 priate entity independent of the United States Gov-
11 ernment to conduct an independent assessment of
12 current, anticipated, and potential research and en-
13 gineering activities for or applicable to the mod-
14 ernization of the combat vehicle fleet and tactical
15 wheeled vehicle fleet of the Department of Defense.

16 (2) ACCESS TO INFORMATION AND RE-
17 SOURCES.—The Secretary shall provide the entity
18 with which the Secretary contracts under paragraph
19 (1) access to such information and resources as are
20 appropriate to conduct the assessment required by
21 that paragraph.

22 (b) REPORT.—

23 (1) IN GENERAL.—The contract required by
24 subsection (a) shall provide that the entity with
25 which the Secretary contracts under that subsection
26 shall submit to the Secretary of Defense and the

1 congressional defense committees a report on the as-
2 sessment required by that subsection not later than
3 December 31, 2010.

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

6 (A) A detailed discussion of the require-
7 ments and capability needs identified or pro-
8 posed for current and prospective combat vehi-
9 cles and tactical wheeled vehicles.

10 (B) An identification of capability gaps for
11 combat vehicles and tactical wheeled vehicles
12 based on lessons learned from recent conflicts
13 and an assessment of emerging threats.

14 (C) An identification of the critical tech-
15 nology elements or integration risks associated
16 with particular categories of combat vehicles
17 and tactical wheeled vehicles, and with par-
18 ticular missions of such vehicles.

19 (D) Recommendations for a plan to de-
20 velop and deploy within the next 10 years crit-
21 ical technology capabilities to address the capa-
22 bility gaps identified pursuant to subparagraph
23 (B), including an identification of high priority
24 science and technology, research & engineering,
25 and prototyping opportunities.

1 (E) Such other matters as the Secretary
2 considers appropriate.

3 **SEC. 221. SYSTEMS ENGINEERING AND PROTOTYPING PRO-**
4 **GRAM.**

5 (a) PROGRAM REQUIRED.—The Secretary of Defense
6 shall, acting through the Under Secretary of Defense for
7 Acquisition, Technology, and Logistics, carry out a pro-
8 gram to encourage and fund systems engineering and
9 prototyping efforts in support of Department of Defense
10 goals and missions.

11 (b) OBJECTIVES.—The objectives of the program re-
12 quired by subsection (a) shall be as follows:

13 (1) To develop system prototypes for systems
14 that provide capabilities supportive of addressing
15 Department of Defense goals, needs, and require-
16 ments.

17 (2) To successfully demonstrate new systems in
18 relevant environments.

19 (3) To encourage the training of systems engi-
20 neers and the development of systems engineering
21 tools and practices.

22 (c) SELECTION OF PROJECTS.—

23 (1) PROGRAM AREAS.—The Under Secretary of
24 Defense for Acquisition, Technology, and Logistics
25 shall, in consultation with the military departments

1 and the Defense Agencies, designate general areas
2 for systems engineering and prototype projects
3 under the program required by subsection (a).

4 (2) SOLICITATION OF PROJECTS.—The Under
5 Secretary shall solicit for the selection of projects
6 under the program within the areas designated
7 under paragraph (1) from among other government
8 entities, federally-funded research and development
9 centers, academia, the private sector, and such other
10 persons, organizations, and entities as the Under
11 Secretary considers appropriate.

12 (3) SELECTION.—The Under Secretary shall se-
13 lect projects for implementation under the program
14 from among responses to the solicitations made
15 under paragraph (2). The Under Secretary shall se-
16 lect such projects on a competitive basis.

17 (d) IMPLEMENTATION OF PROJECTS.—For each
18 project selected under subsection (c)(3), the Under Sec-
19 retary of Defense for Acquisition, Technology, and Logis-
20 tics shall designate a military department or Defense
21 Agency to implement the project as part of the program
22 required by subsection (a).

23 (e) FUNDING OF PROJECTS.—

24 (1) IN GENERAL.—The Under Secretary of De-
25 fense for Acquisition, Technology, and Logistics

1 shall, subject to paragraphs (2) and (3), provide
2 funds for each project selected under subsection
3 (c)(3) in an amount jointly determined by the Under
4 Secretary and the acquisition executive of the mili-
5 tary department or Defense Agency concerned.

6 (2) LIMITATION ON AMOUNT OF FUNDS.—The
7 amount of funds provided to a project under para-
8 graph (1) shall be not greater than the amount
9 equal to 50 percent of the total cost of the project.

10 (3) LIMITATION ON PERIOD OF FUNDING.—A
11 project may not be provided funds under this sub-
12 section for more than three fiscal years.

13 (4) SOURCE OF OTHER FUNDING.—Any funds
14 required for a project under this section that are not
15 provided under this subsection shall be derived from
16 funds available to the military department or De-
17 fense Agency concerned, or another appropriate
18 source other than this subsection.

19 (f) ANNUAL REPORT.—Not later than March 31 each
20 year, the Under Secretary of Defense for Acquisition,
21 Technology, and Logistics shall submit to the congres-
22 sional defense committees a report on the activities carried
23 out under the program required by subsection (a) during
24 the preceding fiscal year.

1 (g) ACQUISITION EXECUTIVE DEFINED.—In this sec-
2 tion, the term “acquisition executive”, with respect to a
3 military department or Defense Agency, means the official
4 designated as the senior procurement executive for the
5 military department or Defense Agency for the purposes
6 of section 16(c) of the Office of Federal Procurement Pol-
7 icy Act (41 U.S.C. 414 (c)).

8 **Subtitle C—Missile Defense**

9 **Programs**

10 **SEC. 241. SENSE OF CONGRESS ON BALLISTIC MISSILE DE-**

11 **FENSE.**

12 It is the sense of Congress that—

13 (1) the United States should develop, test, field,
14 and maintain operationally effective, cost-effective,
15 affordable, reliable, suitable, and survivable ballistic
16 missile defense systems that are capable of defend-
17 ing the United States, its forward-deployed forces,
18 allies, and other friendly nations from the threat of
19 ballistic missile attacks from nations such as North
20 Korea and Iran;

21 (2) the missile defense force structure and in-
22 ventory levels of such missile defense systems should
23 be determined based on an assessment of ballistic
24 missile threats and a determination by senior mili-
25 tary leaders, combatant commanders, and defense

1 officials of the requirements and capabilities needed
2 to address those threats; and

3 (3) the test and evaluation program for such
4 missile defense systems should be rigorous, robust,
5 operationally realistic, and capable of providing a
6 high level of confidence in the capability of such sys-
7 tems (including their continuing effectiveness over
8 the course of their service lives), and adequate re-
9 sources should be available for that test and evalua-
10 tion program (including interceptor missiles and tar-
11 gets for flight tests).

12 **SEC. 242. COMPREHENSIVE PLAN FOR TEST AND EVALUA-**
13 **TION OF THE BALLISTIC MISSILE DEFENSE**
14 **SYSTEM.**

15 (a) PLAN REQUIRED.—

16 (1) IN GENERAL.—The Secretary of Defense
17 shall establish a comprehensive plan for the develop-
18 mental and operational testing and evaluation of the
19 Ballistic Missile Defense System and its various ele-
20 ments.

21 (2) PERIOD OF PLAN.—The plan shall cover the
22 period covered by the future-years defense program
23 that is submitted to Congress under section 221 of
24 title 10, United States Code, at or about the same

1 time as the submittal to Congress of the budget of
2 the President for fiscal year 2011.

3 (3) INPUT.—In establishing the plan, the Sec-
4 retary shall receive input on matters covered by the
5 plan from the following:

6 (A) The Director of the Missile Defense
7 Agency.

8 (B) The Director of Operational Test and
9 Evaluation.

10 (C) The operational test components of the
11 military departments.

12 (b) ELEMENTS.—The plan required by subsection (a)
13 shall include, with regard to developmental and oper-
14 ational testing of the Ballistic Missile Defense System, the
15 following:

16 (1) Test and evaluation objectives.

17 (2) Test and evaluation criteria and metrics.

18 (3) Test and evaluation procedures and method-
19 ology.

20 (4) Data requirements.

21 (5) System and element configuration under
22 test.

23 (6) Approaches to verification, validation, and
24 accreditation of models and simulations.

1 (7) The relative role of models and simulations,
2 ground tests, and flight tests in achieving the objec-
3 tives of the plan.

4 (8) Test infrastructure and resources, including
5 test range limitations and potential range enhance-
6 ments.

7 (9) Test readiness review approaches and meth-
8 odology.

9 (10) Testing for system and element integration
10 and interoperability.

11 (11) Means for achieving operational realism
12 and means of demonstrating operational effective-
13 ness, suitability and survivability.

14 (12) Detailed descriptions of planned tests.

15 (13) A description of the resources required to
16 implement the plan.

17 (c) REPORT.—

18 (1) IN GENERAL.—Not later than March 1,
19 2011, the Secretary shall submit to the congress-
20 sional defense committees a report setting forth and
21 describing the plan required by subsection (a) and
22 each of the elements required in the plan under sub-
23 section (b).

24 (2) ADDITIONAL INFORMATION ON GROUND-
25 BASED MIDCOURSE DEFENSE.—The report required

1 by this subsection shall, in addition to the matters
2 specified in paragraph (1), include a detailed de-
3 scription of the test and evaluation activities per-
4 taining to the Ground-based Midcourse Defense
5 (GMD) element of the Ballistic Missile Defense Sys-
6 tem as follows:

7 (A) Plans for salvo testing.

8 (B) Plans for multiple simultaneous en-
9 gagement testing.

10 (C) Plans for intercept testing using the
11 Cobra Dane radar as the engagement sensor.

12 (D) Plans to test and demonstrate the
13 ability of the system to accomplish its mission
14 over the planned term of its operational service
15 life (also known as “sustainment testing”).

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

19 **SEC. 243. ASSESSMENT AND PLAN FOR THE GROUND-BASED**
20 **MIDCOURSE DEFENSE ELEMENT OF THE BAL-**
21 **LISTIC MISSILE DEFENSE SYSTEM.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) the Ground-based Midcourse Defense
25 (GMD) element of the Ballistic Missile Defense Sys-

1 tem should be an operationally effective, cost-effective,
2 effective, affordable, reliable, suitable, and survivable system
3 capable of defending the United States from the
4 threat of long-range missile attacks from nations
5 such as North Korea and Iran, and adequate resources
6 should be available to create and maintain
7 such a capability (including continuing effectiveness
8 over the course of its service life);

9 (2) the force structure and inventory levels of
10 the Ground-based Midcourse Defense element should
11 be determined based on an assessment of ballistic
12 missile threats from nations such as North Korea
13 and Iran and a determination by senior military
14 leaders, combatant commanders, and defense officials
15 of the requirements and capabilities needed to
16 address those threats; and

17 (3) the test and evaluation program for the
18 Ground-based Midcourse Defense element should be
19 rigorous, robust, operationally realistic, and capable
20 of providing a high degree of confidence in the capability
21 of the system (including testing to demonstrate
22 the continuing effectiveness of the system over the
23 course of its service life), and adequate resources
24 should be available for that test and evaluation pro-

1 gram (including interceptor missiles and targets for
2 flight tests).

3 (b) ASSESSMENT REQUIRED.—

4 (1) IN GENERAL.—As part of the Quadrennial
5 Defense Review and the Ballistic Missile Defense
6 Review, the Secretary of Defense shall conduct an
7 assessment of the following:

8 (A) Ground-based Midcourse Defense ele-
9 ment of the Ballistic Missile Defense System.

10 (B) Future options for the Ground-based
11 Midcourse Defense element.

12 (2) ELEMENTS.—The assessment required by
13 paragraph (1) shall include an assessment of the fol-
14 lowing:

15 (A) The ballistic missile threat against
16 which the Ground-based Midcourse Defense ele-
17 ment is intended to defend.

18 (B) The military requirement for Ground-
19 based Midcourse Defense capabilities against
20 such missile threat.

21 (C) The current capabilities of the Ground-
22 based Midcourse Defense element.

23 (D) The planned capabilities of the
24 Ground-based Midcourse Defense element, if

1 different from the capabilities under subpara-
2 graph (B).

3 (E) The force structure and inventory lev-
4 els necessary for the Ground-based Midcourse
5 Defense element to achieve the planned capa-
6 bilities of that element, including an analysis of
7 the costs and the potential advantages and dis-
8 advantages of deploying 44 operational Ground-
9 based Interceptor missiles.

10 (F) The infrastructure necessary to
11 achieve such capabilities, including the number
12 and location of operational silos.

13 (G) The number of Ground-based Inter-
14 ceptor missiles necessary for operational assets,
15 test assets (including developmental and oper-
16 ational test assets and aging and surveillance
17 test assets), and spare missiles.

18 (3) REPORT.—At or about the same time the
19 budget of the President for fiscal year 2011 is sub-
20 mitted to Congress pursuant to section 1105 of title
21 31, United States Code, the Secretary shall submit
22 to the congressional defense committees a report set-
23 ting forth the results of the assessment required by
24 paragraph (1). The report shall be in unclassified
25 form, but may include a classified annex.

1 (c) PLAN REQUIRED.—

2 (1) IN GENERAL.—In addition to the assess-
3 ment required by subsection (b), the Secretary shall
4 establish a plan for the Ground-based Midcourse De-
5 fense element of the Ballistic Missile Defense Sys-
6 tem. The plan shall cover the period of the future-
7 years defense program that is submitted to Congress
8 under section 221 of title 10, United States Code,
9 at or about the same time as the submittal to Con-
10 gress of the budget of the President for fiscal year
11 2011.

12 (2) ELEMENTS.—The plan required by para-
13 graph (1) shall include the following elements:

14 (A) The schedule for achieving the planned
15 capability of the Ground-based Midcourse De-
16 fense element, including the completion of oper-
17 ational silos, the delivery of operational Ground-
18 Based Interceptors, and the deployment of such
19 interceptors in those silos.

20 (B) The plan for funding the development,
21 production, deployment, testing, improvement,
22 and sustainment of the Ground-based Mid-
23 course Defense element.

24 (C) The plan to maintain the operational
25 effectiveness of the Ground-based Midcourse

1 Defense element over the course of its service
2 life, including any modernization or capability
3 enhancement efforts, and any sustainment ef-
4 forts.

5 (D) The plan for flight testing the Ground-
6 based Midcourse Defense element, including
7 aging and surveillance tests to demonstrate the
8 continuing effectiveness of the system over the
9 course of its service life.

10 (E) The plan for production of Ground-
11 Based Interceptor missiles necessary for oper-
12 ational assets, developmental and operational
13 test assets, aging and surveillance test assets,
14 and spare missiles.

15 (3) REPORT.—At or about the same time the
16 budget of the President for fiscal year 2011 is sub-
17 mitted to Congress pursuant to section 1105 of title
18 31, United States Code, the Secretary shall submit
19 to the congressional defense committees a report set-
20 ting forth the plan required by paragraph (1). The
21 report shall be in unclassified form, but may include
22 a classified annex.

23 (d) CONSTRUCTION.—Nothing in this section shall be
24 construed as altering or revising the continued production

1 of all Ground-Based Interceptor missiles on contract as
2 of June 23, 2009.

3 (e) **COMPTROLLER GENERAL REVIEW.**—The Comp-
4 troller General of the United States shall—

5 (1) review the assessment required by sub-
6 section (b) and the plan required by subsection (c);
7 and

8 (2) not later than 120 days after receiving the
9 assessment and the plan, provide to the congress-
10 sional defense committees the results of the review.

11 **SEC. 244. REPORT ON POTENTIAL MISSILE DEFENSE CO-**
12 **OPERATION WITH RUSSIA.**

13 (a) **REPORT REQUIRED.**—

14 (1) **IN GENERAL.**—Not later than 120 days
15 after the date of the enactment of this Act, the Sec-
16 retary of Defense shall submit to the congressional
17 defense committees a report setting forth potential
18 options for cooperation among or between the
19 United States, the North Atlantic Treaty Organiza-
20 tion (NATO), and the Russian Federation on bal-
21 listic missile defense.

22 (2) **FORM.**—The report shall be submitted in
23 unclassified form, but may include a classified
24 annex.

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

3 (1) A description of proposals made by the
4 United States, the North Atlantic Treaty Organiza-
5 tion, or the Russian Federation since January 1,
6 2007, for potential missile defense cooperation
7 among or between such countries and that organiza-
8 tion, including data sharing, cooperative regional
9 missile defense architectures, joint exercises, and
10 transparency and confidence building measures.

11 (2) A description of options for the sharing by
12 such countries and that organization of ballistic mis-
13 sile surveillance or early warning data, including
14 data from the Russian early warning radars at
15 Gabala in Azerbaijan, and Armavir in southern Rus-
16 sia or other radars, such as the United States radar
17 proposed for deployment in the Czech Republic.

18 (3) An assessment of the potential for imple-
19 mentation of the agreement between the United
20 States and the Russian Federation on the establish-
21 ment of a Joint Data Exchange Center.

22 (4) An assessment of the potential for missile
23 defense cooperation between the Russian Federation
24 and the North Atlantic Treaty Organization, includ-
25 ing through the NATO-Russia Council.

1 (5) An assessment of the potential security ben-
2 efits to the United States, Russia, and the North At-
3 lantic Treaty Organization of the cooperation de-
4 scribed in paragraph (4).

5 (6) Such other matters as the Secretary con-
6 siders appropriate.

7 **SEC. 245. CONTINUED PRODUCTION OF GROUND-BASED IN-**
8 **TERCEPTOR MISSILE AND OPERATION OF**
9 **MISSILE FIELD 1 AT FORT GREELY, ALASKA.**

10 (a) **LIMITATION ON BREAK IN PRODUCTION.**—The
11 Secretary of Defense shall ensure that the Missile Defense
12 Agency does not allow a break in production of the
13 Ground-based Interceptor missile until the Department of
14 Defense has—

15 (1) completed the Ballistic Missile Defense Re-
16 view; and

17 (2) made a determination with respect to the
18 number of Ground-based Interceptor missiles that
19 will be necessary to support the service life of the
20 Ground-based Midcourse Defense element of the
21 Ballistic Missile Defense System.

22 (b) **LIMITATION ON CERTAIN ACTIONS WITH RE-**
23 **SPECT TO MISSILE FIELD 1 AND MISSILE FIELD 2 AT**
24 **FORT GREELY, ALASKA.**—

1 (1) LIMITATION ON DECOMMISSIONING OF MIS-
2 SILE FIELD 1.—The Secretary of Defense shall en-
3 sure that Missile Field 1 at Fort Greely, Alaska,
4 does not complete decommissioning until seven silos
5 have been emplaced at Missile Field 2 at Fort
6 Greely.

7 (2) LIMITATION WITH RESPECT TO DISPOSI-
8 TION OF SILOS AT MISSILE FIELD 2.—The Secretary
9 of Defense shall ensure that no irreversible decision
10 is made with respect to the disposition of operational
11 silos at Missile Field 2 at Fort Greely, Alaska, until
12 that date that is 60 days after the date on which the
13 reports required by subsections (b)(3) and (c)(3) of
14 section 243 are submitted to the congressional de-
15 fense committees.

16 **SEC. 246. SENSE OF SENATE ON AND RESERVATION OF**
17 **FUNDS FOR DEVELOPMENT AND DEPLOY-**
18 **MENT OF MISSILE DEFENSE SYSTEMS IN EU-**
19 **ROPE.**

20 (a) FINDINGS.—The Senate makes the following
21 findings:

22 (1) In the North Atlantic Treaty Organization
23 (NATO) Bucharest Summit Declaration of April 3,
24 2008, the Heads of State and Government partici-
25 pating in the meeting of the North Atlantic Council

1 declared that “[b]allistic missile proliferation poses
2 an increasing threat to Allies’ forces, territory and
3 populations. Missile defence forms part of a broader
4 response to counter this threat. We therefore recog-
5 nize the substantial contribution to the protection of
6 Allies from long-range ballistic missiles to be pro-
7 vided by the planned deployment of European-based
8 United States missile defence assets”.

9 (2) The Bucharest Summit Declaration also
10 stated that “[b]earing in mind the principle of the
11 indivisibility of Allied security as well as NATO soli-
12 darity, we task the Council in Permanent Session to
13 develop options for a comprehensive missile defence
14 architecture to extend coverage to all Allied territory
15 and populations not otherwise covered by the United
16 States system for review at our 2009 Summit, to in-
17 form any future political decision”.

18 (3) In the Bucharest Summit Declaration, the
19 North Atlantic Council also reaffirmed to Russia
20 that “current, as well as any future, NATO Missile
21 Defence efforts are intended to better address the
22 security challenges we all face, and reiterate that,
23 far from posing a threat to our relationship, they
24 offer opportunities to deepen levels of cooperation
25 and stability”.

1 (4) In the Strasbourg/Kehl Summit Declaration
2 of April 4, 2009, the heads of state and government
3 participating in the meeting of the North Atlantic
4 Council reaffirmed “the conclusions of the Bucha-
5 rest Summit about missile defense,” and declared
6 that “we judge that missile threats should be ad-
7 dressed in a prioritized manner that includes consid-
8 eration of the level of imminence of the threat and
9 the level of acceptable risk”.

10 (5) Iran is rapidly developing its ballistic mis-
11 sile capabilities, including its inventory of short-
12 range and medium-range ballistic missiles that can
13 strike portions of Eastern and Southern North At-
14 lantic Treaty Organization European territory, as
15 well as the pursuit of long-range ballistic missiles
16 that could reach Europe or the United States.

17 (6) On July 8, 2008, the Government of the
18 United States and the Government of the Czech Re-
19 public signed an agreement to base a radar facility
20 in the Czech Republic that is part of a proposed
21 missile defense system to protect Europe and the
22 United States against a potential future Iranian
23 long-range ballistic missile threat.

24 (7) On August 20, 2008, the United States and
25 the Republic of Poland signed an agreement con-

1 cerning the deployment of ground-based ballistic
2 missile defense interceptors in the territory of the
3 Republic of Poland.

4 (8) Section 233 of the Duncan Hunter National
5 Defense Authorization Act for Fiscal Year 2009
6 (Public Law 110–417; 122 Stat. 4393; 10 U.S.C.
7 2431 note) establishes conditions for the availability
8 of funds for procurement, construction, and deploy-
9 ment of the planned missile defense system in Eu-
10 rope, including that the host nations must ratify any
11 missile defense agreements with the United States
12 and that the Secretary of Defense must certify that
13 the system has demonstrated the ability to accom-
14 plish the mission.

15 (9) On April 5, 2009, President Barack Obama,
16 speaking in Prague, Czech Republic, stated, “As
17 long as the threat from Iran persists, we will go for-
18 ward with a missile defense system that is cost-effec-
19 tive and proven. If the Iranian threat is eliminated,
20 we will have a stronger basis for security, and the
21 driving force for missile defense construction in Eu-
22 rope will be removed.”.

23 (10) On June 16, 2009, Deputy Secretary of
24 Defense William Lynn testified before the Com-
25 mittee on Armed Services of the Senate that the

1 United States Government is reviewing its options
2 for developing and deploying operationally effective,
3 cost-effective missile defense capabilities to Europe
4 against potential future Iranian missile threats, in
5 addition to the proposed deployment of a missile de-
6 fense system in Poland and the Czech Republic.

7 (11) On July 9, 2009, General James Cart-
8 wright, the Vice Chairman of the Joint Chiefs of
9 Staff, testified before the Committee on Armed Serv-
10 ices of the Senate that the Department of Defense
11 was considering some 40 different missile defense
12 architecture options for Europe that could provide a
13 “regional defense capability to protect the nations”
14 of Europe, and a “redundant capability that would
15 assist in protecting the United States,” and that the
16 Department was considering “what kind of an archi-
17 tecture best suits the defense of the region, the de-
18 fense of the homeland, and the regional stability”.

19 (b) SENSE OF SENATE.—It is the sense of the Senate
20 that—

21 (1) the United States Government should con-
22 tinue developing and planning for the proposed de-
23 ployment of elements of a Ground-based Midcourse
24 Defense (GMD) system, including a midcourse radar
25 in the Czech Republic and Ground-Based Intercep-

1 tors in Poland, consistent with section 233 of the
2 Duncan Hunter National Defense Authorization Act
3 for Fiscal Year 2009;

4 (2) in conjunction with the continued develop-
5 ment of the planned Ground-based Midcourse De-
6 fense system, the United States should work with its
7 North Atlantic Treaty Organization allies to explore
8 a range of options and architectures to provide mis-
9 sile defenses for Europe and the United States
10 against current and future Iranian ballistic missile
11 capabilities;

12 (3) any alternative system that the United
13 States Government considers deploying in Europe to
14 provide for the defense of Europe and a redundant
15 defense of the United States against future long-
16 range Iranian missile threats should be at least as
17 capable and cost-effective as the proposed European
18 deployment of the Ground-based Midcourse Defense
19 system; and

20 (4) any missile defense capabilities deployed in
21 Europe should, to the extent practical, be interoper-
22 able with United States and North Atlantic Treaty
23 Organization missile defense systems.

24 (c) RESERVATION OF FUNDS FOR MISSILE DEFENSE
25 SYSTEMS.—

1 (1) IN GENERAL.—Of the funds authorized to
2 be appropriated or otherwise made available for fis-
3 cal years 2009 and 2010 for the Missile Defense
4 Agency for the purpose of developing missile de-
5 fenses in Europe, \$353,100,000 shall be available
6 only for the purposes described in paragraph (2).

7 (2) USE OF FUNDS.—The purposes described in
8 this paragraph are the following:

9 (A) Research, development, test, and eval-
10 uation of—

11 (i) the proposed midcourse radar ele-
12 ment of the Ground-based Midcourse De-
13 fense system in the Czech Republic; and

14 (ii) the proposed long-range missile
15 defense interceptor site element of such de-
16 fense system in Poland.

17 (B) Research, development, test, and eval-
18 uation, procurement, construction, or deploy-
19 ment of other missile defense systems designed
20 to protect Europe, and the United States in the
21 case of long-range missile threats, from the
22 threats posed by current and future Iranian
23 ballistic missiles of all ranges, if the Secretary
24 of Defense submits to the congressional defense

1 committees a report certifying that such sys-
2 tems are expected to be—

3 (i) consistent with the direction from
4 the North Atlantic Council to address bal-
5 listic missile threats to Europe and the
6 United States in a prioritized manner that
7 includes consideration of the imminence of
8 the threat and the level of acceptable risk;

9 (ii) operationally effective and cost-ef-
10 fective in providing protection for Europe,
11 and the United States in the case of long-
12 range missile threats, against current and
13 future Iranian ballistic missile threats; and

14 (iii) interoperable, to the extent prac-
15 tical, with other components of missile de-
16 fense and complementary to the missile de-
17 fense strategy of the North Atlantic Treaty
18 Organization.

19 (d) CONSTRUCTION.—Nothing in this section shall be
20 construed as limiting or preventing the Department of De-
21 fense from pursuing the development or deployment of
22 operationally effective and cost-effective ballistic missile
23 defense systems in Europe.

1 **SEC. 247. EXTENSION OF DEADLINE FOR STUDY ON BOOST-**
2 **PHASE MISSILE DEFENSE.**

3 Section 232(c)(1) of the Duncan Hunter National
4 Defense Authorization Act for Fiscal Year 2009 (Public
5 Law 110–417; 122 Stat. 4392) is amended by striking
6 “October 31, 2010” and inserting “March 1, 2011”.

7 **Subtitle D—Other Matters**

8 **SEC. 251. REPEAL OF REQUIREMENT FOR BIENNIAL JOINT**
9 **WARFIGHTING SCIENCE AND TECHNOLOGY**
10 **PLAN.**

11 Section 270 of the National Defense Authorization
12 Act for Fiscal Year 1997 (10 U.S.C. 2501 note) is re-
13 pealed.

14 **SEC. 252. MODIFICATION OF REPORTING REQUIREMENT**
15 **FOR DEFENSE NANOTECHNOLOGY RE-**
16 **SEARCH AND DEVELOPMENT PROGRAM.**

17 Section 246 of the Bob Stump National Defense Au-
18 thorization Act for Fiscal Year 2003 (Public Law 107–
19 314; 10 U.S.C. 2358 note) is amended by striking sub-
20 section (e) and inserting the following new subsection (e):
21 “(e) REPORTS.—The Under Secretary of Defense for
22 Acquisition, Technology, and Logistics shall submit to the
23 National Science and Technology Council information on
24 the program that covers the information described in para-
25 graphs (1) through (5) of section 2(d) of the 21st Century
26 Nanotechnology Research and Development Act (15

1 U.S.C. 7501(d)) to be included in the annual report sub-
2 mitted by the Council under that section.”.

3 **SEC. 253. EVALUATION OF EXTENDED RANGE MODULAR**
4 **SNIPER RIFLE SYSTEMS.**

5 (a) IN GENERAL.—Not later than March 31, 2010,
6 the Assistant Secretary of the Army for Acquisition, Lo-
7 gistics, and Technology shall conduct a comparative eval-
8 uation of extended range modular sniper rifle systems, in-
9 cluding .300 Winchester Magnum, .338 Lapua Magnum,
10 and other calibers. The evaluation shall identify and dem-
11 onstrate an integrated suite of technologies capable of—

- 12 (1) extending the effective range of snipers;
13 (2) meeting service or unit requirements or
14 operational need statements; or
15 (3) closing documented capability gaps.

16 (b) FUNDING.—The Assistant Secretary of the Army
17 for Acquisition, Logistics, and Technology shall conduct
18 the evaluation required by subsection (a) using amounts
19 appropriated for fiscal year 2009 for extended range mod-
20 ular sniper rifle system research (PE # 0604802A) that
21 are unobligated.

22 (c) REPORT.—Not later than April 30, 2010, the As-
23 sistant Secretary of the Army for Acquisition, Logistics,
24 and Technology shall submit to the Committee on Armed
25 Services of the Senate and the Committee on Armed Serv-

1 ices of the House of Representatives a report containing
2 the results of the evaluation required by subsection (a),
3 including—

4 (1) detailed ballistics and system performance
5 data; and

6 (2) an assessment of the operational capabilities
7 of extended range modular sniper rifle systems to
8 meet service or unit requirements or operational
9 need statements or close documented capabilities
10 gaps.

11 **TITLE III—OPERATION AND** 12 **MAINTENANCE**

13 **Subtitle A—Authorization of** 14 **Appropriations**

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

16 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
17 are hereby authorized to be appropriated for fiscal year
18 2010 for the use of the Armed Forces and other activities
19 and agencies of the Department of Defense, for expenses,
20 not otherwise provided for, for operation and maintenance,
21 in amounts as follows:

22 (1) For the Army, \$30,932,882,000.

23 (2) For the Navy, \$35,890,046,000.

24 (3) For the Marine Corps, \$5,547,223,000.

25 (4) For the Air Force, \$34,053,559,000.

- 1 (5) For Defense-wide activities,
2 \$27,645,997,000.
- 3 (6) For the Army Reserve, \$2,623,796,000.
- 4 (7) For the Navy Reserve, \$1,278,501,000.
- 5 (8) For the Marine Corps Reserve,
6 \$228,925,000.
- 7 (9) For the Air Force Reserve, \$3,079,228,000.
- 8 (10) For the Army National Guard,
9 \$6,260,634,000.
- 10 (11) For the Air National Guard,
11 \$5,888,461,000.
- 12 (12) For the United States Court of Appeals
13 for the Armed Forces, \$13,932,000.
- 14 (13) For the Acquisition Development Work-
15 force Fund, \$100,000,000.
- 16 (14) For Environmental Restoration, Army,
17 \$415,864,000.
- 18 (15) For Environmental Restoration, Navy,
19 \$285,869,000.
- 20 (16) For Environmental Restoration, Air Force,
21 \$494,276,000.
- 22 (17) For Environmental Restoration, Defense-
23 wide, \$11,100,000.
- 24 (18) For Environmental Restoration, Formerly
25 Used Defense Sites, \$267,700,000.

1 (19) For Overseas Humanitarian, Disaster and
2 Civic Aid programs, \$109,869,000.

3 (20) For Cooperative Threat Reduction pro-
4 grams, \$424,093,000.

5 (21) For Overseas Contingency Operations
6 Transfer Fund, \$5,000,000.

7 (b) FUNDING TABLE.—The amounts authorized by
8 subsection (a) shall be available, in accordance with the
9 requirements of section 4001, for projects, programs, and
10 activities, and in the amounts, specified in the funding
11 table in section 4301.

12 **Subtitle B—Environmental** 13 **Provisions**

14 **SEC. 311. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-** 15 **TION AGENCY FOR CERTAIN COSTS IN CON-** 16 **NECTION WITH THE FORMER NANSEMOND** 17 **ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.**

18 (a) AUTHORITY TO REIMBURSE.—

19 (1) TRANSFER AMOUNT.—Using funds de-
20 scribed in subsection (b) and notwithstanding sec-
21 tion 2215 of title 10, United States Code, the Sec-
22 retary of Defense may transfer not more than
23 \$68,623 during fiscal year 2010 to the Former
24 Nansemond Ordnance Depot Site Special Account,
25 within the Hazardous Substance Superfund.

1 (2) PURPOSE OF REIMBURSEMENT.—The pay-
2 ment under paragraph (1) is final payment to reim-
3 burse the Environmental Protection Agency for all
4 costs incurred in overseeing a time critical removal
5 action performed by the Department of Defense
6 under the Defense Environmental Restoration Pro-
7 gram for ordnance and explosive safety hazards at
8 the Former Nansmond Ordnance Depot Site, Suf-
9 folk, Virginia.

10 (3) INTERAGENCY AGREEMENT.—The reim-
11 bursement described in paragraph (2) is provided for
12 in an interagency agreement entered into by the De-
13 partment of the Army and the Environmental Pro-
14 tection Agency for the Former Nansmond Ord-
15 nance Depot Site in December 1999.

16 (b) SOURCE OF FUNDS.—Any payment under sub-
17 section (a) shall be made using funds authorized to be ap-
18 propriated by section 301(a)(18) for operation and main-
19 tenance for Environmental Restoration, Formerly Used
20 Defense Sites.

21 (c) USE OF FUNDS.—The Environmental Protection
22 Agency shall use the amount transferred under subsection
23 (a) to pay costs incurred by the Agency at the Former
24 Nansmond Ordnance Depot Site.

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

3 **SEC. 321. MODIFICATION OF AUTHORITY FOR ARMY INDUS-**
4 **TRIAL FACILITIES TO ENGAGE IN COOPERA-**
5 **TIVE ACTIVITIES WITH NON-ARMY ENTITIES.**

6 (a) CLARIFICATION OF AUTHORITY TO ENTER INTO
7 COOPERATIVE AGREEMENTS.—The second sentence of
8 section 4544(a) of title 10, United States Code, as added
9 by section 328(a)(1) of the National Defense Authoriza-
10 tion Act for Fiscal Year 2008 (Public Law 110–181; 122
11 Stat. 66), is amended by inserting after “not more than
12 eight contracts or cooperative agreements” the following:
13 “in addition to the contracts and cooperative agreements
14 in place as of the date of the enactment of the National
15 Defense Authorization Act for Fiscal Year 2008 (Public
16 Law 110–181)”.

17 (b) ADDITIONAL ELEMENTS REQUIRED FOR ANAL-
18 YSIS OF USE OF AUTHORITY.—Section 328(b)(2) of the
19 National Defense Authorization Act for Fiscal Year 2008
20 (Public Law 110–181; 122 Stat. 67) is amended—

21 (1) by striking “a report assessing the advis-
22 ability” and inserting the following: “a report—
23 “(A) assessing the advisability”; and

1 (2) by striking “pursuant to such authority.”
2 and inserting the following: “pursuant to such au-
3 thority;

4 “(B) assessing the benefit to the Federal
5 Government of using such authority;

6 “(C) assessing the impact of the use of
7 such authority on the availability of facilities
8 needed by the Army and on the private sector;
9 and

10 “(D) describing the steps taken to comply
11 with the requirements under section 4544(g) of
12 title 10, United States Code.”.

13 **SEC. 322. IMPROVEMENT OF INVENTORY MANAGEMENT**
14 **PRACTICES.**

15 (a) **INVENTORY MANAGEMENT PRACTICES IMPROVE-**
16 **MENT PLAN REQUIRED.**—Not later than 270 days after
17 the date of the enactment of this Act, the Secretary of
18 Defense shall submit to the congressional defense commit-
19 tees a comprehensive plan for improving the inventory
20 management systems of the military departments and the
21 Defense Logistics Agency with the objective of reducing
22 the acquisition and storage of secondary inventory that is
23 excess to requirements.

24 (b) **ELEMENTS.**—The plan under subsection (a) shall
25 include the following:

1 (1) A plan for a comprehensive review of de-
2 mand-forecasting procedures to identify and correct
3 any systematic weaknesses in such procedures, in-
4 cluding the development of metrics to identify bias
5 toward over-forecasting and adjust forecasting meth-
6 ods accordingly.

7 (2) A plan to accelerate the efforts of the De-
8 partment of Defense to achieve total asset visibility,
9 including efforts to link wholesale and retail inven-
10 tory levels through multi-echelon modeling.

11 (3) A plan to reduce the average level of on-
12 order secondary inventory that is excess to require-
13 ments, including a requirement for the systemic re-
14 view of such inventory for possible contract termi-
15 nation.

16 (4) A plan for the review and validation of
17 methods used by the military departments and the
18 Defense Logistics Agency to establish economic re-
19 tention requirements.

20 (5) A plan for an independent review of meth-
21 ods used by the military departments and the De-
22 fense Logistics Agency to establish contingency re-
23 tention requirements.

24 (6) A plan to identify items stored in secondary
25 inventory that require substantial amounts of stor-

1 age space and shift such items, where practicable, to
2 direct vendor delivery.

3 (7) A plan for a comprehensive assessment of
4 inventory items on hand that have no recurring de-
5 mands, including the development of—

6 (A) metrics to track years of no demand
7 for items in stock; and

8 (B) procedures for ensuring the systemic
9 review of such items for potential reutilization
10 or disposal.

11 (8) A plan to more aggressively pursue disposal
12 reviews and actions on stocks identified for potential
13 reutilization or disposal.

14 (c) GAO REPORTS.—

15 (1) ASSESSMENT OF PLAN.—Not later than 60
16 days after the date on which the plan required by
17 subsection (a) is submitted as specified in that sub-
18 section, the Comptroller General of the United
19 States shall submit to the congressional defense
20 committees a report setting forth an assessment of
21 the extent to which the plan meets the requirements
22 of this section.

23 (2) ASSESSMENT OF IMPLEMENTATION.—Not
24 later than 18 months after the date on which the
25 plan required by subsection (a) is submitted, the

1 Comptroller General shall submit to the congres-
2 sional defense committees a report setting forth an
3 assessment of the extent to which the plan has been
4 effectively implemented by each military department
5 and by the Defense Logistics Agency.

6 (d) INVENTORY THAT IS EXCESS TO REQUIREMENTS
7 DEFINED.—In this section, the term “inventory that is
8 excess to requirements” means inventory that—

9 (1) is excess to the approved acquisition objec-
10 tive concerned; and

11 (2) is not needed for the purposes of economic
12 retention or contingency retention.

13 **SEC. 323. TEMPORARY SUSPENSION OF AUTHORITY FOR**
14 **PUBLIC-PRIVATE COMPETITIONS.**

15 (a) TEMPORARY SUSPENSION.—During the period
16 beginning on the date of the enactment of this Act and
17 ending on the date on which the Secretary of Defense sub-
18 mits to the congressional defense committees the certifi-
19 cation described in subsection (b), no study or public-pri-
20 vate competition regarding the conversion to contractor
21 performance of any function of the Department of Defense
22 performed by civilian employees may be begun or an-
23 nounced pursuant to section 2461 of title 10, United
24 States Code, Office of Management and Budget Circular
25 A-76, or any other authority.

1 (b) CERTIFICATION.—The certification described in
2 this subsection is a certification that—

3 (1) the Secretary of Defense has completed and
4 submitted to Congress a complete inventory of con-
5 tracts for services for or on behalf of the Depart-
6 ment of Defense in compliance with the require-
7 ments of subsection (c) of section 2330a of title 10,
8 United States Code; and

9 (2) the Secretary of each military department
10 and the head of each Defense Agency responsible for
11 activities in the inventory is in compliance with the
12 review and planning requirements of subsection (e)
13 of such section.

14 **SEC. 323A. PUBLIC-PRIVATE COMPETITION REQUIRED BE-**
15 **FORE CONVERSION OF ANY DEPARTMENT OF**
16 **DEFENSE FUNCTION PERFORMED BY CIVIL-**
17 **IAN EMPLOYEES TO CONTRACTOR PERFORM-**
18 **ANCE.**

19 (a) REQUIREMENT.—Section 2461(a)(1) of title 10,
20 United States Code, is amended—

21 (1) by striking “A function” and inserting “No
22 function”;

23 (2) by striking “10 or more”; and

24 (3) by striking “may not be converted” and in-
25 serting “may be converted”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall apply with respect to a function for
3 which a public-private competition is commenced on or
4 after the date of the enactment of this Act.

5 **SEC. 323B. TIME LIMITATION ON DURATION OF PUBLIC-**
6 **PRIVATE COMPETITIONS.**

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

10 “(5)(A) The duration of a public-private com-
11 petition conducted pursuant to Office of Manage-
12 ment and Budget Circular A-76 or any other provi-
13 sion of law for any function of the Department of
14 Defense performed by Department of Defense civil-
15 ian employees may not exceed the period of specified
16 in paragraph (B), commencing on the date on which
17 funds are obligated for contractor support of the
18 preliminary planning for the public-private competi-
19 tion begins through the date on which a performance
20 decision is rendered with respect to the function.

21 “(B) The period referred to in paragraph (A) is
22 30 months with respect to a single formation activity
23 and 36 months with respect to a multi-formation ac-
24 tivity.

1 “(C) The time period specified in subparagraph
2 (A) for a public-private competition does not include
3 any day during which the public-private competition
4 is delayed by reason of a protest before the Govern-
5 ment Accountability Office or the United States
6 Court of Federal Claims.

7 “(D) In this paragraph, the term ‘preliminary
8 planning’ with respect to a public-private competi-
9 tion means any action taken to carry out any of the
10 following activities:

11 “(i) Determining the scope of the competi-
12 tion.

13 “(ii) Conducting research to determine the
14 appropriate grouping of functions for the com-
15 petition.

16 “(iii) Assessing the availability of workload
17 data, quantifiable outputs of functions, and
18 agency or industry performance standards ap-
19 plicable to the competition.

20 “(iv) Determining the baseline cost of any
21 function for which the competition is con-
22 ducted.”.

23 (b) EFFECTIVE DATE.—Paragraph (5) of section
24 2461(a) of title 10, United States Code, as added by sub-
25 section (a), shall apply with respect to a public-private

1 competition covered by such section that is being con-
2 ducted on or after the date of the enactment of this Act.

3 **SEC. 323C. TERMINATION OF CERTAIN PUBLIC-PRIVATE**
4 **COMPETITIONS FOR CONVERSION OF DE-**
5 **PARTMENT OF DEFENSE FUNCTIONS TO PER-**
6 **FORMANCE BY A CONTRACTOR.**

7 Any Department of Defense public-private competi-
8 tion that exceeds the time limits established in section
9 2461(a) shall be reviewed by the Secretary of Defense and
10 considered for termination. If the Secretary of Defense
11 does not terminate the competition, he shall report to Con-
12 gress on the reasons for his decision.

13 **SEC. 324. EXTENSION OF ARSENAL SUPPORT PROGRAM INI-**
14 **TIATIVE.**

15 Section 343 of the Floyd D. Spence National Defense
16 Authorization Act for Fiscal Year 2001 (10 U.S.C. 4551
17 note), as amended by section 341 of the National Defense
18 Authorization Act for Fiscal Year 2008 (Public Law 110–
19 181; 122 Stat. 69), is amended—

20 (1) in subsection (a), by striking “2010” and
21 inserting “2011”; and

22 (2) in subsection (g)(1), by striking “2010”
23 and inserting “2011”.

1 **SEC. 325. MODIFICATION OF DATE FOR SUBMITTAL TO**
2 **CONGRESS OF ANNUAL REPORT ON FUNDING**
3 **FOR PUBLIC AND PRIVATE PERFORMANCE**
4 **OF DEPOT-LEVEL MAINTENANCE AND RE-**
5 **PAIR WORKLOADS.**

6 Section 2466(d)(1) of title 10, United States Code,
7 is amended by striking “April 1 of each year” and insert-
8 ing “90 days after the date on which the budget of the
9 President for a fiscal year is submitted to Congress pursu-
10 ant to section 1105 of title 31”.

11 **Subtitle D—Energy Provisions**

12 **SEC. 331. ENERGY SECURITY ON DEPARTMENT OF DE-**
13 **FENSE INSTALLATIONS.**

14 (a) PLAN FOR ENERGY SECURITY REQUIRED.—

15 (1) IN GENERAL.—Not later than 180 days
16 after the date of the enactment of this Act, the Sec-
17 retary of Defense shall develop a plan for identifying
18 and addressing areas in which the electricity needed
19 to carry out critical military missions on Department
20 of Defense installations is vulnerable to disruption.

21 (2) ELEMENTS.—The plan developed under
22 paragraph (1) shall include, at a minimum, the fol-
23 lowing:

24 (A) An identification of the areas of vul-
25 nerability as described in paragraph (1), and an

1 identification of priorities in addressing such
2 areas of vulnerability.

3 (B) A schedule for the actions to be taken
4 by the Department to address such areas of
5 vulnerability.

6 (C) A strategy for working with other pub-
7 lic or private sector entities to address such
8 areas of vulnerability that are beyond the con-
9 trol of the Department.

10 (b) WORK WITH NON-DEPARTMENT OF DEFENSE
11 ENTITIES.—

12 (1) IN GENERAL.—The Secretary of Defense
13 shall work with other Federal entities, and with
14 State and local government entities, to develop any
15 regulations or other mechanisms needed to require
16 or encourage actions to address areas of vulner-
17 ability identified pursuant to the plan developed
18 under subsection (a) that are beyond the control of
19 the Department of Defense.

20 (2) CONTRACT AUTHORITY.—Where necessary
21 to achieve the purposes of this section, the Secretary
22 may enter into a contract, grant, or other agreement
23 with one or more appropriate public or private sector
24 entities under which such entity or entities agree to
25 carry out actions required to address areas of vul-

1 nerability identified pursuant to the plan developed
2 under subsection (a) that are beyond the control of
3 the Department. Any such contract, grant, or agree-
4 ment may provide for the full or partial reimburse-
5 ment of the entity concerned by the Department for
6 actions taken by the entity under such contract,
7 grant, or agreement.

8 **SEC. 332. EXTENSION AND EXPANSION OF REPORTING RE-**
9 **QUIREMENTS REGARDING DEPARTMENT OF**
10 **DEFENSE ENERGY EFFICIENCY PROGRAMS.**

11 (a) **NEW REPORTING REQUIREMENTS.**—Section
12 317(e) of the National Defense Authorization Act for Fis-
13 cal Year 2002 (Public Law 107–107; 115 Stat. 1054) is
14 amended to read as follows:

15 “(e) **REPORTING REQUIREMENTS.**—

16 “(1) **IN GENERAL.**—Not later one year after
17 the date of the enactment of this Act, and each Jan-
18 uary 1 thereafter through 2020, the Secretary shall
19 submit to the congressional defense a report regard-
20 ing progress made toward achieving the energy effi-
21 ciency goals of the Department of Defense, con-
22 sistent with the provisions of section 303 of Execu-
23 tive Order 13123 (64 Fed. Reg. 30851; 42 U.S.C.
24 8521 note) and section 11(b) of Executive Order
25 13423 (72 Fed. Reg. 3919; 42 U.S.C. 4321 note).

1 “(2) REPORTS SUBMITTED AFTER JANUARY 1,
2 2009.—Each report required under paragraph (1)
3 that is submitted after the date of the enactment of
4 the National Defense Authorization Act for Fiscal
5 Year 2010 shall include the following:

6 “(A) A table detailing funding, by account,
7 for all energy projects and investments.

8 “(B) A description of the funding and
9 steps taken to achieve the renewable energy
10 goals in the Energy Policy Act of 2005 (42
11 U.S.C. 15801 et seq.) and Executive Order
12 13423 by fiscal year 2015, and section 2911(e)
13 of title 10, United States Code, by fiscal year
14 2025.

15 “(C) A description of steps taken to ensure
16 that facility and installation management goals
17 are consistent with current legislative and other
18 requirements, including applicable requirements
19 under the Energy Independence and Security
20 Act of 2007 (Public Law 110–140).

21 “(D) A description of steps taken to deter-
22 mine best practices for measuring energy con-
23 sumption in Department of Defense facilities
24 and installations in order to use the data for
25 better energy management.

1 “(E) A description of steps taken to com-
2 ply with requirements of the Energy Independ-
3 ence and Security Act of 2007, including new
4 design and construction requirements for build-
5 ings.

6 “(F) A description of steps taken to com-
7 ply with section 533 of the National Energy
8 Conservation Policy Act (42 U.S.C. 8259b), re-
9 garding the supply by the General Services Ad-
10 ministration and the Defense Logistics Agency
11 of Energy Star and Federal Energy Manage-
12 ment Program (FEMP) designated products to
13 its Department of Defense customers.

14 “(G) A description of steps taken to en-
15 courage the use of Energy Star and FEMP des-
16 ignated products at military installations in
17 government or contract maintenance activities.

18 “(H) A description of steps taken to com-
19 ply with standards for projects built using ap-
20 propriated funds and established by the Energy
21 Independence and Security Act of 2007 for
22 privatized construction projects, whether resi-
23 dential, administrative, or industrial.

1 “(I) A description of any other issues and
2 strategies the Secretary determines relevant to
3 a comprehensive and renewable energy policy.”.

4 (b) **ADDITIONAL MATERIAL REQUIRED FOR FIRST**
5 **EXPANDED REPORT.**—The first report submitted by the
6 Secretary of Defense under section 317(e) of the National
7 Defense Authorization Act for Fiscal Year 2002 (Public
8 Law 107–107; 115 Stat. 1054), as amended by subsection
9 (a), after the date of the enactment of this Act shall in-
10 clude, in addition to the matters required under such sec-
11 tion, the following:

12 (1) A determination of whether the existing
13 tools, such as the Energy Conservation Investment
14 Program (ECIP) and the Energy Savings Perform-
15 ance Contracts (ESPC) program, are sufficient to
16 support renewable energy projects to achieve the De-
17 partment’s installation energy goals, or if new fund-
18 ing mechanisms would be beneficial.

19 (2) An appropriate goal or goals for the use of
20 alternative fuels for ground vehicles, aircraft, sea
21 vessels, and applicable weapons systems, taking into
22 consideration a broad range of factors, including
23 cost, availability, technological feasibility, energy
24 independence and security, and environmental im-
25 pact.

1 (3) A determination of the cost and feasibility
2 of a policy that would require new power generation
3 projects established on installations to be able to
4 switch to provide power for military operations in
5 the event of a commercial grid outage.

6 (4) An assessment of the extent to which State
7 and regional laws and regulations and market struc-
8 tures provide opportunities or obstacles to establish
9 renewable energy projects on military installations.

10 (5) A determination of the cost and feasibility
11 of developing or acquiring equipment or systems
12 that would result in the complete use of renewable
13 energy sources at contingency locations.

14 (6) A determination of the cost and feasibility
15 of implementing the recommendations of the 2008
16 Defense Science Board Report entitled, “More Fight
17 – Less Fuel”.

18 **SEC. 333. ALTERNATIVE AVIATION FUEL INITIATIVE.**

19 (a) FINDINGS.—Congress makes the following find-
20 ings:

21 (1) Dependence on foreign sources of oil is det-
22 rimental to the national security of the United
23 States due to possible disruptions in supply.

24 (2) The Department of Defense is the largest
25 single consumer of fuel in the United States.

1 (3) The United States Air Force is the largest
2 consumer of fuel in the Department of Defense.

3 (4) The dramatically fluctuating price of fuel
4 can have a significant budgetary impact on the De-
5 partment of Defense.

6 (5) The United States Air Force uses about
7 2,600,000,000 gallons of jet fuel a year, or 10 per-
8 cent of the entire domestic market in aviation fuel.

9 (6) The Air Force's Alternative Aviation Fuel
10 Initiative includes certification and testing of both
11 biomass-derived ("biofuel") and synthetic fuel blends
12 produced via the Fischer-Tropsch (FT) process. By
13 not later than December 31, 2016, the Air Force
14 will be prepared to cost competitively acquire 50 per-
15 cent of the Air Force's domestic aviation fuel re-
16 quirement via an alternative fuel blend in which the
17 alternative component is derived from domestic
18 sources produced in a manner that is greener than
19 fuels produced from conventional petroleum.

20 (7) The Air Force Energy Program will provide
21 options to reduce the use of foreign oil, by focusing
22 on expanding alternative energy options that provide
23 favorable environmental attributes as compared to
24 currently-available options.

25 (b) CONTINUATION OF INITIATIVES.—

1 (1) IN GENERAL.—The Secretary of the Air
2 Force shall continue the alternative aviation fuel ini-
3 tiatives of the Air Force with a goal of—

4 (A) certifying its aircraft, applicable vehi-
5 cles and support equipment, and associated
6 storage and distribution infrastructure for unre-
7 stricted operational use of a synthetic fuel blend
8 by early 2011;

9 (B) being prepared to acquire 50 percent
10 of its domestic aviation fuel requirement from
11 alternative or synthetic fuels (including blends
12 of alternative or synthetic fuels with conven-
13 tional fuels) by not later than December 31,
14 2016, provided that—

15 (i) the lifecycle greenhouse gas emis-
16 sions associated with the production and
17 combustion of such fuel shall be equal to
18 or lower than such emissions from conven-
19 tional fuels that are used in the same ap-
20 plication, as determined in accordance with
21 guidance by the Department of Energy
22 and the Environmental Protection Agency;
23 and

1 (ii) prices for such fuels are cost com-
2 petitive with petroleum-based alternatives
3 that are used for the same functions;

4 (C) taking actions in collaboration with the
5 commercial aviation industry and equipment
6 manufacturers to spur the development of a do-
7 mestic alternative aviation fuel industry; and

8 (D) taking actions in collaboration with
9 other Federal agencies, the commercial sector,
10 and academia to solicit for and test the next
11 generation of environmentally-friendly alter-
12 native aviation fuels.

13 (2) ADJUSTMENT OF GOAL.—The Secretary of
14 the Air Force may adjust the goal of acquiring 50
15 percent of Air Force domestic fuel requirements
16 from alternative or synthetic fuels by not later than
17 December 31, 2016, if the Secretary determines in
18 writing that it would not be practicable, or in the
19 best interests of the Air Force, to do so and informs
20 the congressional defense committees within 30 days
21 of the basis for such determination.

22 (3) ANNUAL REPORT.—Not later than 180 days
23 after the date of the enactment of this Act and an-
24 nually thereafter in each of fiscal years 2011
25 through 2016, the Secretary of Defense, in consulta-

1 tion with the Secretary of the Air Force, shall sub-
2 mit to Congress a report on the progress of the al-
3 ternative aviation fuel initiative program, includ-
4 ing—

5 (A) the status of aircraft fleet certification,
6 until complete;

7 (B) the quantities of alternative or syn-
8 thetic fuels (including blends of alternative or
9 synthetic fuels with conventional fuels) pur-
10 chased for use by the Air Force in the fiscal
11 year ending in such year;

12 (C) progress made against published goals
13 for such fiscal year;

14 (D) the status of recovery plans to achieve
15 any goals set for previous years that were not
16 achieved; and

17 (E) the establishment or adjustment of
18 goals and objectives for the current fiscal year
19 or for future years.

20 (c) ANNUAL REPORT FOR ARMY AND NAVY.—Not
21 later than 180 days after the date of the enactment of
22 this Act, and annually thereafter in each of fiscal years
23 2011 through 2016, the Secretary of the Army and the
24 Secretary of the Navy shall each submit to Congress a
25 report on goals and progress to research, test, and certify

1 the use of alternative fuels in their respective aircraft
2 fleets.

3 (d) DEFENSE SCIENCE BOARD REVIEW.—

4 (1) REPORT REQUIRED.—Not later than Octo-
5 ber 1, 2011, the Defense Science Board shall report
6 to the Secretary of Defense on the feasibility and
7 advisability of achieving the goals established in sub-
8 section (b)(1). The report shall address—

9 (A) the technological and economic
10 achievability of the goals;

11 (B) the impact of actions required to meet
12 such goals on the military readiness of the Air
13 Force, energy costs, environmental perform-
14 ance, and dependence on foreign oil; and

15 (C) any recommendations the Defense
16 Science Board may have for improving the Air
17 Force program.

18 (2) SUBMISSION TO CONGRESS.—Not later than
19 30 days after receiving the report required by under
20 paragraph (1), the Secretary of Defense shall for-
21 ward the report to Congress, together with the com-
22 ments and recommendations of the Secretary.

1 **SEC. 334. AUTHORIZATION OF APPROPRIATIONS FOR DI-**
2 **RECTOR OF OPERATIONAL ENERGY.**

3 Of the amounts authorized to be appropriated for Op-
4 eration and Maintenance, Defense-wide, \$5,000,000 is for
5 the Director of Operational Energy Plans and Programs
6 to carry out the duties prescribed for the Director under
7 section 139b of title 10, United States Code, to be made
8 available upon the confirmation of an individual to serve
9 as the Director of Operational Energy Plans and Pro-
10 grams.

11 **SEC. 335. DEPARTMENT OF DEFENSE PARTICIPATION IN**
12 **PROGRAMS FOR MANAGEMENT OF ENERGY**
13 **DEMAND OR REDUCTION OF ENERGY USAGE**
14 **DURING PEAK PERIODS.**

15 (a) IN GENERAL.—Subchapter I of chapter 173 of
16 title 10, United States Code, is amended by adding at the
17 end the following new section:

18 **“§ 2919. Department of Defense participation in pro-**
19 **grams for management of energy demand**
20 **or reduction of energy usage during peak**
21 **periods**

22 **“(a) PARTICIPATION IN DEMAND RESPONSE OR**
23 **LOAD MANAGEMENT PROGRAMS.—**The Secretary of De-
24 fense, the Secretaries of the military departments, the
25 heads of the Defense Agencies, and the heads of other in-
26 strumentalities of the Department of Defense are author-

1 ized to participate in demand response programs for the
2 management of energy demand or the reduction of energy
3 usage during peak periods conducted by any of the fol-
4 lowing parties:

5 “(1) An electric utility

6 “(2) An independent system operator.

7 “(3) A State agency.

8 “(4) A third party entity (such as a demand re-
9 sponse aggregator or curtailment service provider)
10 implementing demand response programs on behalf
11 of an electric utility, independent system operator,
12 or State agency.

13 “(b) TREATMENT OF CERTAIN FINANCIAL INCEN-
14 TIVES.—Financial incentives received from an entity spec-
15 ified in subsection (a) shall be received in cash and depos-
16 ited into the Treasury as a miscellaneous receipt. Amounts
17 received shall be available for obligation only to the extent
18 provided in advance in an appropriations Act. The Sec-
19 retary concerned or the head of the Defense Agency or
20 other instrumentality, as the case may be, shall pay for
21 the cost of the design and implementation of these services
22 in full in the year in which they are received from amounts
23 provided in advance in an appropriations Act.

24 “(c) USE OF CERTAIN FINANCIAL INCENTIVES.—Of
25 the amounts derived from financial incentives awarded to

1 a military installation as described in subsection (b) and
2 provided for in advance by an appropriations Act—

3 “(1) not less than 100 percent shall be made
4 available for use at such military installation; and

5 “(2) not less than 30 percent shall be made
6 available for energy management initiatives at such
7 installation.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such subchapter is amended by adding
10 at the end the following new item:

“2919. Department of Defense participation in programs for management of en-
ergy demand or reduction of energy usage during peak peri-
ods.”.

11 **Subtitle E—Reports**

12 **SEC. 341. STUDY ON ARMY MODULARITY.**

13 (a) STUDY.—

14 (1) IN GENERAL.—Not later than 30 days after
15 the date of the enactment of this Act, the Secretary
16 of Defense shall enter into a contract with a Feder-
17 ally Funded Research and Development Center
18 (FFRDC) to conduct a study on the current and
19 planned modularity structures of the Army to deter-
20 mine the following:

21 (A) The operational capability of the Army
22 to execute its core mission to contribute land
23 power to joint operations.

1 (B) The ability to manage flexibility and
2 versatility of Army forces across the range of
3 military operations.

4 (C) The tactical, operational, and strategic
5 risk associated with the heavy and light mod-
6 ular combat brigades and functional brigades.

7 (D) The required and planned end
8 strength for the Army.

9 (2) FACTORS TO CONSIDER.—The study re-
10 quired under subsection (a) shall take into consider-
11 ation the following factors:

12 (A) The Army's historical experience with
13 separate brigade structures.

14 (B) The original Army analysis, including
15 explicit or implicit assumptions, upon which the
16 brigade combat team, functional brigade, and
17 higher headquarters' designs were based.

18 (C) Subsequent analysis that confirmed or
19 modified the original designs.

20 (D) Lessons learned from Operations Iraqi
21 Freedom and Enduring Freedom that con-
22 firmed or modified the original designs.

23 (E) Improvements in brigade and head-
24 quarters designs the Army has made or is im-
25 plementing.

1 (3) ACCESS TO INFORMATION.—The Secretary
2 of Defense and the Secretary of the Army shall en-
3 sure that the FFRDC conducting the study has ac-
4 cess to all necessary data, records, analysis, per-
5 sonnel, and other resources necessary to complete
6 the study.

7 (b) REPORT.—Not later than December 31, 2010,
8 the Secretary of Defense shall submit to the congressional
9 defense committees a report containing the results of the
10 study conducted under subsection (a), together with com-
11 ments by the Chief of Staff of the Army and the Secretary
12 of Defense.

13 **SEC. 342. PLAN FOR MANAGING VEGETATIVE ENCROACH-**
14 **MENT AT TRAINING RANGES.**

15 Section 366(a)(5) of the Bob Stump National De-
16 fense Authorization Act for Fiscal Year 2003 (Public Law
17 107–314; 10 U.S.C. 113 note) is amended—

18 (1) by striking “(5) At the same time” and in-
19 serting “(5)(A) At the same time”; and

20 (2) by adding at the end the following new sub-
21 paragraph:

22 “(B) Beginning with the report submitted to Con-
23 gress at the same time as the President submits the budg-
24 et for fiscal year 2011, the report required under this sub-
25 section shall include the following:

1 “(i) An assessment of the extent to which vege-
2 tation and overgrowth limits the use of military
3 lands available for training of the Armed Forces in
4 the United States and overseas.

5 “(ii) Identification of the particular installations
6 and training areas at which vegetation and over-
7 growth negatively impact the use of training space.

8 “(iii)(I) As part of the first such report sub-
9 mitted, a plan to address training constraints caused
10 by vegetation and overgrowth.

11 “(II) As part of each subsequent report, any
12 necessary updates to such plan.”.

13 **SEC. 343. REPORT ON STATUS OF AIR NATIONAL GUARD**
14 **AND AIR FORCE RESERVE.**

15 Not later than 180 days after the date of the enact-
16 ment of this Act, the Secretary of Defense, in consultation
17 with the Secretary of the Air Force, the Chief of the Na-
18 tional Guard Bureau, the Director of the Air National
19 Guard, the Chief of the Air Force Reserve, and such other
20 officials as the Secretary of Defense considers appropriate,
21 shall submit to Congress a report on—

22 (1) the status of the Air National Guard and
23 the Air Force Reserve; and

24 (2) the plans of the Department of Defense to
25 ensure that the Air National Guard and the Air

1 Force Reserve remain ready to meet the require-
2 ments of the Air Force and the combatant com-
3 mands and for homeland defense.

4 **TITLE IV—MILITARY**
5 **PERSONNEL AUTHORIZATIONS**
6 **Subtitle A—Active Forces**

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

8 The Armed Forces are authorized strengths for active
9 duty personnel as of September 30, 2010, as follows:

- 10 (1) The Army, 547,400.
11 (2) The Navy, 328,800.
12 (3) The Marine Corps, 202,100.
13 (4) The Air Force, 331,700.

14 **SEC. 402. ADDITIONAL AUTHORITY FOR INCREASES OF**
15 **ARMY ACTIVE-DUTY END STRENGTHS FOR**
16 **FISCAL YEARS 2010, 2011, AND 2012.**

17 (a) **AUTHORITY TO INCREASE ARMY ACTIVE-DUTY**
18 **END STRENGTH.—**

19 (1) **AUTHORITY.—**For each of fiscal years
20 2010, 2011, and 2012, the Secretary of Defense
21 may, as the Secretary determines necessary for the
22 purposes specified in paragraph (2), establish the ac-
23 tive-duty end strength for the Army at a number
24 greater than the number otherwise authorized by law

1 up to the number equal to the fiscal-year 2010 base-
2 line plus 30,000.

3 (2) PURPOSE OF INCREASES.—The purposes
4 for which an increase may be made in the active
5 duty end strength for the Army under paragraph (1)
6 are the following:

7 (A) To increase dwell time for members of
8 the Army on active duty.

9 (B) To support operational missions.

10 (C) To achieve reorganizational objectives,
11 including increased unit manning, force sta-
12 bilization and shaping, and supporting wounded
13 warriors.

14 (b) RELATIONSHIP TO PRESIDENTIAL WAIVER AU-
15 THORITY.—Nothing in this section shall be construed to
16 limit the authority of the President under section 123a
17 of title 10, United States Code, to waive any statutory
18 end strength in a time of war or national emergency.

19 (c) RELATIONSHIP TO OTHER VARIANCE AUTHOR-
20 ITY.—The authority in subsection (a) is in addition to the
21 authority to vary authorized end strengths that is provided
22 in subsections (e) and (f) of section 115 of title 10, United
23 States Code.

24 (d) BUDGET TREATMENT.—

1 (1) IN GENERAL.—If the Secretary of Defense
2 increases active-duty end strength for the Army for
3 fiscal year 2010 under subsection (a), the Secretary
4 may fund such an increase through Department of
5 Defense reserve funds or through an emergency sup-
6 plemental appropriation.

7 (2) FISCAL YEARS 2011 AND 2012.—(2) If the
8 Secretary of Defense plans to increase the active-
9 duty end strength for the Army for fiscal year 2011
10 or 2012, the budget for the Department of Defense
11 for such fiscal year as submitted to Congress shall
12 include the amounts necessary for funding the ac-
13 tive-duty end strength for the Army in excess of the
14 fiscal-year 2010 baseline.

15 (e) DEFINITIONS.—In this section:

16 (1) FISCAL-YEAR 2010 BASELINE.—The term
17 “fiscal-year 2010 baseline”, with respect to the
18 Army, means the active-duty end strength author-
19 ized for the Army in section 401(1).

20 (2) ACTIVE-DUTY END STRENGTH.—The term
21 “active-duty end strength”, with respect to the Army
22 for a fiscal year, means the strength for active duty
23 personnel of Army as of the last day of the fiscal
24 year.

1 **Subtitle B—Reserve Forces**

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

3 (a) IN GENERAL.—The Armed Forces are authorized
4 strengths for Selected Reserve personnel of the reserve
5 components as of September 30, 2010, as follows:

6 (1) The Army National Guard of the United
7 States, 358,200.

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

9 (3) The Navy Reserve, 65,500.

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

11 (5) The Air National Guard of the United
12 States, 106,700.

13 (6) The Air Force Reserve, 69,500.

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

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

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

22 (2) the total number of individual members not
23 in units organized to serve as units of the Selected
24 Reserve of such component who are on active duty
25 (other than for training or for unsatisfactory partici-

1 pation in training) without their consent at the end
2 of the fiscal year.

3 Whenever such units or such individual members are re-
4 leased from active duty during any fiscal year, the end
5 strength prescribed for such fiscal year for the Selected
6 Reserve of such reserve component shall be increased pro-
7 portionately by the total authorized strengths of such
8 units and by the total number of such individual members.

9 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
10 **DUTY IN SUPPORT OF THE RESERVES.**

11 Within the end strengths prescribed in section
12 411(a), the reserve components of the Armed Forces are
13 authorized, as of September 30, 2010, the following num-
14 ber of Reserves to be serving on full-time active duty or
15 full-time duty, in the case of members of the National
16 Guard, for the purpose of organizing, administering, re-
17 cruiting, instructing, or training the reserve components:

18 (1) The Army National Guard of the United
19 States, 32,060.

20 (2) The Army Reserve, 16,261.

21 (3) The Navy Reserve, 10,818.

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

23 (5) The Air National Guard of the United
24 States, 14,555.

25 (6) The Air Force Reserve, 2,896.

1 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**
2 **(DUAL STATUS).**

3 The minimum number of military technicians (dual
4 status) as of the last day of fiscal year 2010 for the re-
5 serve components of the Army and the Air Force (notwith-
6 standing section 129 of title 10, United States Code) shall
7 be the following:

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

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

11 (3) For the Air Force Reserve, 10,417.

12 (4) For the Air National Guard of the United
13 States, 22,313.

14 **SEC. 414. FISCAL YEAR 2010 LIMITATION ON NUMBER OF**
15 **NON-DUAL STATUS TECHNICIANS.**

16 (a) LIMITATIONS.—

17 (1) NATIONAL GUARD.—Within the limitation
18 provided in section 10217(e)(2) of title 10, United
19 States Code, the number of non-dual status techni-
20 cians employed by the National Guard as of Sep-
21 tember 30, 2010, may not exceed the following:

22 (A) For the Army National Guard of the
23 United States, 1,600.

24 (B) For the Air National Guard of the
25 United States, 350.

1 (2) ARMY RESERVE.—The number of non-dual
2 status technicians employed by the Army Reserve as
3 of September 30, 2010, may not exceed 595.

4 (3) AIR FORCE RESERVE.—The number of non-
5 dual status technicians employed by the Air Force
6 Reserve as of September 30, 2010, may not exceed
7 90.

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

12 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**
13 **THORIZED TO BE ON ACTIVE DUTY FOR**
14 **OPERATIONAL SUPPORT.**

15 During fiscal year 2010, the maximum number of
16 members of the reserve components of the Armed Forces
17 who may be serving at any time on full-time operational
18 support duty under section 115(b) of title 10, United
19 States Code, is the following:

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

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

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

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

1 (5) The Air National Guard of the United
2 States, 16,000.

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

4 **SEC. 416. REPORT ON TRAINEE ACCOUNT FOR THE ARMY**
5 **NATIONAL GUARD.**

6 (a) REPORT REQUIRED.—Not later than 180 days
7 after the date of the enactment of this Act, the Secretary
8 of the Army shall submit to the congressional defense com-
9 mittees a report setting forth an assessment of the estab-
10 lishment within the Army National Guard of a trainees,
11 transients, holdees, and students account (commonly re-
12 ferred to as a “TTHS” account).

13 (b) ELEMENTS.—The report required by subsection
14 (a) shall include an assessment of the feasibility and advis-
15 ability of permitting the Army National Guard to have,
16 without regard to its authorized end strength levels for
17 a fiscal year, a trainees, transients, holdees, and students
18 account for assigning all members of the Army National
19 Guard who have not completed initial entry training in
20 order to ensure that all personnel of fully manned and
21 deployable units of the Army National Guard have com-
22 pleted initial entry training.

1 **SEC. 417. AUTHORITY FOR SERVICE SECRETARY**
2 **VARIANCES FOR SELECTED RESERVE END**
3 **STRENGTHS.**

4 Section 115(g) of title 10, United States Code, is
5 amended to read as follows:

6 “(g) AUTHORITY FOR SERVICE SECRETARY
7 VARIANCES FOR ACTIVE-DUTY AND SELECTED RESERVE
8 END STRENGTHS.—(1) Upon determination by the Sec-
9 retary of a military department that such action would
10 enhance manning and readiness in essential units or in
11 critical specialties or ratings, the Secretary may—

12 “(A) increase the end strength authorized pur-
13 suant to subsection (a)(1)(A) for a fiscal year for
14 the armed force under the jurisdiction of that Sec-
15 retary or, in the case of the Secretary of the Navy,
16 for any of the armed forces under the jurisdiction of
17 that Secretary, by a number equal to not more than
18 2 percent of such authorized end strength; and

19 “(B) increase the end strength authorized pur-
20 suant to subsection (a)(2) for a fiscal year for the
21 Selected Reserve of the reserve component of the
22 armed force under the jurisdiction of that Secretary
23 or, in the case of the Secretary of the Navy, for the
24 Selected Reserve of the reserve component of any of
25 the armed forces under the jurisdiction of that Sec-

1 retary, by a number equal to not more than 2 per-
2 cent of such authorized end strength.

3 “(2) Any increase under paragraph (1) of the end
4 strength for an armed force or the Selected Reserve of
5 a reserve component of an armed force shall be counted
6 as part of the increase for that armed force or Selected
7 Reserve for that fiscal year authorized under subsection
8 (f)(1) or subsection (f)(3), respectively.”.

9 **Subtitle C—Authorization of**
10 **Appropriations**

11 **SEC. 421. MILITARY PERSONNEL.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
13 hereby authorized to be appropriated for fiscal year 2010
14 for the Department of Defense for military personnel
15 amounts as follows:

16 (1) For military personnel, \$124,864,942,000.

17 (2) For contributions to the Medicare-Eligible
18 Retiree Health Fund, \$10,751,339,000.

19 (b) CONSTRUCTION OF AUTHORIZATION.—The au-
20 thorization of appropriations in subsection (a) supersedes
21 any other authorization of appropriations (definite or in-
22 definite) for such purpose for fiscal year 2010.

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

5 **SEC. 501. MODIFICATION OF LIMITATIONS ON GENERAL**
6 **AND FLAG OFFICERS ON ACTIVE DUTY.**

7 (a) CLARIFICATION OF DISTRIBUTION LIMITS.—Sec-
8 tion 525 of title 10, United States Code, is amended by
9 striking subsections (a) and (b) and inserting the following
10 new subsections:

11 “(a) For purposes of the applicable limitation in sec-
12 tion 526(a) of this title on general and flag officers on
13 active duty, no appointment of an officer on the active
14 duty list may be made as follows:

15 “(1) in the Army, if that appointment would re-
16 sult in more than—

17 “(A) 7 officers in the grade of general;

18 “(B) 45 officers in a grade above the grade
19 of major general; or

20 “(C) 90 officers in the grade of major gen-
21 eral;

22 “(2) in the Air Force, if that appointment
23 would result in more than—

24 “(A) 9 officers in the grade of general;

1 “(B) 43 officers in a grade above the grade
2 of major general; or

3 “(C) 73 officers in the grade of major gen-
4 eral;

5 “(3) in the Navy, if that appointment would re-
6 sult in more than—

7 “(A) 6 officers in the grade of admiral;

8 “(B) 32 officers in a grade above the grade
9 of rear admiral; or

10 “(C) 50 officers in the grade of rear admi-
11 ral;

12 “(4) in the Marine Corps, if that appointment
13 would result in more than—

14 “(A) 2 officers in the grade of general;

15 “(B) 15 officers in a grade above the grade
16 of major general; or

17 “(C) 22 officers in the grade of major gen-
18 eral.

19 “(b)(1) The limitations of subsection (a) do not in-
20 clude the following:

21 “(A) An officer released from a joint duty as-
22 signment, but only during the 60-day period begin-
23 ning on the date the officer departs the joint duty
24 assignment, except that the Secretary of Defense
25 may authorize the Secretary of a military depart-

1 ment to extend the 60-day period by an additional
2 120 days, but no more than 3 officers from each
3 armed forces may be on active duty who are ex-
4 cluded under this subparagraph.

5 “(B) An officer while serving in the position of
6 Staff Judge Advocate to the Commandant of the
7 Marine Corps under section 5046 of this title.

8 “(C) The number of officers required to serve
9 in joint duty assignments as authorized by the Sec-
10 retary of Defense under section 526(b) for each mili-
11 tary service.

12 “(D) An officer while serving as Chief of the
13 National Guard Bureau.

14 “(2) An officer of the Army while serving as Super-
15 intendent of the United States Military Academy, if serv-
16 ing in the grade of lieutenant general, is in addition to
17 the number that would otherwise be permitted for the
18 Army for officers serving on active duty in grades above
19 major general under subsection (a). An officer of the Navy
20 or Marine Corps while serving as Superintendent of the
21 United States Naval Academy, if serving in the grade of
22 vice admiral or lieutenant general, is in addition to the
23 number that would otherwise be permitted for the Navy
24 or Marine Corps, respectively, for officers serving on active
25 duty in grades above major general or rear admiral under

1 subsection (a). An officer while serving as Superintendent
2 of the United States Air Force Academy, if serving in the
3 grade of lieutenant general, is in addition to the number
4 that would otherwise be permitted for the Air Force for
5 officers serving on active duty in grades above major gen-
6 eral under subsection (a).”.

7 (b) CLARIFICATION ON OFFSETTING REDUCTIONS.—
8 Subsection (c) of such section is amended—

9 (1) in paragraph (1)—

10 (A) by amending subparagraph (A) to read
11 as follows:

12 “(A) may make appointments in the Army, Air
13 Force, and Marine Corps in the grades of lieutenant
14 general and general in excess of the applicable num-
15 bers determined under this section if each such ap-
16 pointment is made in conjunction with an offsetting
17 reduction under paragraph (2); and”;

18 (B) in subparagraph (B), by striking “sub-
19 section (b)(2)” and inserting “this section”;

20 (2) in paragraph (3)(A), by striking “the num-
21 ber equal to 10 percent of the total number of offi-
22 cers that may be serving on active duty in those
23 grades in the Army, Navy, Air Force, and Marine
24 Corps under subsection (b)” and inserting “15”; and

1 (3) in paragraph (3)(B), by striking “the num-
2 ber equal to 15 percent of the total number of offi-
3 cers that may be serving on active duty in those
4 grades in the Army, Navy, Air Force, and Marine
5 Corps” and inserting “5”.

6 (c) OTHER DISTRIBUTION CLARIFICATIONS.—Such
7 section is further amended—

8 (1) in subsection (e), by striking “In deter-
9 mining the total number of general officers or flag
10 officers of an armed force on active duty for pur-
11 poses of this section, the following officers shall not
12 be counted:” in the matter preceding paragraph (1)
13 and inserting “The following officers shall not be
14 counted for purposes of this section:”; and

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

17 “(g) The limitations of this section do not apply to
18 a reserve component general or flag officer who is on ac-
19 tive duty and serving in a position that is a joint duty
20 assignment for the purposes of chapter 38 of this title for
21 a period not to exceed three years.”.

22 (d) CHANGE TO AUTHORIZED STRENGTHS.—Sub-
23 section (a) of section 526 of such title is amended—

24 (1) in paragraph (1), by striking “307” and in-
25 serting “230”;

1 (2) in paragraph (2), by striking “216” and in-
2 serting “160”;

3 (3) in paragraph (3), by striking “279” and in-
4 serting “208”; and

5 (4) in paragraph (4), by striking “81” and in-
6 serting “60”.

7 (e) CHANGES TO LIMITED EXCLUSION FOR JOINT
8 DUTY REQUIREMENTS.—Subsection (b) of such section is
9 amended—

10 (1) in paragraph (1)—

11 (A) by striking “Chairman of the Joint
12 Chiefs of Staff” and inserting “Secretary of
13 Defense”;

14 (B) by striking “65” and inserting “324”;
15 and

16 (C) by striking the second sentence and in-
17 serting the following new sentence: “The Sec-
18 retary of Defense shall allocate those exclusions
19 to the armed forces based on the number of
20 general or flag officers required from each
21 armed force for assignment to these designated
22 positions.”;

23 (2) by redesignating paragraph (2) as para-
24 graph (4); and

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

3 “(2) Unless the Secretary of Defense determines that
4 a lower number is in the best interest of the Department,
5 the minimum number of officers serving in positions des-
6 igned under paragraph (1) for each armed force shall
7 be as follows:

8 “(A) For the Army, 85.

9 “(B) For the Navy, 61.

10 “(C) For the Air Force, 76.

11 “(D) For the Marine Corps, 21.

12 “(3) The number excluded under paragraph (1) and
13 serving in positions designated under that paragraph—

14 “(A) in the grade of general or admiral may not
15 exceed 20;

16 “(B) in a grade above the grade of major gen-
17 eral or rear admiral may not exceed 68; and

18 “(C) in the grade of major general or rear ad-
19 miral may not exceed 144.”.

20 (f) OTHER AUTHORIZATION CLARIFICATIONS.—Such
21 section is further amended—

22 (1) in subsection (d), by adding at the end the
23 following new paragraph:

24 “(3) The limitations of this section do not apply to
25 a reserve component general or flag officer who is on ac-

1 tive duty and serving in a position that is a joint duty
2 assignment for the purposes of chapter 38 of this title for
3 a period not to exceed three years.”; and

4 (2) by adding at the end the following new sub-
5 sections:

6 “(g) TEMPORARY EXCLUSION FOR ASSIGNMENT TO
7 CERTAIN TEMPORARY BILLETS.—(1) The limitations in
8 subsection (a) and in section 525(a) of this title do not
9 apply to a general or flag officer assigned to a temporary
10 joint duty assignment designated by the Secretary of De-
11 fense.

12 “(2) A general or flag officer assigned to a temporary
13 joint duty assignment as described in paragraph (1) may
14 not be excluded under this subsection from the limitations
15 in subsection (a) for a period of longer than one year.

16 “(h) EXCLUSION OF OFFICERS DEPARTING FROM
17 JOINT DUTY ASSIGNMENTS.—The limitations in sub-
18 section (a) do not apply to an officer released from a joint
19 duty assignment, but only during the 60-day period begin-
20 ning on the date the officer departs the joint duty assign-
21 ment; except that the Secretary of Defense may authorize
22 the Secretary of a military department to extend the 60-
23 day by an additional 120 days, but no more than 3 officers
24 from each armed force may be on active duty who are ex-
25 cluded under this subsection.”.

1 (g) REPEAL OF LIMITATIONS ON GENERAL AND
2 FLAG OFFICER ACTIVITIES OUTSIDE THE OFFICER'S
3 OWN SERVICE.—

4 (1) REPEAL.—Section 721 of such title is re-
5 pealed.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of chapter 41 of such title is
8 amended by striking the item relating to section
9 721.

10 (h) REPEAL OF SUPERSEDED AUTHORITY.—Section
11 506 of the Duncan Hunter National Defense Authoriza-
12 tion Act for Fiscal Year 2009 (Public Law 110–417; 122
13 Stat. 4434; 10 U.S.C. 525 note) is repealed.

14 **SEC. 502. REVISIONS TO ANNUAL REPORT REQUIREMENT**
15 **ON JOINT OFFICER MANAGEMENT.**

16 Section 667 of title 10, United States Code, is
17 amended—

18 (1) in paragraph (1)(A), by striking “and their
19 education and experience”;

20 (2) by striking paragraph (3);

21 (3) by transferring subparagraph (B) of para-
22 graph (4) to the end of paragraph (1), redesignating
23 that subparagraph as subparagraph (C), aligning
24 that subparagraph with the margin of subparagraph

1 (B) of paragraph (1), and capitalizing the first word
2 of that subparagraph;

3 (4) by striking the remainder of paragraph (4),
4 as amended by paragraph (3) of this section;

5 (5) by redesignating paragraph (5) as para-
6 graph (3);

7 (6) by striking paragraph (6);

8 (7) by redesignating paragraphs (7) through
9 (11) as paragraphs (4) through (8), respectively;

10 (8) by redesignating paragraph (12) as para-
11 graph (9) and in that paragraph striking “each time
12 the” and all that follows and inserting “the principal
13 courses of instruction for Joint Professional Military
14 Education Level II, the number of officers grad-
15 uating from each of the following:

16 “(A) The Joint Forces Staff College.

17 “(B) The National Defense University.

18 “(C) Senior Service Schools.”; and

19 (9) by redesignating paragraph (13) as para-
20 graph (10).

21 **SEC. 503. GRADE OF LEGAL COUNSEL TO THE CHAIRMAN**
22 **OF THE JOINT CHIEFS OF STAFF.**

23 (a) IN GENERAL.—Section 156(c) of title 10, United
24 States Code, is amended by striking “, while so serving,
25 hold the” and inserting “be appointed in the regular”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) shall take effect on the date of the enact-
3 ment of this Act, and shall apply with respect to individ-
4 uals appointed as Legal Counsel to the Chairman of the
5 Joint Chiefs of Staff on or after that date.

6 **SEC. 504. CHIEF AND DEPUTY CHIEF OF CHAPLAINS OF**
7 **THE AIR FORCE.**

8 (a) IN GENERAL.—Chapter 805 of title 10, United
9 States Code, is amended by inserting after section 8038
10 the following new section:

11 **“§ 8039. Chief and Deputy Chief of Chaplains: ap-**
12 **pointment; duties**

13 “(a) CHIEF OF CHAPLAINS.—(1) There is a Chief of
14 Chaplains in the Air Force, who shall be appointed by the
15 President, by and with the advice and consent of the Sen-
16 ate, from active duty officers of the Air Force Chaplain
17 Corps serving in the grade of colonel or above who have
18 served on active duty as a chaplain for at least eight years.

19 “(2) An officer appointed as the Chief of Chaplains
20 shall be appointed for a term of three years. However, the
21 President may terminate or extend the appointment at
22 any time.

23 “(3) The Chief of Chaplains shall be appointed in the
24 regular grade of major general.

1 “(4) The Chief of Chaplains shall perform such du-
2 ties as may be prescribed by the Secretary of the Air Force
3 and by law.

4 “(b) DEPUTY CHIEF OF CHAPLAINS.—(1) There is
5 a Deputy Chief of Chaplains in the Air Force who shall
6 be appointed by the President by and with the advice and
7 consent of the Senate from active duty officers of the Air
8 Force Chaplain Corps serving in the grade of colonel who
9 have served on active duty as a chaplain for at least eight
10 years.

11 “(2) An officer appointed as the Deputy Chief of
12 Chaplains shall be appointed for a term of three years.
13 However, the President may terminate or extend the ap-
14 pointment at any time.

15 “(3) The Deputy Chief of Chaplains shall be ap-
16 pointed in the regular grade of brigadier general.

17 “(4) The Deputy Chief of Chaplains shall perform
18 such duties as may be prescribed by the Secretary of the
19 Air Force, the Chief of Chaplains, and by law.

20 “(c) SELECTION OF RECOMMENDED OFFICERS
21 THROUGH SELECTION BOARD PROCEDURES.—Under reg-
22 ulations approved by the Secretary of Defense, the Sec-
23 retary of the Air Force in selecting an officer for rec-
24 ommendation to the President under subsection (a) for ap-
25 pointment as the Chief of Chaplains or under subsection

1 (b) for appointment as the Deputy Chief of Chaplains
 2 shall ensure that the officer selected is recommended by
 3 a board of officers that, insofar as is practicable, is subject
 4 to the procedures applicable to selection boards convened
 5 under chapter 36 of this title.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
 7 at the beginning of chapter 805 of such title is amended
 8 by inserting after the item related to section 8038 the fol-
 9 lowing new item:

“8039. Chief and Deputy Chief of Chaplains: appointment; duties.”.

10 **Subtitle B—Reserve Component**
 11 **Management**

12 **SEC. 511. REPORT ON REQUIREMENTS OF THE NATIONAL**
 13 **GUARD FOR NON-DUAL STATUS TECHN-**
 14 **CIANS.**

15 (a) REPORT REQUIRED.—Not later than 180 days
 16 after the date of the enactment of this Act, the Secretary
 17 of Defense shall submit to the Committees on Armed Serv-
 18 ices of the Senate and House of Representatives a report
 19 setting forth the following:

20 (1) A description of the types of duties per-
 21 formed for the National Guard by non-dual status
 22 technicians.

23 (2) A description of the current requirements of
 24 the National Guard for non-dual status technicians.

1 (3) A description of various means of address-
2 ing any shortfalls in meeting such requirements, in-
3 cluding both temporary shortfalls and permanent
4 shortfalls.

5 (b) CONSIDERATIONS.—The report required by sub-
6 section (a) shall take into consideration the effects of the
7 mobilization of large numbers of National Guard military
8 technicians (dual status) on the readiness of National
9 Guard units in critically important areas and on the ca-
10 pacity of the National Guard to continue performing
11 home-based missions and responsibilities for the States.

12 **Subtitle C—Education and** 13 **Training**

14 **SEC. 521. GRADE OF COMMISSIONED OFFICERS IN UNI-** 15 **FORMED MEDICAL ACCESSION PROGRAMS.**

16 (a) MEDICAL STUDENTS OF USUHS.—Section
17 2114(b) of title 10, United States Code, is amended—

18 (1) in paragraph (1), by striking the second
19 sentence and inserting the following new sentences:
20 “Each medical student shall be appointed as a reg-
21 ular officer in the grade of second lieutenant or en-
22 sign. An officer so appointed may, upon meeting
23 such criteria for promotion as may be prescribed by
24 the Secretary concerned, be appointed in the regular
25 grade of first lieutenant or lieutenant (junior grade).

1 Medical students commissioned under this section
2 shall serve on active duty in their respective
3 grades.”; and

4 (2) in paragraph (2), by striking “grade of sec-
5 ond lieutenant or ensign” and inserting “grade in
6 which the member is serving under paragraph (1)”.

7 (b) PARTICIPANTS IN HEALTH PROFESSIONS SCHOL-
8 ARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—Section
9 2121(c) of such title is amended—

10 (1) in paragraph (1), by striking the second
11 sentence and inserting the following new sentences:
12 “Each person so commissioned shall be appointed as
13 a reserve officer in the grade of second lieutenant or
14 ensign. An officer so appointed may, upon meeting
15 such criteria for promotion as may be prescribed by
16 the Secretary concerned, be appointed in the reserve
17 grade of first lieutenant or lieutenant (junior grade).
18 Medical students commissioned under this section
19 shall serve on active duty in their respective grades
20 for a period of 45 days during each year of partici-
21 pation in the program.”; and

22 (2) in paragraph (2), by striking “grade of sec-
23 ond lieutenant or ensign” and inserting “grade in
24 which the member is serving under paragraph (1)”.

1 (c) OFFICERS DETAILED AS STUDENTS AT MEDICAL
 2 SCHOOLS.—Subsection (e) of section 2004a of such title
 3 is amended—

4 (1) in the subsection heading, by striking “AP-
 5 POINTMENT AND TREATMENT OF PRIOR ACTIVE
 6 SERVICE” and inserting “SERVICE ON ACTIVE
 7 DUTY”; and

8 (2) by striking paragraph (1) and inserting the
 9 following new paragraph (1):

10 “(1) A commissioned officer detailed under sub-
 11 section (a) shall serve on active duty, subject to the limita-
 12 tions on grade specified in section 2114(b)(1) of this title
 13 and with the entitlement to basic pay as specified in sec-
 14 tion 2114(b)(2) of this title.”.

15 **SEC. 522. EXPANSION OF CRITERIA FOR APPOINTMENT AS**
 16 **MEMBER OF THE BOARD OF REGENTS OF**
 17 **THE UNIFORMED SERVICES UNIVERSITY OF**
 18 **THE HEALTH SCIENCES.**

19 Section 2113a(b)(1) of title 10, United States Code,
 20 is amended by striking “health and health education” and
 21 inserting “health care, higher education administration,
 22 and public policy”.

1 **SEC. 523. DETAIL OF COMMISSIONED OFFICERS AS STU-**
2 **DENTS AT SCHOOLS OF PSYCHOLOGY.**

3 (a) IN GENERAL.—Chapter 101 of title 10, United
4 States Code, is amended by inserting after section 2004
5 the following new section:

6 **“§ 2004a. Detail of commissioned officers as students**
7 **at schools of psychology**

8 “(a) DETAIL AUTHORIZED.—The Secretary of each
9 military department may detail commissioned officers of
10 the armed forces as students at accredited schools of psy-
11 chology located in the United States for a period of train-
12 ing leading to the degree of Doctor of Philosophy in clin-
13 ical psychology. No more than 25 officers from each mili-
14 tary department may commence such training in any sin-
15 gle fiscal year.

16 “(b) ELIGIBILITY FOR DETAIL.—To be eligible for
17 detail under subsection (a), an officer must be a citizen
18 of the United States and must—

19 “(1) have served on active duty for a period of
20 not less than two years nor more than six years and
21 be in the pay grade 0–3 or below as of the time the
22 training is to begin; and

23 “(2) sign an agreement that unless sooner sepa-
24 rated the officer will—

25 “(A) complete the educational course of
26 psychological training;

1 “(B) accept transfer or detail as a commis-
2 sioned officer within the military department
3 concerned when the officer’s training is com-
4 pleted; and

5 “(C) agree to serve, following completion
6 of the officer’s training, on active duty (or on
7 active duty and in the Selected Reserve) for a
8 period as specified pursuant to subsection (c).

9 “(c) SERVICE OBLIGATION.—(1) Except as provided
10 in paragraph (2), the agreement of an officer under sub-
11 section (b) shall provide that the officer shall serve on ac-
12 tive duty for two years for each year or part thereof of
13 the officer’s training under subsection (a).

14 “(2) The agreement of an officer may authorize the
15 officer to serve a portion of the officer’s service obligation
16 on active duty and to complete the service obligation that
17 remains upon separation from active duty in the Selected
18 Reserve. Under any such agreement, an officer shall serve
19 three years in the Selected Reserve for each year or part
20 thereof of the officer’s training under subsection (a) for
21 any service obligation that was not completed before sepa-
22 ration from active duty.

23 “(d) SELECTION OF OFFICERS FOR DETAIL.—Offi-
24 cers detailed for training under subsection (a) shall be se-

1 lected on a competitive basis by the Secretary of the mili-
2 tary department concerned.

3 “(e) RELATION OF SERVICE OBLIGATIONS TO OTHER
4 SERVICE OBLIGATIONS.—Any service obligation incurred
5 by an officer under an agreement entered into under sub-
6 section (b) shall be in addition to any service obligation
7 incurred by the officer under any other provision of law
8 or agreement.

9 “(f) EXPENSES.—Expenses incident to the detail of
10 officers under this section shall be paid from any funds
11 appropriated for the military department concerned.

12 “(g) FAILURE TO COMPLETE PROGRAM.—(1) An of-
13 ficer who is dropped from a program of psychological
14 training to which detailed under subsection (a) for defi-
15 ciency in conduct or studies, or for other reasons, may
16 be required to perform active duty in an appropriate mili-
17 tary capacity in accordance with the active duty obligation
18 imposed on the officer under regulations issued by the
19 Secretary of Defense for purposes of this section.

20 “(2) In no case shall an officer be required to serve
21 on active duty under paragraph (1) for any period in ex-
22 cess of one year for each year or part thereof the officer
23 participated in the program.

24 “(h) LIMITATION ON DETAILS.—No agreement de-
25 tailing an officer of the armed forces to an accredited

1 school of psychology may be entered into during any pe-
 2 riod in which the President is authorized by law to induct
 3 persons into the armed forces involuntarily. Nothing in
 4 this subsection shall affect any agreement entered into
 5 during any period when the President is not authorized
 6 by law to so induct persons into the armed forces.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
 8 at the beginning of chapter 101 of such title is amended
 9 by inserting after the item relating to section 2004 the
 10 following new item:

“2004a. Detail of commissioned officers as students at schools of psychology.”.

11 **SEC. 524. AIR FORCE ACADEMY ATHLETIC ASSOCIATION.**

12 (a) IN GENERAL.—Chapter 903 of title 10, United
 13 States Code, is amended by inserting after section 9361
 14 the following new section:

15 **“§ 9362. Air Force Academy athletic programs sup-
 16 port**

17 “(a) ESTABLISHMENT AUTHORIZED.—

18 “(1) IN GENERAL.—The Secretary of the Air
 19 Force may, in accordance with the laws of the State
 20 of incorporation, establish a corporation to support
 21 the athletic programs of the Academy (in this sec-
 22 tion referred to as the ‘corporation’). All stock of the
 23 corporation shall be owned by the United States and
 24 held in the name of and voted by the Secretary of
 25 the Air Force.

1 “(2) PURPOSE.—The corporation shall operate
2 exclusively for charitable, educational, and civic pur-
3 poses to support the athletic programs of the Acad-
4 emy.

5 “(b) CORPORATE ORGANIZATION.—The corporation
6 shall be organized and operated—

7 “(1) as a nonprofit corporation under section
8 501(c)(3) of the Internal Revenue Code of 1986;

9 “(2) in accordance with this section; and

10 “(3) pursuant to the laws of the State of incor-
11 poration, its articles of incorporation, and its bylaws.

12 “(c) CORPORATE BOARD OF DIRECTORS.—

13 “(1) COMPENSATION.—The members of the
14 board of directors shall serve without compensation,
15 except for reasonable travel and other related ex-
16 penses for attendance at meetings.

17 “(2) AIR FORCE PERSONNEL.—The Secretary
18 of the Air Force may authorize military and civilian
19 personnel of the Air Force under section 1033 of
20 this title to serve, in their official capacities, as
21 members of the board of directors, but such per-
22 sonnel shall not hold more than one third of the di-
23 rectorships.

24 “(d) TRANSFER FROM NONAPPROPRIATED FUND
25 OPERATION.—The Secretary of the Air Force may, sub-

1 ject to the acceptance of the corporation, transfer to the
2 corporation all title to and ownership of the assets and
3 liabilities of the Air Force nonappropriated fund instru-
4 mentality whose functions include providing support for
5 the athletic programs of the Academy, including bank ac-
6 counts and financial reserves in its accounts, equipment,
7 supplies, and other personal property, but excluding any
8 interest in real property.

9 “(e) ACCEPTANCE OF GIFTS.—The Secretary of the
10 Air Force may accept from the corporation funds, sup-
11 plies, and services for the support of cadets and Academy
12 personnel during their participation in, or in support of,
13 Academy or corporate events related to the Academy ath-
14 letic programs.

15 “(f) LEASING.—The Secretary of the Air Force may,
16 in accordance with section 2667 of this title, lease real
17 and personal property to the corporation for purposes re-
18 lated to the Academy athletic programs. Money rentals re-
19 ceived from any such lease may be retained and spent by
20 the Secretary to support athletic programs of the Acad-
21 emy.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such chapter is amended by inserting
24 after the item relating to section 9361 the following new
25 item:

“9362. Air Force Academy athletic programs support.”.

1 **Subtitle D—Defense Dependents’**
2 **Education Matters**

3 **SEC. 531. CONTINUATION OF AUTHORITY TO ASSIST LOCAL**
4 **EDUCATIONAL AGENCIES THAT BENEFIT DE-**
5 **PENDENTS OF MEMBERS OF THE ARMED**
6 **FORCES AND DEPARTMENT OF DEFENSE CI-**
7 **VILIAN EMPLOYEES.**

8 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
9 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
10 amount authorized to be appropriated for fiscal year 2010
11 pursuant to section 301(a)(5) for operation and mainte-
12 nance for Defense-wide activities, \$30,000,000 shall be
13 available only for the purpose of providing assistance to
14 local educational agencies under subsection (a) of section
15 572 of the National Defense Authorization Act for Fiscal
16 Year 2006 (Public Law 109–163; 119 Stat. 3271; 20
17 U.S.C. 7703b).

18 (b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT
19 CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE
20 CHANGES, OR FORCE RELOCATIONS.—Of the amount au-
21 thorized to be appropriated for fiscal year 2010 pursuant
22 to section 301(5) for operation and maintenance for De-
23 fense-wide activities, \$10,000,000 shall be available only
24 for the purpose of providing assistance to local educational

1 agencies under subsection (b) of such section 572, as
2 amended by section 533 of this Act.

3 (c) LOCAL EDUCATIONAL AGENCY DEFINED.—In
4 this section, the term “local educational agency” has the
5 meaning given that term in section 8013(9) of the Ele-
6 mentary and Secondary Education Act of 1965 (20 U.S.C.
7 7713(9)).

8 **SEC. 532. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**
9 **ABILITIES.**

10 Of the amount authorized to be appropriated for fis-
11 cal year 2010 pursuant to section 301(a)(5) for operation
12 and maintenance for Defense-wide activities, \$5,000,000
13 shall be available for payments under section 363 of the
14 Floyd D. Spence National Defense Authorization Act for
15 Fiscal Year 2001 (as enacted into law by Public Law 106-
16 398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

17 **SEC. 533. TWO-YEAR EXTENSION OF AUTHORITY FOR AS-**
18 **SISTANCE TO LOCAL EDUCATIONAL AGEN-**
19 **CIES WITH ENROLLMENT CHANGES DUE TO**
20 **BASE CLOSURES, FORCE STRUCTURE**
21 **CHANGES, OR FORCE RELOCATIONS.**

22 Section 572(b)(4) of the National Defense Authoriza-
23 tion Act for Fiscal Year 2006 (Public Law 109–163; 119
24 Stat. 3271; 20 U.S.C. 7703b(b)(4)) is amended by strik-

1 ing “September 30, 2010” and inserting “September 30,
2 2012”.

3 **SEC. 534. PERMANENT AUTHORITY FOR ENROLLMENT IN**
4 **DEFENSE DEPENDENTS’ EDUCATION SYSTEM**
5 **OF DEPENDENTS OF FOREIGN MILITARY**
6 **MEMBERS ASSIGNED TO SUPREME HEAD-**
7 **QUARTERS ALLIED POWERS, EUROPE.**

8 (a) PERMANENT AUTHORITY.—Subsection (a)(2) of
9 section 1404A of the Defense Dependents’ Education Act
10 of 1978 (20 U.S.C. 923a) is amended by striking “, and
11 only through the 2010–2011 school year”.

12 (b) COMBATANT COMMANDER ADVICE AND ASSIST-
13 ANCE.—Subsection (c)(1) of such section is amended by
14 inserting after “Secretary” the following: “, with the ad-
15 vice and assistance of the commander of the geographic
16 combatant command with jurisdiction over Mons, Bel-
17 gium,”.

18 **SEC. 535. STUDY ON OPTIONS FOR EDUCATIONAL OPPOR-**
19 **TUNITIES FOR DEPENDENT CHILDREN OF**
20 **MEMBERS OF THE ARMED FORCES WHO DO**
21 **NOT ATTEND DEPARTMENT OF DEFENSE DE-**
22 **PENDENTS SCHOOLS.**

23 (a) STUDY ON OPTIONS FOR EDUCATIONAL OPPOR-
24 TUNITIES.—

1 (1) STUDY REQUIRED.—The Secretary of De-
2 fense shall, in consultation with the Secretary of
3 Education, conduct a study on options for edu-
4 cational opportunities that are, or may be, available
5 for dependent children of members of the Armed
6 Forces who do not attend Department of Defense
7 dependents' schools when the public elementary and
8 secondary schools attended by such children are de-
9 termined to be in need of improvement pursuant to
10 the No Child Left Behind Act of 2001 (Public Law
11 110–117).

12 (2) OPTIONS.—The options to be considered
13 under the study required by paragraph (1) shall in-
14 clude the following:

15 (A) Vouchers.

16 (B) Education provided by the Department
17 of Defense through the Internet.

18 (C) Charter schools.

19 (D) Such other options as the Secretary of
20 Defense, in consultation with the Secretary of
21 Education, considers appropriate for purposes
22 of the study.

23 (3) ELEMENTS.—The study required by para-
24 graph (1) shall address the following matters:

1 (A) The challenges faced by parents in
2 military families in securing quality elementary
3 and secondary education for their children when
4 the public elementary and secondary schools at-
5 tended by their children are identified as being
6 in need of improvement.

7 (B) The extent to which perceptions of dif-
8 fering degrees of quality in public elementary
9 and secondary schools in different regions of
10 the United States affect plans of military fami-
11 lies to relocate, including relocation pursuant to
12 a permanent change of duty station.

13 (C) The various reasons why military fami-
14 lies seek educational opportunities for their chil-
15 dren other than those available through local
16 public elementary and secondary schools.

17 (D) The current level of student achieve-
18 ment in public elementary and secondary
19 schools in school districts which have a high
20 percentage of students who are children of mili-
21 tary families.

22 (E) The educational needs of children of
23 military families who are required by location to
24 attend public elementary and secondary schools
25 identified as being in need of improvement.

1 (F) The value and impact of a school
2 voucher or other alternative educational pro-
3 gram for military families.

4 (G) The extent to which the options re-
5 ferred to in paragraph (2) would provide a
6 meaningful option for education for military
7 children when the public elementary and sec-
8 ondary schools attended by such children are
9 determined to be in need of improvement.

10 (H) The extent to which the options re-
11 ferred to in paragraph (2) would improve the
12 quality of education available for students with
13 special needs, including students with learning
14 disabilities and gifted students.

15 (I) Such other matters as the Secretary of
16 Defense, in consultation with the Secretary of
17 Education, considers appropriate for purposes
18 of the study.

19 (b) REPORT.—Not later than March 31, 2010, the
20 Secretary of Defense shall submit to the Committee on
21 Armed Services of the Senate and the Committee on
22 Armed Services of the House of Representatives a report
23 on the study required by subsection (b). The report shall
24 include the following:

25 (1) A description of the results of the study.

1 (2) Such recommendations for legislative or ad-
2 ministrative action as the Secretary of Defense con-
3 siders appropriate in light of the results of the
4 study.

5 **SEC. 536. SENSE OF SENATE ON THE INTERSTATE COM-**
6 **PACT ON EDUCATIONAL OPPORTUNITY FOR**
7 **MILITARY CHILDREN.**

8 (a) FINDINGS.—The Senate makes the following
9 findings:

10 (1) The incongruity in how States assess and
11 enroll transfer students creates challenges for the
12 moving military family and can, in some cases, be
13 detrimental to the higher education opportunities of
14 military children.

15 (2) The inability to transfer credits, maintain
16 the proper number of school-year hours, missing
17 exams, and other obstacles can make moving as a
18 military family difficult.

19 (3) The average military child moves six to nine
20 times between kindergarten and high school gradua-
21 tion, creating a variety of challenges and obstacles
22 related to permanent change of station moves.

23 (4) The demands and strains on members of
24 the Armed Forces and their families continue to in-
25 crease and will do so for the foreseeable future as

1 the United States continues overseas contingency op-
2 erations, and children and adolescents are acutely
3 vulnerable to family stresses caused by the high
4 operational tempo and may therefore be at a height-
5 ened risk for emotional distress.

6 (5) The routine of the school environment can
7 be a source of stability for military children as they
8 cope with the disruptive challenges caused by the de-
9 ployment of a parent or a relocation.

10 (b) SENSE OF SENATE.—It is the sense of the Senate
11 to—

12 (1) express strong support and commendation
13 for Alabama, Alaska, Arizona, Colorado, Con-
14 necticut, Delaware, Florida, Hawaii, Indiana, Iowa,
15 Kansas, Kentucky, Maryland, Michigan, Mississippi,
16 Missouri, Nevada, North Carolina, Oklahoma,
17 Texas, Virginia, and Washington as States that have
18 successfully enacted the Interstate Compact on Edu-
19 cational Opportunity for Military Children;

20 (2) express its strong support and encourage all
21 remaining States to enact the Interstate Compact on
22 Educational Opportunity for Military Children;

23 (3) recognize the importance of the components
24 of the Interstate Compact on Educational Oppor-
25 tunity for Military Children, including—

1 (A) the transfer of educational records to
2 expedite the proper enrollment and placement
3 of students;

4 (B) the ability of students to continue
5 their enrollment at a grade level in the receiving
6 State commensurate with their grade level from
7 the sending State;

8 (C) priority for attendance to children of
9 members of the Armed Forces assuming the
10 school district accepts transfer students;

11 (D) the ability of students to continue
12 their course placement, including but not lim-
13 ited to Honors, International Baccalaureate,
14 Advanced Placement, vocational, technical, and
15 career pathways courses;

16 (E) the recalculation of grades to consider
17 the weights offered by a receiving school for the
18 same performance in the same course when a
19 student transfers from one grading system to
20 another system (for example, number-based sys-
21 tem to letter-based system);

22 (F) the waiver of specific courses required
23 for graduation if similar course work has been
24 satisfactorily completed in another local edu-
25 cation agency or the provision of an alternative

1 means of acquiring required coursework so that
2 graduation may occur on time; and

3 (G) the recognition of an appointed guard-
4 ian as a custodial parent while the child's par-
5 ent or parents are deployed; and

6 (4) express strong support for States to develop
7 a State Council to provide for the coordination
8 among their agencies of government, local education
9 agencies, and military installations concerning the
10 participation of a State in the Interstate Compact
11 on Educational Opportunity for Military Children.

12 **SEC. 537. COMPTROLLER GENERAL AUDIT OF ASSISTANCE**
13 **TO LOCAL EDUCATIONAL AGENCIES FOR DE-**
14 **PENDENT CHILDREN OF MEMBERS OF THE**
15 **ARMED FORCES.**

16 (a) IN GENERAL.—The Comptroller General of the
17 United States shall conduct an audit of the utilization by
18 local educational agencies of the assistance specified in
19 subsection (b) provided to such agencies for fiscal years
20 2001 through 2009 for the education of dependent chil-
21 dren of members of the Armed Forces. The audit shall
22 include—

23 (1) an evaluation of the utilization of such as-
24 sistance by such agencies; and

1 (2) an assessment of the effectiveness of such
2 assistance in improving the quality of education pro-
3 vided to dependent children of members of the
4 Armed Forces.

5 (b) ASSISTANCE SPECIFIED.—The assistance speci-
6 fied in this subsection is—

7 (1) assistance provided under—

8 (A) section 572 the National Defense Au-
9 thorization Act for Fiscal Year 2006 (Public
10 Law 109–163; 119 Stat. 3271; 20 U.S.C.
11 7703b);

12 (B) section 559 of the Ronald W. Reagan
13 National Defense Authorization Act for Fiscal
14 Year 2005 (Public Law 108–375; 118 Stat.
15 1917);

16 (C) section 536 of the National Defense
17 Authorization Act for Fiscal Year 2004 (Public
18 Law 108–136; 117 Stat. 1474);

19 (D) section 341 of the Bob Stump Na-
20 tional Defense Authorization Act for Fiscal
21 Year 2003 (Public Law 107–314; 116 Stat.
22 2514);

23 (E) section 351 of the National Defense
24 Authorization Act for Fiscal Year 2002 (Public
25 Law 107–107; 115 Stat. 1063); or

1 (F) section 362 of the Floyd D. Spence
2 National Defense Authorization Act for Fiscal
3 Year 2001 (as enacted into law by Public Law
4 106–398; 114 Stat. 1654A–76); and

5 (2) payments made under section 363 of the
6 Floyd D. Spence National Defense Authorization
7 Act for Fiscal Year 2001 (as enacted into law by
8 Public Law 106–398; 114 Stat. 1654A–77; 20
9 U.S.C. 7703a).

10 (c) REPORT.—Not later than March 1, 2010, the
11 Comptroller General shall submit to the congressional de-
12 fense committees a report containing the results of the
13 audit required by subsection (a).

14 **SEC. 538. AUTHORITY TO EXTEND ELIGIBILITY FOR EN-**
15 **ROLLMENT IN DEPARTMENT OF DEFENSE EL-**
16 **EMENTARY AND SECONDARY SCHOOLS TO**
17 **CERTAIN ADDITIONAL CATEGORIES OF DE-**
18 **PENDENTS.**

19 Section 2164 of title 10, United States Code, is
20 amended by adding at the end the following new sub-
21 section:

22 “(j) TUITION-FREE ENROLLMENT OF DEPENDENTS
23 OF FOREIGN MILITARY PERSONNEL RESIDING ON DO-
24 MESTIC MILITARY INSTALLATIONS AND DEPENDENTS OF
25 CERTAIN DECEASED MEMBERS OF THE ARMED

1 FORCES.—(1) The Secretary may authorize the enroll-
2 ment in an education program provided by the Secretary
3 pursuant to subsection (a) of a dependent not otherwise
4 eligible for such enrollment who is the dependent of an
5 individual described in paragraph (2). Enrollment of such
6 a dependent shall be on a tuition-free basis.

7 “(2) An individual referred to in paragraph (1) is any
8 of the following:

9 “(A) A member of a foreign armed force resid-
10 ing on a military installation in the United States
11 (including territories, commonwealths, and posses-
12 sions of the United States).

13 “(B) A deceased member of the armed forces
14 who died in the line of duty in a combat-related op-
15 eration, as designated by the Secretary.”.

16 **Subtitle E—Military Justice and** 17 **Legal Assistance Matters**

18 **SEC. 541. INDEPENDENT REVIEW OF JUDGE ADVOCATE RE-** 19 **QUIREMENTS OF THE DEPARTMENT OF THE** 20 **NAVY.**

21 (a) INDEPENDENT PANEL FOR REVIEW.—

22 (1) ESTABLISHMENT.—There is hereby estab-
23 lished an independent panel to review the judge ad-
24 vocate requirements of the Department of the Navy.

1 (2) COMPOSITION.—The panel shall be com-
2 posed of five members, appointed by the Secretary
3 of Defense from among private United States citi-
4 zens who have expertise in law, military manpower
5 policies, the missions of the Navy and Marine Corps,
6 and the current responsibilities of Navy and Marine
7 Corps judge advocates in ensuring competent legal
8 representation and advice to commanders.

9 (3) CHAIR.—The chair of the panel shall be ap-
10 pointed by the Secretary from among the members
11 of the panel appointed under paragraph (2).

12 (4) PERIOD OF APPOINTMENT; VACANCIES.—
13 Members shall be appointed for the life of the panel.
14 Any vacancy in the panel shall be filled in the same
15 manner as the original appointment.

16 (5) MEETINGS.—The panel shall meet at the
17 call of the chair.

18 (6) DEADLINE FOR APPOINTMENTS.—All origi-
19 nal appointments to the panel shall be made not
20 later than April 1, 2010.

21 (7) FIRST MEETING.—The chair shall call the
22 first meeting of the panel not later than June 1,
23 2010.

24 (b) DUTIES.—

1 (1) IN GENERAL.—The panel established under
2 subsection (a) shall carry out a study of the policies
3 and management and organizational practices of the
4 Navy and Marine Corps with respect to the respon-
5 sibilities, assignment, and career development of
6 judge advocates for purposes of determining the
7 number of judge advocates required to fulfill the
8 legal mission of the Department of the Navy.

9 (2) REVIEW.—In carrying out the study re-
10 quired by paragraph (1), the panel shall—

11 (A) review the emergent operational law
12 requirements of the Navy and Marine Corps,
13 including requirements for judge advocates on
14 joint task forces, in support of rule of law ob-
15 jectives in Iraq and Afghanistan, and in oper-
16 ational units;

17 (B) review new requirements to support
18 the Office of Military Commissions and to sup-
19 port the disability evaluation system for mem-
20 bers of the Armed Forces;

21 (C) review the judge advocate requirements
22 of the Department of the Navy for the military
23 justice mission, including assignment policies,
24 training and education, increasing complexity of
25 court-martial litigation, and the performance of

1 the Navy and Marine Corps in providing legally
2 sufficient post-trial processing of cases in gen-
3 eral courts-martial and special courts-martial;

4 (D) review the role of the Judge Advocate
5 General of the Navy, as the senior uniformed
6 legal officer of the Department of the Navy, to
7 determine whether additional authority for the
8 Judge Advocate General over manpower policies
9 and assignments of judge advocates in the Navy
10 and Marine Corps is warranted;

11 (E) review directives issued by the Navy
12 and the Marine Corps pertaining to jointly-
13 shared missions requiring legal support;

14 (F) review career patterns for Marine
15 Corps judge advocates in order to identify and
16 validate assignments to nonlegal billets required
17 for professional development and promotion;
18 and

19 (G) review, evaluate, and assess such other
20 matters and materials as the panel considers
21 appropriate for purposes of the study.

22 (3) UTILIZATION OF OTHER STUDIES.—In car-
23 rying out the study required by paragraph (1), the
24 panel may review, and incorporate as appropriate,
25 the findings of applicable ongoing and completed

1 studies in future manpower requirements, including
2 the two-part study by CNA Analysis and Solutions
3 entitled “An Analysis of Navy JAG Corps Future
4 Manpower Requirements”.

5 (4) REPORT.—Not later than 120 days after its
6 first meeting under subsection (a)(7), the panel shall
7 submit to the Secretary of Defense and the Commit-
8 tees on Armed Services of the Senate and the House
9 of Representatives a report on the study. The report
10 shall include—

11 (A) the findings and conclusions of the
12 panel as a result of the study; and

13 (B) any recommendations for legislative or
14 administrative action that the panel considers
15 appropriate in light of the study.

16 (c) PERSONNEL MATTERS.—

17 (1) PAY OF MEMBERS.—(A) Members of the
18 panel established under subsection (a) shall serve
19 without pay by reason of their work on the panel.

20 (B) Section 1342 of title 31, United States
21 Code, shall not apply to the acceptance of services
22 of a member of the panel under this section.

23 (2) TRAVEL EXPENSES.—The members of the
24 panel shall be allowed travel expenses, including per
25 diem in lieu of subsistence, at rates authorized for

1 employees of agencies under subchapter I of chapter
2 57 of title 5, United States Code, while away from
3 their homes or regular places of business in the per-
4 formance or services for the panel.

5 **Subtitle F—Military Family**
6 **Readiness Matters**

7 **SEC. 551. ADDITIONAL MEMBERS ON THE DEPARTMENT OF**
8 **DEFENSE MILITARY FAMILY READINESS**
9 **COUNCIL.**

10 Section 1781a(b)(1) of title 10, United States Code,
11 is amended—

12 (1) by redesignating subparagraphs (C) and
13 (D) as subparagraphs (D) and (E), respectively;

14 (2) by inserting after subparagraph (B) the fol-
15 lowing new subparagraph (C):

16 “(C) In addition to the representatives ap-
17 pointed under subparagraph (B)—

18 “(i) one representative from the National
19 Guard, who shall be appointed by the Secretary
20 of Defense; and

21 “(ii) one representative from a reserve
22 component of the armed forces (other than the
23 National Guard), who shall be so appointed.”;
24 and

1 (3) in subparagraph (E), as redesignated by
2 paragraph (1), by striking “subparagraph (B)” and
3 inserting “subparagraphs (B) and (C)”.

4 **SEC. 552. COMPREHENSIVE PLAN ON PREVENTION, DIAG-**
5 **NOSIS, AND TREATMENT OF SUBSTANCE USE**
6 **DISORDERS AND DISPOSITION OF SUB-**
7 **STANCE ABUSE OFFENDERS IN THE ARMED**
8 **FORCES.**

9 (a) REVIEW AND ASSESSMENT OF CURRENT CAPA-
10 BILITIES.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date of the enactment of this Act, the Sec-
13 retary of Defense shall, in consultation with the Sec-
14 retaries of the military departments, conduct a com-
15 prehensive review of the following:

16 (A) The programs and activities of the De-
17 partment of Defense for the prevention, diag-
18 nosis, and treatment of substance use disorders
19 in members of the Armed Forces.

20 (B) The policies of the Department of De-
21 fense relating to the disposition of substance
22 abuse offenders in the Armed Forces, including
23 disciplinary action and administrative separa-
24 tion.

1 (2) ELEMENTS.—The review conducted under
2 paragraph (1) shall include, but not be limited to, an
3 assessment of each of the following:

4 (A) The current state and effectiveness of
5 the programs of the Department of Defense
6 and the military departments relating to the
7 prevention, diagnosis, and treatment of sub-
8 stance use disorders.

9 (B) The adequacy of the availability of and
10 access to care for substance abusers in military
11 medical treatment facilities and under the
12 TRICARE program.

13 (C) The adequacy of oversight by the De-
14 partment of Defense of programs relating to
15 the prevention, diagnosis, and treatment of sub-
16 stance abuse in members of the Armed Forces.

17 (D) The adequacy and appropriateness of
18 current credentials and other requirements for
19 healthcare professionals treating members of
20 the Armed Forces with substance use disorders.

21 (E) The advisable ratio of physician and
22 nonphysician care providers for substance use
23 disorders to members of the Armed Forces with
24 such disorders.

1 (F) The adequacy and appropriateness of
2 protocols and directives for the diagnosis and
3 treatment of substance use disorders in mem-
4 bers of the Armed Forces and for the disposi-
5 tion, including disciplinary action and adminis-
6 trative separation, of members of the Armed
7 Forces who abuse substances.

8 (G) The adequacy of the availability of and
9 access to care for substance use disorders for
10 members of the reserve components of the
11 Armed Forces, including an identification of
12 any obstacles that are unique to the prevention,
13 diagnosis, and treatment of substance use dis-
14 orders and the appropriate disposition of sub-
15 stance abuse offenders (including disciplinary
16 action and administrative separation) in mem-
17 bers of the reserve components of the Armed
18 Forces.

19 (H) The adequacy of the prevention, diag-
20 nosis, and treatment of substance use disorders
21 in family members of members of the Armed
22 Forces.

23 (I) Any gaps in the current capabilities of
24 the Department of Defense for the prevention,

1 diagnosis, and treatment of substance use dis-
2 orders in members of the Armed Forces.

3 (3) REPORT.—Not later than 180 days after
4 the date of the enactment of this Act, the Secretary
5 of Defense shall submit to the Committees on Armed
6 Services of the Senate and the House of Representa-
7 tives a report setting forth the findings and rec-
8 ommendations of the Secretary as a result of the re-
9 view conducted under paragraph (1). The report
10 shall—

11 (A) set forth the findings and rec-
12 ommendations of the Secretary regarding each
13 element of the review specified in paragraph
14 (2);

15 (B) set forth relevant statistics on the fre-
16 quency of substance use disorders, disciplinary
17 actions, and administrative separations for sub-
18 stance abuse in members of the regular compo-
19 nents of the Armed Forces, members of the re-
20 serve component of the Armed Forces, and to
21 the extent applicable, dependents of such mem-
22 bers (including spouses and children); and

23 (C) include such other findings and rec-
24 ommendations on improvements to the current
25 capabilities of the Department of Defense for

1 the prevention, diagnosis, and treatment of sub-
2 stance use disorders in members of the Armed
3 Forces and the policies relating to the disposi-
4 tion, including disciplinary action and adminis-
5 trative separation, of members of the Armed
6 Forces for substance abuse, as the Secretary
7 considers appropriate.

8 (b) PLAN FOR IMPROVEMENT AND ENHANCEMENT
9 OF PROGRAMS AND POLICIES.—

10 (1) PLAN REQUIRED.—Not later than 270 days
11 after the date of the enactment of this Act, the Sec-
12 retary of Defense shall submit to the congressional
13 defense committees a comprehensive plan for the im-
14 provement and enhancement of the following:

15 (A) The programs and activities of the De-
16 partment of Defense for the prevention, diag-
17 nosis, and treatment of substance use disorders
18 in members of the Armed Forces and their de-
19 pendent family members.

20 (B) The policies of the Department of De-
21 fense relating to the disposition of substance
22 abuse offenders in the Armed Forces, including
23 disciplinary action and administrative separa-
24 tion.

1 (2) BASIS.—The comprehensive plan required
2 by paragraph (1) shall take into account the fol-
3 lowing:

4 (A) The results of the review and assess-
5 ment conducted under subsection (a).

6 (B) Similar initiatives of the Secretary of
7 Veterans Affairs to expand and improve care
8 for substance use disorders among veterans, in-
9 cluding the programs and activities conducted
10 under title I of the Veterans' Mental Health
11 and Other Care Improvements Act of 2008
12 (Public Law 110–387; 112 Stat. 4112).

13 (3) COMPREHENSIVE STATEMENT OF POLICY.—
14 The comprehensive plan required by paragraph (1)
15 shall include a comprehensive statement of the fol-
16 lowing:

17 (A) The policy of the Department of De-
18 fense regarding the prevention, diagnosis, and
19 treatment of substance use disorders in mem-
20 bers of the Armed Forces and their dependent
21 family members.

22 (B) The policies of the Department of De-
23 fense relating to the disposition of substance
24 abuse offenders in the Armed Forces, including

1 disciplinary action and administrative separa-
2 tion.

3 (4) AVAILABILITY OF SERVICES AND TREAT-
4 MENT.—The comprehensive plan required by para-
5 graph (1) shall include mechanisms to ensure the
6 availability to members of the Armed Forces and
7 their dependent family members of a core of evi-
8 dence-based practices across the spectrum of medical
9 and non-medial services and treatments for sub-
10 stance use disorders.

11 (5) PREVENTION AND REDUCTION OF DIS-
12 ORDERS.—The comprehensive plan required by para-
13 graph (1) shall include mechanisms to facilitate the
14 prevention and reduction of substance use disorders
15 in members of the Armed Forces through science-
16 based initiatives, including education programs, for
17 members of the Armed Forces and their families.

18 (6) SPECIFIC INSTRUCTIONS.—The comprehen-
19 sive plan required by paragraph (1) shall include
20 each of the following:

21 (A) SUBSTANCES OF ABUSE.—Instructions
22 on the prevention, diagnosis, and treatment of
23 substance abuse in members of the Armed
24 Forces, including the abuse of alcohol, illicit

1 drugs, and nonmedical use and abuse of pre-
2 scription drugs.

3 (B) HEALTHCARE PROFESSIONALS.—In-
4 structions on—

5 (i) appropriate training of healthcare
6 professionals in the prevention, screening,
7 diagnosis, and treatment of substance use
8 disorders in members of the Armed Forces;

9 (ii) appropriate staffing levels for
10 healthcare professionals at military medical
11 treatment facilities for the prevention,
12 screening, diagnosis, and treatment of sub-
13 stance use disorders in members of the
14 Armed Forces; and

15 (iii) such uniform training and
16 credentialing requirements for physician
17 and nonphysician healthcare professionals
18 in the prevention, screening, diagnosis, and
19 treatment of substance use disorders in
20 members of the Armed Forces as the Sec-
21 retary considers appropriate.

22 (C) SERVICES FOR DEPENDENT FAMILY
23 MEMBERS.—Instructions on the availability of
24 services for substance use disorders for depend-
25 ent family members of members of the Armed

1 Forces, including instructions on making such
2 services available to such dependents to the
3 maximum extent practicable.

4 (D) RELATIONSHIP BETWEEN DISCIPLI-
5 NARY ACTION AND TREATMENT.—Policy on the
6 relationship between disciplinary actions and
7 administrative separation processing and pre-
8 vention and treatment of substance use dis-
9 orders in members of the Armed Forces.

10 (E) CONFIDENTIALITY.—Recommendations
11 regarding policies pertaining to confiden-
12 tiality for members of the Armed Forces in
13 seeking or receiving services or treatment for
14 substance use disorders.

15 (F) PARTICIPATION OF CHAIN OF COM-
16 MAND.—Policy on appropriate consultation, ref-
17 erence to, and involvement of the chain of com-
18 mand of members of the Armed Forces in mat-
19 ters relating to the diagnosis and treatment of
20 substance abuse and disposition of military
21 members who abuse substances.

22 (G) CONSIDERATION OF GENDER.—In-
23 structions on gender specific requirements, if
24 appropriate, in the prevention, diagnosis, treat-
25 ment, and management of substance use dis-

1 orders in members of the Armed Forces, includ-
2 ing gender specific care and treatment require-
3 ments.

4 (H) COORDINATION WITH OTHER
5 HEALTHCARE INITIATIVES.—Instructions on the
6 integration of efforts on the prevention, diag-
7 nosis, treatment, and management of substance
8 use disorders in members of the Armed Forces
9 with efforts to address co-occurring health care
10 disorders (such as post-traumatic stress dis-
11 order (PTSD) and depression) and suicide pre-
12 vention.

13 (7) OTHER ELEMENTS.—In addition to the
14 matters specified in paragraph (3), the comprehen-
15 sive plan required by paragraph (1) shall include the
16 following:

17 (A) IMPLEMENTATION PLAN.—An imple-
18 mentation plan for the achievement of the goals
19 of the comprehensive plan, including goals re-
20 lating to the following:

21 (i) Enhanced education of members of
22 the Armed Forces and their families re-
23 garding substance use disorders.

24 (ii) Enhanced and improved identi-
25 fication and diagnosis of substance use dis-

1 orders in members of the Armed Forces
2 and their families.

3 (iii) Enhanced and improved access of
4 members of the Armed Forces to services
5 and treatment for and management of sub-
6 stance use disorders.

7 (iv) Appropriate staffing of military
8 medical treatment facilities and other fa-
9 cilities for the treatment of substance use
10 disorders in members of the Armed Forces.

11 (B) BEST PRACTICES.—The incorporation
12 of evidence-based best practices utilized in cur-
13 rent military and civilian approaches to the pre-
14 vention, diagnosis, treatment, and management
15 of substance use disorders.

16 (C) AVAILABLE RESEARCH.—The incorpo-
17 ration of applicable results of available studies,
18 research, and academic reviews on the preven-
19 tion, diagnosis, treatment, and management of
20 substance use disorders.

21 (8) UPDATE IN LIGHT OF INDEPENDENT
22 STUDY.—Upon the completion of the study required
23 by subsection (c), the Secretary of Defense shall—

24 (A) in consultation with the Secretaries of
25 the military departments, make such modifica-

1 tions and improvements to the comprehensive
2 plan required by paragraph (1) as the Secretary
3 of Defense considers appropriate in light of the
4 findings and recommendations of the study; and

5 (B) submit to the congressional defense
6 committees a report setting forth the com-
7 prehensive plan as modified and improved
8 under subparagraph (A).

9 (c) INDEPENDENT REPORT ON SUBSTANCE USE DIS-
10 ORDERS PROGRAMS FOR MEMBERS OF THE ARMED
11 FORCES.—

12 (1) STUDY REQUIRED.—Upon completion of the
13 policy review required by subsection (a), the Sec-
14 retary of Defense shall provide for a study on sub-
15 stance use disorders programs for members of the
16 Armed Forces to be conducted by the Institute of
17 Medicine of the National Academies of Sciences or
18 such other independent entity as the Secretary shall
19 select for purposes of the study.

20 (2) ELEMENTS.—The study required by para-
21 graph (1) shall include a review and assessment of
22 the following:

23 (A) The adequacy and appropriateness of
24 protocols for the diagnosis, treatment, and

1 management of substance use disorders in
2 members of the Armed Forces.

3 (B) The adequacy of the availability of and
4 access to care for substance use disorders in
5 military medical treatment facilities and under
6 the TRICARE program.

7 (C) The adequacy and appropriateness of
8 current credentials and other requirements for
9 physician and non-physician healthcare profes-
10 sionals treating members of the Armed Forces
11 with substance use disorders.

12 (D) The advisable ratio of physician and
13 non-physician care providers for substance use
14 disorders to members of the Armed Forces with
15 such disorders.

16 (E) The adequacy of the availability of and
17 access to care for substance use disorders for
18 members of the reserve components of the
19 Armed Forces when compared with the avail-
20 ability of and access to care for substance use
21 disorders for members of the regular compo-
22 nents of the Armed Forces.

23 (F) The adequacy of the prevention, diag-
24 nosis, treatment, and management of substance
25 use disorder programs for dependent family

1 members of members of the Armed Forces,
2 whether such family members suffer from their
3 own substance use disorder or because of the
4 substance use disorder of a member of the
5 Armed Forces.

6 (G) Such other matters as the Secretary
7 considers appropriate for purposes of the study.

8 (3) REPORT.—Not later than two years after
9 the date of the enactment of this Act, the entity con-
10 ducting the study required by paragraph (1) shall
11 submit to the Secretary of Defense and the congress-
12 sional defense committees a report on the results of
13 the study. The report shall set forth the findings
14 and recommendations of the entity as a result of the
15 study.

16 **SEC. 553. MILITARY COMMUNITY SUPPORT FOR CHILDREN**
17 **WITH AUTISM AND THEIR FAMILIES.**

18 (a) POLICY ON MILITARY COMMUNITY SUPPORT RE-
19 QUIRED.—The Secretary of Defense shall develop and im-
20 plement a policy for the Department of Defense on the
21 support of military children with autism and their fami-
22 lies. The policy shall seek to establish and further an inte-
23 grated, family-centered approach to providing services to
24 military children with autism and their families by
25 leveraging the resources of local military communities and

1 local and national public and private entities devoted to
2 research and services for autism.

3 (b) PROGRAM ON SUPPORT.—

4 (1) PROGRAM REQUIRED.—In carrying out the
5 policy required by subsection (a), the Secretary shall
6 develop and carry out a program on support for
7 military children with autism and their families.

8 (2) ELEMENTS.—The program required by this
9 subsection shall provide for broad-based services, in-
10 cluding the following:

11 (A) Research.

12 (B) Early intervention.

13 (C) Evidence-based therapeutic and med-
14 ical services.

15 (D) Education and training on autism for
16 family members.

17 (E) Appropriate coordination with applica-
18 ble school programs.

19 (F) Vocational training for adolescent mili-
20 tary children with autism.

21 (G) Family counseling for families of mili-
22 tary children with autism.

23 (3) PILOT PROJECTS.—In carrying out the pro-
24 gram required by this subsection, the Secretary shall
25 conduct one or more pilot projects to assess the ef-

1 fectiveness of various approaches to developing and
2 enhancing integrated community support for mili-
3 tary children with autism, including adolescent mili-
4 tary children with autism, and their families uti-
5 lizing the program elements specified in paragraph
6 (2).

7 (4) CONSULTATION.—For purposes of carrying
8 out the requirements of this subsection, the Sec-
9 retary shall establish a partnership with one or more
10 entities (whether public or private) that provide serv-
11 ices or support for, or conduct research on, individ-
12 uals with autism spectrum disorder and their fami-
13 lies.

14 (c) REPORTS.—

15 (1) INITIAL REPORT.—Not later than 60 days
16 after the date of the enactment of this Act, the Sec-
17 retary shall submit to the congressional defense com-
18 mittees a report setting forth the actions the Sec-
19 retary proposes to take to carry out this section and
20 a proposed schedule for the taking of such actions.

21 (2) PILOT PROJECTS.—Not later than 60 days
22 after the date of the completion of the pilot project
23 or projects conducted under subsection (b)(3), the
24 Secretary shall submit to the congressional defense
25 committees a report on the pilot project or projects.

1 The report shall include a description of the pilot
2 project or projects, an assessment of the lessons
3 learned from the pilot project or projects, and a dis-
4 cussion of the manner in which the lessons so
5 learned shall be integrated into the policy required
6 by subsection (a) and the program required by sub-
7 section (b).

8 (d) FUNDING.—Of the amount authorized to be ap-
9 propriated for fiscal year 2010 pursuant to section
10 301(a)(5) for operation and maintenance, Defense-wide
11 activities, \$5,000,000 may be available to carry out this
12 section.

13 (e) MILITARY CHILDREN WITH AUTISM DEFINED.—
14 In this section, the term “military children with autism”
15 means dependent children of members of the Armed
16 Forces with autism spectrum disorder.

17 **SEC. 554. REPORTS ON EFFECTS OF DEPLOYMENTS ON**
18 **MILITARY CHILDREN AND THE AVAILABILITY**
19 **OF MENTAL HEALTH CARE AND COUNSELING**
20 **SERVICES FOR MILITARY CHILDREN.**

21 (a) IMPACT OF DEPLOYMENTS OF MILITARY PAR-
22 ENTS ON MILITARY CHILDREN.—

23 (1) IN GENERAL.—The Secretary of Defense
24 shall undertake a comprehensive assessment of the
25 impacts of military deployment on dependent chil-

1 dren of members of the Armed Forces. The assess-
2 ment shall separately address each of the categories
3 of such children as follows:

4 (A) Preschool-age children.

5 (B) Elementary-school age children.

6 (C) Teenage or adolescent children.

7 (2) ELEMENTS.—The assessment undertaken
8 under paragraph (1) shall include an assessment of
9 the following:

10 (A) The impact that separation due to the
11 deployment of a military parent or parents has
12 on children.

13 (B) The impact that multiple deployments
14 of a military parent or parents have on chil-
15 dren.

16 (C) The impact that the return from de-
17 ployment of a severely wounded or injured mili-
18 tary parent or parents has on children.

19 (D) The impact that the death of a mili-
20 tary parent or parents in connection with a de-
21 ployment has on children.

22 (E) The impact that deployment of a mili-
23 tary parent or parents has on children with pre-
24 existing psychological conditions, such as anx-
25 iety and depression.

1 (F) The impact that deployment of a mili-
2 tary parent or parents has on risk factors such
3 as child abuse, child neglect, family violence,
4 substance abuse by children, or parental sub-
5 stance abuse.

6 (G) Such other matters as the Secretary
7 considers appropriate.

8 (3) REPORT.—Not later than one year after the
9 date of the enactment of this Act, the Secretary
10 shall submit to the Committees on Armed Services
11 of the Senate and the House of Representatives a
12 report on the assessment undertaken under para-
13 graph (1), including the findings and recommenda-
14 tions of the Secretary as a result of the assessment.

15 (b) MENTAL HEALTH CARE AND COUNSELING SERV-
16 ICES AVAILABLE TO MILITARY CHILDREN.—

17 (1) IN GENERAL.—The Secretary of Defense
18 shall conduct a comprehensive review of the mental
19 health care and counseling services available to de-
20 pendent children of members of the Armed Forces
21 through the Department of Defense.

22 (2) ELEMENTS.—The review under paragraph
23 (1) shall include an assessment of the following:

24 (A) The availability, quality, and effective-
25 ness of Department of Defense programs in-

1 tended to meet the mental health care needs of
2 military children.

3 (B) The availability, quality, and effective-
4 ness of Department of Defense programs in-
5 tended to promote resiliency in military children
6 in coping with deployment cycles, injury, or
7 death in military parents.

8 (C) The extent of access to, adequacy, and
9 availability of mental health care and coun-
10 seling services for military children in military
11 medical treatment facilities, in family assistance
12 centers, through Military OneSource, under the
13 TRICARE program, and in Department of De-
14 fense dependents' schools.

15 (D) Whether the status of a member of the
16 Armed Forces on active duty, or in reserve ac-
17 tive status, affects the access of a military child
18 to mental health care and counseling services.

19 (E) Whether, and to what extent, waiting
20 lists, geographic distance, and other factors
21 may obstruct the receipt by military children of
22 mental health care and counseling services.

23 (F) The extent of access to, availability,
24 and viability of specialized mental health care
25 for military children (including adolescents).

1 (G) The extent of any gaps in the current
2 capabilities of the Department of Defense to
3 provide preventive mental health services for
4 military children.

5 (H) Such other matters as the Secretary
6 considers appropriate.

7 (3) REPORT.—Not later than one year after the
8 date of the enactment of this Act, the Secretary
9 shall submit to the Committees on Armed Services
10 of the Senate and the House of Representatives a
11 report on the review conducted under paragraph (1),
12 including the findings and recommendations of the
13 Secretary as a result of the review.

14 (4) COMPREHENSIVE PLAN FOR IMPROVEMENTS
15 IN ACCESS TO CARE AND COUNSELING.—The Sec-
16 retary shall develop a comprehensive plan for im-
17 provements in access to quality mental health care
18 and counseling services for military children in order
19 to develop and promote psychological health and re-
20 silience in children of deploying and deployed mem-
21 bers of the Armed Forces. The information in the
22 report required by paragraph (3) shall provide the
23 basis for the development of the plan.

1 **SEC. 555. REPORT ON CHILD CUSTODY LITIGATION IN-**
2 **VOLVING SERVICE OF MEMBERS OF THE**
3 **ARMED FORCES.**

4 (a) **REPORT REQUIRED.**—Not later than June 1,
5 2010, the Secretary of Defense shall submit to the Com-
6 mittees on Armed Services of the Senate and the House
7 of Representatives a report on all known reported cases
8 since September 2003 involving child custody disputes in
9 which the service of a member of the Armed Forces,
10 whether a member of a regular component of the Armed
11 Forces or a member of a reserve component of the Armed
12 Forces, was an issue in the custody dispute.

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

15 (1) A statement of the total number of cases,
16 by Armed Force, in which members of the Armed
17 Forces have lost custody of a child as a result of de-
18 ployment, or the prospect of deployment, under mili-
19 tary orders.

20 (2) A summary of applicable Federal law per-
21 taining to child custody disputes involving members
22 of the Armed Forces.

23 (3) An analysis of the litigation history of all
24 available reported cases involving child custody dis-
25 putes in which the deployment of a member of the
26 Armed Forces was an issue in the dispute, and a

1 discussion of the rationale presented by deciding
2 judges and courts of the reasons for their rulings.

3 (4) An assessment of the nature and extent of
4 the problem, if any, for members of the Armed
5 Forces who are custodial parents in being able to de-
6 ploy and perform their operational mission while
7 continuing to fulfill their role as parents with sole or
8 joint custody of minor children.

9 (5) A discussion of measures being taken by the
10 States, or which are under consideration by State
11 legislatures, to address matters relating to child cus-
12 tody disputes in which one of the parties is a mem-
13 ber of the Armed Forces, and an assessment wheth-
14 er State legislatures and State courts are cognizant
15 of issues involving members of the Armed Forces
16 with minor children.

17 (6) A discussion of Family Care Plan policies
18 aimed at ensuring that appropriate measures are
19 taken by members of the Armed Forces to avoid liti-
20 gation in child custody disputes.

21 (7) Such recommendations as the Secretary
22 considers appropriate regarding how best to assist
23 members of the Armed Forces who are single, custo-
24 dial parents with respect to child custody disputes in
25 connection with the performance of military duties,

1 including the need for legislative or administrative
2 action to provide such assistance.

3 (8) Such other recommendations for legislative
4 or administrative action as the Secretary considers
5 appropriate.

6 **SEC. 556. SENSE OF SENATE ON PREPARATION AND CO-**
7 **ORDINATION OF FAMILY CARE PLANS.**

8 (a) FINDINGS.—The Senate makes the following
9 findings:

10 (1) Family Care Plans provide a military tool
11 to document the plan by which members of the
12 Armed Forces provide for the care of their family
13 members when military duties prevent members of
14 the Armed Forces from doing so themselves. Prop-
15 erly prepared Family Care Plans are essential to
16 military readiness. Minimizing the strain on mem-
17 bers of the Armed Forces of unresolved, challenged,
18 or voided child custody arrangements arising during
19 deployments or temporary duty directly contributes
20 to the national defense by enabling members of the
21 Armed Forces to devote their entire energy to their
22 military mission and duties.

23 (2) When Family Care Plans are properly pre-
24 pared and coordinated with all affected parties, the
25 legal difficulties that may otherwise arise in the ab-

1 sence of the military custodial parent often can be
2 minimized, if not eliminated.

3 (b) SENSE OF SENATE.—It is the sense of the Senate
4 that—

5 (1) the responsibility for establishing workable
6 and legally supportable Family Care Plans lies with
7 the members of the Armed Forces;

8 (2) notwithstanding that responsibility, com-
9 manders should—

10 (A) ensure that the members of their com-
11 mand fully understand the purpose of the Fam-
12 ily Care Plan and its limitations, including the
13 overriding authority of State courts to deter-
14 mine child custody arrangements notwith-
15 standing a Family Care Plan;

16 (B) understand and emphasize to their
17 members that failure to involve, or at least in-
18 form, the non-custodial parent of custody ar-
19 rangements in anticipation of an absence can
20 undermine the Family Care Plan or even render
21 it useless, in such cases; and

22 (C) apprise their members of the risks de-
23 scribed in subparagraph (B), and strongly en-
24 courage them to seek legal assistance, as far in
25 advance of actual absences as practicable;

1 (3) the Secretary of Defense, and the Secretary
2 of Homeland Security with respect to matters con-
3 cerning the Coast Guard when it is not operating as
4 a service in the Navy, should ensure that members
5 of the Armed Forces update their Family Care
6 Plans and emphasize—

7 (A) the importance of prior planning;

8 (B) that Family Care Plans are necessary
9 not only for the single parent and for the dual
10 military couple but also for a married member
11 of the Armed Forces who has custody of a child
12 pursuant to a court order or separation agree-
13 ment or who has custody of a child whose other
14 parent is not the current spouse of the member;

15 (C) that in spite of how important Family
16 Care Plans are to readiness, they are not legal
17 documents that can change a court-mandated
18 custodial arrangement or interfere with the
19 other parent's right to custody of his or her
20 child;

21 (D) that, to the greatest extent possible, a
22 member of the Armed Forces should inform the
23 other parent of the member's impending ab-
24 sence due to military orders if such absence
25 prohibits the member from fulfilling the mem-

1 ber's custody responsibilities and inform that
2 other parent of the Family Care Plan;

3 (E) that a member of the Armed Forces
4 should attempt to obtain the consent of the
5 non-custodial or adoptive parent to any Family
6 Care Plan that would leave the child in the care
7 of a third party; and

8 (F) that if a member of the Armed Forces
9 cannot or will not contact the non-custodial
10 parent or cannot obtain that parent's consent
11 to the Family Care Plan, the commander of the
12 member should—

13 (i) counsel the member about the im-
14 plications; and

15 (ii) encourage in the strongest pos-
16 sible terms that the member seek imme-
17 diate help from a legal assistance attorney
18 or other qualified legal counsel; and

19 (4) attorneys providing legal assistance as de-
20 scribed in paragraph (3)(F)(ii) should provide mem-
21 bers of the Armed Forces a full explanation of the
22 dangers of not involving the non-custodial parent
23 and discuss appropriate courses of action.

1 **SEC. 557. EXPANSION OF SUICIDE PREVENTION AND COM-**
2 **MUNITY HEALING AND RESPONSE TRAINING**
3 **UNDER THE YELLOW RIBBON REINTEGRA-**
4 **TION PROGRAM.**

5 Section 582 of the National Defense Authorization
6 Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C.
7 10101 note) is amended—

8 (1) in subsection (h)—

9 (A) by striking paragraph (3); and

10 (B) by redesignating paragraphs (4)
11 through (15) as paragraphs (3) through (14),
12 respectively; and

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

15 “(i) SUICIDE PREVENTION AND COMMUNITY HEAL-
16 ING AND RESPONSE PROGRAM.—

17 “(1) ESTABLISHMENT.—As part of the Yellow
18 Ribbon Reintegration Program, the Office for Re-
19 integration Programs shall establish a program to
20 provide National Guard and Reserve members and
21 their families, and in coordination with community
22 programs, assist the communities, with training in
23 suicide prevention and community healing and re-
24 sponse to suicide.

1 “(2) DESIGN.—In establishing the program
2 under paragraph (1), the Office for Reintegration
3 Programs shall consult with—

4 “(A) persons that have experience and ex-
5 pertise with combining military and civilian
6 intervention strategies that reduce risk and pro-
7 mote healing after a suicide attempt or suicide
8 death for National Guard and Reserve mem-
9 bers; and

10 “(B) the adjutant general of each State,
11 the Commonwealth of Puerto Rico, the District
12 of Columbia, Guam, and the Virgin Islands.

13 “(3) OPERATION.—

14 “(A) SUICIDE PREVENTION TRAINING.—
15 The Office for Reintegration Programs shall
16 provide National Guard and Reserve members
17 with training in suicide prevention. Such train-
18 ing shall include—

19 “(i) describing the warning signs for
20 suicide and teaching effective strategies for
21 prevention and intervention;

22 “(ii) examining the influence of mili-
23 tary culture on risk and protective factors
24 for suicide; and

1 “(iii) engaging in interactive case sce-
2 narios and role plays to practice effective
3 intervention strategies.

4 “(B) COMMUNITY HEALING AND RE-
5 SPONSE TRAINING.—The Office for Reintegra-
6 tion Programs shall provide the families and
7 communities of National Guard and Reserve
8 members with training in responses to suicide
9 that promote individual and community healing.
10 Such training shall include—

11 “(i) enhancing collaboration among
12 community members and local service pro-
13 viders to create an integrated, coordinated
14 community response to suicide;

15 “(ii) communicating best practices for
16 preventing suicide, including safe mes-
17 saging, appropriate memorial services, and
18 media guidelines;

19 “(iii) addressing the impact of suicide
20 on the military and the larger community,
21 and the increased risk that can result; and

22 “(iv) managing resources to assist key
23 community and military service providers
24 in helping the families, friends, and fellow

1 soldiers of a suicide victim through the
2 processes of grieving and healing.

3 “(C) COLLABORATION WITH CENTERS OF
4 EXCELLENCE.—The Office for Reintegration
5 Programs, in consultation with the Defense
6 Centers of Excellence for Psychological Health
7 and Traumatic Brain Injury, shall collect and
8 analyze ‘lessons learned’ and suggestions from
9 State National Guard and Reserve organiza-
10 tions with existing or developing suicide preven-
11 tion and community response programs.

12 “(4) TERMINATION.—The program established
13 under this subsection shall terminate on October 1,
14 2012.”.

15 **SEC. 558. REPORT ON YELLOW RIBBON REINTEGRATION**
16 **PROGRAM.**

17 (a) REPORT REQUIRED.—Not later than 180 days
18 after the date of the enactment of this Act, the Secretary
19 of Defense shall submit to the congressional defense com-
20 mittees a report on the various reintegration programs
21 being administered in support of National Guard and Re-
22 serve members and their families.

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

1 (1) An evaluation of the initial implementation
2 of the Yellow Ribbon Reintegration Program in fis-
3 cal year 2009, including an assessment of the best
4 practices from pilot programs offered by various
5 States to provide supplemental services to Yellow
6 Ribbon and the feasibility of incorporating those
7 practices into Yellow Ribbon.

8 (2) An assessment of the extent to which Yellow
9 Ribbon funding, although requested in multiple com-
10 ponent accounts, supports robust joint programs
11 that provide reintegration and support services to
12 National Guard and Reserve members and their
13 families regardless of military affiliation.

14 (3) An assessment of the extent to which Yellow
15 Ribbon programs are coordinating closely with the
16 Department of Veterans Affairs and its various vet-
17 erans' programs.

18 (4) Plans for further implementation of the Yel-
19 low Ribbon Reintegration Program in fiscal year
20 2010.

1 **SEC. 559. IMPROVED ACCESS TO MENTAL HEALTH CARE**
2 **FOR FAMILY MEMBERS OF MEMBERS OF THE**
3 **NATIONAL GUARD AND RESERVE WHO ARE**
4 **DEPLOYED OVERSEAS.**

5 (a) INITIATIVE TO INCREASE ACCESS TO MENTAL
6 HEALTH CARE.—

7 (1) IN GENERAL.—The Secretary of Defense
8 shall develop and implement a plan to expand exist-
9 ing initiatives of the Department of Defense to in-
10 crease access to mental health care for family mem-
11 bers of members of the National Guard and Reserve
12 deployed overseas during the periods of mobilization,
13 deployment, and demobilization of such members of
14 the National Guard and Reserve.

15 (2) ELEMENTS.—The plan required by para-
16 graph (1) shall include the following:

17 (A) Programs and activities to educate
18 family members of members of the National
19 Guard and Reserve who are deployed overseas
20 on potential mental health challenges connected
21 with such deployment.

22 (B) Programs and activities to provide
23 such family members with complete information
24 on all mental health resources available to such
25 family members through the Department of De-
26 fense and otherwise.

1 (C) Efforts to expand counseling activities
2 for such family members in local communities.

3 (b) REPORTS.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, and at
6 such times thereafter as the Secretary of Defense
7 considers appropriate, the Secretary of Defense shall
8 submit to the Committees on Armed Services of the
9 Senate and the House of Representatives a report on
10 this section.

11 (2) ELEMENTS.—Each report shall include the
12 following:

13 (A) A current assessment of the extent to
14 which family members of members of the Na-
15 tional Guard and Reserve who are deployed
16 overseas have access to, and are utilizing, men-
17 tal health care available under this section.

18 (B) A current assessment of the quality of
19 mental health care being provided to family
20 members of members of the National Guard
21 and Reserve who are deployed overseas, and an
22 assessment of expanding coverage for mental
23 health care services under the TRICARE pro-
24 gram to mental health care services provided at

1 facilities currently outside the network of the
2 TRICARE program.

3 (C) Such recommendations for legislative
4 or administration action as the Secretary con-
5 siders appropriate in order to further assure
6 full access to mental health care by family
7 members of members of the National Guard
8 and Reserve who are deployed overseas during
9 the mobilization, deployment, and demobiliza-
10 tion of such members of the National Guard
11 and Reserve.

12 **SEC. 560. FULL ACCESS TO MENTAL HEALTH CARE FOR**
13 **FAMILY MEMBERS OF MEMBERS OF THE NA-**
14 **TIONAL GUARD AND RESERVE WHO ARE DE-**
15 **PLOYED OVERSEAS.**

16 (a) EXPANDED INITIATIVE TO INCREASE ACCESS TO
17 MENTAL HEALTH CARE.—

18 (1) IN GENERAL.—The Secretary of Defense
19 shall expand existing Department of Defense initia-
20 tives to increase access to mental health care for
21 family members of members of the National Guard
22 and Reserve deployed overseas during the periods of
23 mobilization, deployment, and demobilization of such
24 members of the National Guard and Reserve.

1 (2) ELEMENTS.—The expanded initiatives,
2 which shall build upon and be consistent with ongoing
3 efforts, shall include the following:

4 (A) Programs and activities to educate the
5 family members of members of the National
6 Guard and Reserve who are deployed overseas
7 on potential mental health challenges connected
8 with such deployment.

9 (B) Programs and activities to provide
10 such family members with complete information
11 on all mental health resources available to such
12 family members through the Department of De-
13 fense and otherwise.

14 (C) Guidelines for mental health counselors
15 at military installations in communities with
16 large numbers of mobilized members of the Na-
17 tional Guard and Reserve to expand the reach
18 of their counseling activities to include families
19 of such members in such communities.

20 (b) REPORTS.—

21 (1) IN GENERAL.—Not later than 180 days
22 after the date of the enactment of this Act, and at
23 such times as the Secretary deems appropriate
24 thereafter, the Secretary of Defense shall submit to
25 the Committees on Armed Services of the Senate

1 and the House of Representatives a report on this
2 section.

3 (2) ELEMENTS.—Each report shall include the
4 following:

5 (A) A current assessment of the extent to
6 which family members of members of the Na-
7 tional Guard and Reserve who are deployed
8 overseas have access to, and are utilizing, men-
9 tal health care available under this section.

10 (B) A current assessment of the quality of
11 mental health care being provided to family
12 members of members of the National Guard
13 and Reserve who are deployed overseas, and an
14 assessment of expanding coverage for mental
15 health care services under the TRICARE pro-
16 gram to mental health care services provided at
17 facilities currently outside the accredited net-
18 work of the TRICARE program.

19 (C) Such recommendations for legislative
20 or administration action as the Secretary con-
21 siders appropriate in order to further assure
22 full access to mental health care by family
23 members of members of the National Guard
24 and Reserve who are deployed overseas during
25 the mobilization, deployment, and demobiliza-

1 tion of such members of the National Guard
2 and Reserve.

3 **SEC. 561. COMPTROLLER GENERAL REPORT ON CHILD**
4 **CARE ASSISTANCE FOR DEPLOYED MEMBERS**
5 **OF THE RESERVE COMPONENTS OF THE**
6 **ARMED FORCES.**

7 (a) IN GENERAL.—Not later than 18 months after
8 the date of the enactment of this Act, the Comptroller
9 General of the United States shall submit to the Commit-
10 tees on Armed Services of the Senate and the House of
11 Representative a report on financial assistance for child
12 care provided by the Department of Defense, including
13 through the Operation: Military Child Care and Military
14 Child Care in Your Neighborhood programs, to members
15 of the reserve components of the Armed Forces who are
16 deployed in connection with a contingency operation.

17 (b) ELEMENTS.—The report required by subsection
18 (a) shall include an assessment of the following:

19 (1) The types of financial assistance for child
20 care made available by the Department of Defense
21 to members of the reserve components of the Armed
22 Forces who are deployed in connection with a con-
23 tingency operation.

1 (2) The extent to which such members have
2 taken advantage of such assistance since such assist-
3 ance was first made available.

4 (3) The formulas used for calculating the
5 amount of such assistance provided to such mem-
6 bers.

7 (4) The funding allocated to such assistance.

8 (5) The remaining costs of child care to families
9 of such members that are not covered by the De-
10 partment of Defense.

11 (6) Any barriers to access to such assistance
12 faced by such members and the families of such
13 members.

14 (7) The different criteria used by different
15 States with respect to the regulation of child care
16 services and the potential impact differences in such
17 criteria may have on the access of such members to
18 such assistance.

19 (8) The different standards and criteria used by
20 different programs of the Department of Defense for
21 providing such assistance with respect to child care
22 providers and the potential impact differences in
23 such standards and criteria may have on the access
24 of such members to such assistance.

1 (9) Any other matters the Comptroller General
 2 determines relevant to the improvement of financial
 3 assistance for child care made available by the De-
 4 partment of Defense to members of the reserve com-
 5 ponents of the Armed Forces who are deployed in
 6 connection with a contingency operation.

7 **Subtitle G—Other Matters**

8 **SEC. 571. DEADLINE FOR REPORT ON SEXUAL ASSAULT IN** 9 **THE ARMED FORCES BY DEFENSE TASK** 10 **FORCE ON SEXUAL ASSAULT IN THE MILI-** 11 **TARY SERVICES.**

12 Section 576(e)(1) of the Ronald W. Reagan National
 13 Defense Authorization Act for Fiscal Year 2005 (Public
 14 Law 108–375; 118 Stat. 1924; 10 U.S.C. 4331 note) is
 15 amended by striking “one year after the initiation of its
 16 examination under subsection (b)” and inserting “Decem-
 17 ber 1, 2009”.

18 **SEC. 572. CLARIFICATION OF PERFORMANCE POLICIES** 19 **FOR MILITARY MUSICAL UNITS AND MUSI-** 20 **CIANS.**

21 (a) CLARIFICATION.—Section 974 of title 10, United
 22 States Code, is amended to read as follows:

1 **“§ 974. Military musical units and musicians: per-**
2 **formance policies; restriction on perform-**
3 **ance in competition with local civilian**
4 **musicians**

5 “(a) MILITARY MUSICIANS PERFORMING IN AN OF-
6 FICIAL CAPACITY.—(1) A military musical unit, and a
7 member of the armed forces who is a member of such a
8 unit performing in an official capacity, may not engage
9 in the performance of music in competition with local civil-
10 ian musicians.

11 “(2) For purposes of paragraph (1), the following
12 shall, except as provided in paragraph (3), be included
13 among the performances that are considered to be a per-
14 formance of music in competition with local civilian musi-
15 cians:

16 “(A) A performance that is more than inci-
17 dental to an event that—

18 “(i) is not supported, in whole or in part,
19 by United States Government funds; and

20 “(ii) is not free to the public.

21 “(B) A performance of background, dinner,
22 dance, or other social music at an event that—

23 “(i) is not supported, in whole or in part,
24 by United States Government funds; and

25 “(ii) is held at a location not on a military
26 installation.

1 “(3) For purposes of paragraph (1), the following
2 shall not be considered to be a performance of music in
3 competition with local civilian musicians:

4 “(A) A performance (including background,
5 dinner, dance, or other social music) at an official
6 United States Government event that is supported,
7 in whole or in part, by United States Government
8 funds.

9 “(B) A performance at a concert, parade, or
10 other event, that—

11 “(i) is a patriotic event or a celebration of
12 a national holiday; and

13 “(ii) is free to the public.

14 “(C) A performance that is incidental to an
15 event that—

16 “(i) is not supported, in whole or in part,
17 by United States Government funds; or

18 “(ii) is not free to the public.

19 “(D) A performance (including background,
20 dinner, dance, or other social music) at—

21 “(i) an event that is sponsored by or for a
22 military welfare society, as defined in section
23 2566 of this title;

24 “(ii) an event that is a traditional military
25 event intended to foster the morale and welfare

1 of members of the armed forces and their fami-
2 lies; or

3 “(iii) an event that is specifically for the
4 benefit or recognition of members of the armed
5 forces, their family members, veterans, civilian
6 employees of the Department of Defense, or
7 former civilian employees of the Department of
8 Defense, to the extent provided in regulations
9 prescribed by the Secretary of Defense.

10 “(E) A performance (including background,
11 dinner, dance, or other social music)—

12 “(i) to uphold the standing and prestige of
13 the United States with dignitaries and distin-
14 guished or prominent persons or groups of the
15 United States or another nation; or

16 “(ii) in support of fostering and sustaining
17 a cooperative relationship with another nation.

18 “(b) PROHIBITION OF MILITARY MUSICIANS AC-
19 CEPTING ADDITIONAL REMUNERATION FOR OFFICIAL
20 PERFORMANCES.—A military musical unit, and a member
21 of the armed forces who is a member of such a unit per-
22 forming in an official capacity, may not receive remunera-
23 tion for an official performance, other than applicable mili-
24 tary pay and allowances.

1 “(c) RECORDINGS.—(1) When authorized under reg-
2 ulations prescribed by the Secretary of Defense for pur-
3 poses of this section, a military musical unit may produce
4 recordings for distribution to the public, at a cost not to
5 exceed expenses of production and distribution.

6 “(2) Amounts received in payment for a recording
7 distributed to the public under this subsection shall be
8 credited to the appropriation or account providing the
9 funds for the production of the recording. Any amount so
10 credited shall be merged with amounts in the appropria-
11 tion or account to which credited, and shall be available
12 for the same purposes, and subject to the same conditions
13 and limitations, as amounts in such appropriation or ac-
14 count.

15 “(d) PERFORMANCES AT FOREIGN LOCATIONS.—
16 Subsection (a) does not apply to a performance outside
17 the United States, its commonwealths, or its possessions.

18 “(e) MILITARY MUSICAL UNIT DEFINED.—In this
19 section, the term ‘military musical unit’ means a band,
20 ensemble, chorus, or similar musical unit of the armed
21 forces.”.

22 (b) CLERICAL AMENDMENT.—The item relating to
23 such section in the table of sections at the beginning of
24 chapter 49 of such title is amended to read as follows:

“974. Military musical units and musicians: performance policies; restriction on
performance in competition with local civilian musicians.”.

1 **SEC. 573. GUARANTEE OF RESIDENCY FOR SPOUSES OF**
2 **MILITARY PERSONNEL FOR VOTING PUR-**
3 **POSES.**

4 (a) IN GENERAL.—Section 705 of the
5 Servicemembers Civil Relief Act (50 U.S.C. App. 595) is
6 amended—

7 (1) by striking “For” and inserting the fol-
8 lowing:

9 “(a) IN GENERAL.—For”;

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

12 “(b) SPOUSES.—For the purposes of voting for any
13 Federal office (as defined in section 301 of the Federal
14 Election Campaign Act of 1971 (2 U.S.C. 431)) or a State
15 or local office, a person who is absent from a State be-
16 cause the person is accompanying the person’s spouse who
17 is absent from that same State in compliance with military
18 or naval orders shall not, solely by reason of that ab-
19 sence—

20 “(1) be deemed to have lost a residence or
21 domicile in that State, without regard to whether or
22 not the person intends to return to that State;

23 “(2) be deemed to have acquired a residence or
24 domicile in any other State; or

25 “(3) be deemed to have become a resident in or
26 a resident of any other State.”; and

1 (3) in the section heading, by inserting “**AND**
2 **SPOUSES OF MILITARY PERSONNEL**” before the
3 period at the end.

4 (b) CLERICAL AMENDMENT.—The table of contents
5 in section 1(b) of such Act (50 U.S.C. App. 501) is
6 amended by striking the item relating to section 705 and
7 inserting the following new item:

“Sec. 705. Guarantee of residency for military personnel and spouses of mili-
tary personnel.”.

8 (c) APPLICATION.—Subsection (b) of section 705 of
9 such Act (50 U.S.C. App. 595), as added by subsection
10 (a) of this section, shall apply with respect to absences
11 from States described in such subsection (b) on or after
12 the date of the enactment of this Act, regardless of the
13 date of the military or naval order concerned.

14 **SEC. 574. DETERMINATION FOR TAX PURPOSES OF RESI-**
15 **DENCE OF SPOUSES OF MILITARY PER-**
16 **SONNEL.**

17 (a) IN GENERAL.—Section 511 of the
18 Servicemembers Civil Relief Act (50 U.S.C. App. 571) is
19 amended—

20 (1) in subsection (a)—

21 (A) by striking “A servicemember” and in-
22 serting the following:

23 “(1) IN GENERAL.—A servicemember”; and

24 (B) by adding at the end the following:

1 “(2) SPOUSES.—A spouse of a servicemember
2 shall neither lose nor acquire a residence or domicile
3 for purposes of taxation with respect to the person,
4 personal property, or income of the spouse by reason
5 of being absent or present in any tax jurisdiction of
6 the United States solely to be with the servicemem-
7 ber in compliance with the servicemember’s military
8 orders if the residence or domicile, as the case may
9 be, is the same for the servicemember and the
10 spouse.”;

11 (2) by redesignating subsections (c), (d), (e),
12 and (f) as subsections (d), (e), (f), and (g), respec-
13 tively;

14 (3) by inserting after subsection (b) the fol-
15 lowing new subsection:

16 “(c) INCOME OF A MILITARY SPOUSE.—Income for
17 services performed by the spouse of a servicemember shall
18 not be deemed to be income for services performed or from
19 sources within a tax jurisdiction of the United States if
20 the spouse is not a resident or domiciliary of the jurisdic-
21 tion in which the income is earned because the spouse is
22 in the jurisdiction solely to be with the servicemember
23 serving in compliance with military orders.”; and

24 (4) in subsection (d), as redesignated by para-
25 graph (2)—

1 (A) in paragraph (1), by inserting “or the
2 spouse of a servicemember” after “The personal
3 property of a servicemember”; and

4 (B) in paragraph (2), by inserting “or the
5 spouse’s” after “servicemember’s”.

6 (b) APPLICATION.—Subsections (a)(2) and (c) of sec-
7 tion 511 of such Act (50 U.S.C. App. 571), as added by
8 subsection (a) of this section, and the amendments made
9 to such section 511 by subsection (a)(4) of this section,
10 shall apply with respect to any return of State or local
11 income tax filed for any taxable year beginning with the
12 taxable year that includes the date of the enactment of
13 this Act.

14 **SEC. 575. SUSPENSION OF LAND RIGHTS RESIDENCY RE-**
15 **QUIREMENT FOR SPOUSES OF MILITARY**
16 **PERSONNEL.**

17 (a) IN GENERAL.—Section 508 of the
18 Servicemembers Civil Relief Act (50 U.S.C. App. 568) is
19 amended in subsection (b) by inserting “or the spouse of
20 such servicemember” after “a servicemember in military
21 service”.

22 (b) APPLICATION.—The amendment made by sub-
23 section (a) shall apply with respect to servicemembers in
24 military service (as defined in section 101 of such Act (50

1 U.S.C. App. 511)) on or after the date of the enactment
2 of this Act.

3 **SEC. 576. MODIFICATION OF DEPARTMENT OF DEFENSE**
4 **SHARE OF EXPENSES UNDER NATIONAL**
5 **GUARD YOUTH CHALLENGE PROGRAM.**

6 (a) MODIFICATION.—Section 509(d)(1) of title 32,
7 United States Code, is amended by striking “may not ex-
8 ceed” and all that follows and inserting “may not exceed
9 the amount as follows:

10 “(A) In the case of a State program of the Pro-
11 gram in either of its first two years of operation, an
12 amount equal to 100 percent of the costs of oper-
13 ating the State program in that fiscal year.

14 “(B) In the case of any other State program of
15 the Program, an amount equal to 75 percent of the
16 costs of operating the State program in that fiscal
17 year.”.

18 (b) EFFECTIVE DATE.—The amendment made by
19 subsection (a) shall take effect on October 1, 2009, and
20 shall apply with respect to fiscal years beginning on or
21 after that date.

1 **SEC. 577. PROVISION TO MEMBERS OF THE ARMED FORCES**
2 **AND THEIR FAMILIES OF COMPREHENSIVE**
3 **INFORMATION ON BENEFITS FOR MEMBERS**
4 **OF THE ARMED FORCES AND THEIR FAMI-**
5 **LIES.**

6 (a) PROVISION OF COMPREHENSIVE INFORMATION
7 REQUIRED.—The Secretary of the military department
8 concerned shall, at each time specified in subsection (b),
9 provide to each member of the Armed Forces and, when
10 practicable, the family members of such member com-
11 prehensive information on the benefits available to such
12 member and family members as described in subsection
13 (c), including the estimated monetary amount of such ben-
14 efits and of any applicable offsets to such benefits.

15 (b) TIMES FOR PROVISION OF INFORMATION.—Com-
16 prehensive information on benefits shall be provided a
17 member of the Armed Forces and family members at each
18 time as follows:

19 (1) Within 180 days of the enlistment, acces-
20 sion, or commissioning of the member as a member
21 of the Armed Forces.

22 (2) Within 180 days of a determination that the
23 member—

24 (A) has incurred a service-connected dis-
25 ability; and

1 (B) is unfit to perform the duties of the
2 member's office, grade, rank, or rating because
3 of such disability.

4 (3) Upon the discharge, separation, retirement,
5 or release of the member from the Armed Forces.

6 (c) COVERED BENEFITS.—The benefits on which a
7 member of the Armed Forces and family members shall
8 be provided comprehensive information under this section
9 shall be as follows:

10 (1) At all the times described in subsection (b),
11 the benefits shall include the following:

12 (A) Financial compensation, including fi-
13 nancial counseling.

14 (B) Health care and life insurance pro-
15 grams for members of the Armed Forces and
16 their families.

17 (C) Death benefits.

18 (D) Entitlements and survivor benefits for
19 dependents of the Armed Forces, including off-
20 sets in the receipt of such benefits under the
21 Survivor Benefit Plan and in connection with
22 the receipt of dependency and indemnity com-
23 pensation.

1 (E) Educational assistance benefits, in-
2 cluding limitations on and the transferability of
3 such assistance.

4 (F) Housing assistance benefits, including
5 counseling.

6 (G) Relocation planning and preparation.

7 (H) Such other benefits as the Secretary
8 concerned considers appropriate.

9 (2) At the time described in paragraph (1) of
10 such subsection, the benefits shall include the fol-
11 lowing:

12 (A) Maintaining military records.

13 (B) Legal assistance.

14 (C) Quality of life programs.

15 (D) Family and community programs.

16 (E) Such other benefits as the Secretary
17 concerned considers appropriate.

18 (3) At the times described in paragraphs (2)
19 and (3) of such subsection, the benefits shall include
20 the following:

21 (A) Employment assistance.

22 (B) Continuing Reserve Component serv-
23 ice.

24 (C) Disability benefits, including offsets in
25 connection with the receipt of such benefits.

1 (D) Benefits and services provided under
2 laws administered by the Secretary of Veterans
3 Affairs.

4 (E) Such other benefits as the Secretary
5 concerned considers appropriate.

6 (d) BIENNIAL NOTICE TO MEMBERS OF THE ARMED
7 FORCES ON THE VALUE OF PAY AND BENEFITS.—

8 (1) BIENNIAL NOTICE REQUIRED.—The Sec-
9 retary of each military department shall provide to
10 each member of the Armed Forces under the juris-
11 diction of such Secretary on a biennial basis notice
12 on the value of the pay and benefits paid or provided
13 to such member by law during the preceding year.
14 The notice may be provided in writing or electroni-
15 cally, at the election of the Secretary.

16 (2) ELEMENTS.—Each notice provided a mem-
17 ber under paragraph (1) shall include the following:

18 (A) A statement of the estimated value of
19 the military health care, retirement benefits,
20 disability benefits, commissary and exchange
21 privileges, government-provided housing, tax
22 benefits associated with service in the Armed
23 Forces, and special pays paid or provided the
24 member during the preceding 24 months.

1 (B) A notice regarding the death and sur-
2 vivor benefits, including Servicemembers' Group
3 Life Insurance, to which the family of the mem-
4 ber would be entitled in the event of the death
5 of the member, and a description of any offsets
6 that might be applicable to such benefits.

7 (C) Information on other programs avail-
8 able to members of the Armed Forces generally,
9 such as access to morale, welfare, and recre-
10 ation (MWR) facilities, child care, and edu-
11 cation tuition assistance, and the estimated
12 value, if ascertainable, of the availability of
13 such programs in the area where the member is
14 stationed or resides.

15 (e) OTHER OUTREACH.—

16 (1) IN GENERAL.—The Secretaries of the mili-
17 tary departments shall, on a periodic basis, conduct
18 outreach on the pay, benefits, and programs and
19 services available to members of the Armed Forces
20 by reason of service in the Armed Forces. The out-
21 reach shall be conducted pursuant to public service
22 announcements, publications, and such other an-
23 nouncements through general media as will serve to
24 disseminate the information broadly among the gen-
25 eral public.

1 (2) INTERNET OUTREACH WEBSITE.—

2 (A) IN GENERAL.—The Secretary of De-
3 fense shall establish an Internet website for the
4 purpose of providing the comprehensive infor-
5 mation about the benefits and offsets described
6 in subsection (c) to members of the Armed
7 Forces and their families.

8 (B) CONTACT INFORMATION.—The Inter-
9 net website required by subparagraph (A) shall
10 provide contact information, both telephone and
11 e-mail, that a member of the Armed Forces and
12 a family member of the member can use to get
13 personalized information about the benefits and
14 offsets described in subsection (c).

15 (f) REPORTS.—

16 (1) INITIAL REPORT.—Not later than one year
17 after the date of the enactment of this Act, the Sec-
18 retary of Defense shall submit to the congressional
19 defense committees a report on the implementation
20 of the requirements of this section by the Depart-
21 ment of Defense. Such report shall include a de-
22 scription of the quality and scope of available online
23 resources that provide information about benefits for
24 members of the Armed Forces and their families.

1 (2) RECORDS MAINTAINED.—The Secretary of
2 Defense or the military department concerned shall
3 maintain records that contain the number of individ-
4 uals that received a briefing under this section in the
5 previous year disaggregated by the following:

6 (A) Whether the individual is a member of
7 the Armed Forces or a family member of a
8 member of the Armed Forces.

9 (B) The Armed Force of the members.

10 (C) The State or territory in which the
11 briefing occurred.

12 (D) The subject of the briefing.

13 **Subtitle H—Military Voting**

14 **SEC. 581. SHORT TITLE.**

15 This subtitle may be cited as the “Military and Over-
16 seas Voter Empowerment Act”.

17 **SEC. 582. FINDINGS.**

18 Congress makes the following findings:

19 (1) The right to vote is a fundamental right.

20 (2) Due to logistical, geographical, operational
21 and environmental barriers, military and overseas
22 voters are burdened by many obstacles that impact
23 their right to vote and register to vote, the most crit-
24 ical of which include problems transmitting balloting
25 materials and not being given enough time to vote.

1 (3) States play an essential role in facilitating
2 the ability of military and overseas voters to register
3 to vote and have their ballots cast and counted, es-
4 pecially with respect to timing and improvement of
5 absentee voter registration and absentee ballot pro-
6 cedures.

7 (4) The Department of Defense educates mili-
8 tary and overseas voters of their rights under the
9 Uniformed and Overseas Citizens Absentee Voting
10 Act and plays an indispensable role in facilitating
11 the procedural channels that allow military and over-
12 seas voters to have their votes count.

13 (5) The local, State, and Federal Government
14 entities involved with getting ballots to military and
15 overseas voters must work in conjunction to provide
16 voter registration services and balloting materials in
17 a secure and expeditious manner.

18 **SEC. 583. CLARIFICATION REGARDING DELEGATION OF**
19 **STATE RESPONSIBILITIES.**

20 A State may delegate its responsibilities in carrying
21 out the requirements under the Uniformed and Overseas
22 Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.)
23 imposed as a result of the provisions of and amendments
24 made by this Act to jurisdictions of the State.

1 **SEC. 584. ESTABLISHMENT OF PROCEDURES FOR ABSENT**
2 **UNIFORMED SERVICES VOTERS AND OVER-**
3 **SEAS VOTERS TO REQUEST AND FOR STATES**
4 **TO SEND VOTER REGISTRATION APPLICA-**
5 **TIONS AND ABSENTEE BALLOT APPLICA-**
6 **TIONS BY MAIL AND ELECTRONICALLY.**

7 (a) IN GENERAL.—Section 102 of the Uniformed and
8 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–
9 1) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (4), by striking “and” at
12 the end;

13 (B) in paragraph (5), by striking the pe-
14 riod at the end and inserting “; and”; and

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

17 “(6) in addition to any other method of reg-
18 istering to vote or applying for an absentee ballot in
19 the State, establish procedures—

20 “(A) for absent uniformed services voters
21 and overseas voters to request by mail and elec-
22 tronically voter registration applications and ab-
23 sentee ballot applications with respect to gen-
24 eral, special, primary, and runoff elections for
25 Federal office in accordance with subsection (e);

1 “(B) for States to send by mail and elec-
 2 tronically (in accordance with the preferred
 3 method of transmission designated by the ab-
 4 sent uniformed services voter or overseas voter
 5 under subparagraph (C)) voter registration ap-
 6 plications and absentee ballot applications re-
 7 quested under subparagraph (A) in accordance
 8 with subsection (e); and

9 “(C) by which the absent uniformed serv-
 10 ices voter or overseas voter can designate
 11 whether they prefer for such voter registration
 12 application or absentee ballot application to be
 13 transmitted by mail or electronically.”; and

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

16 “(e) DESIGNATION OF MEANS OF ELECTRONIC COM-
 17 MUNICATION FOR ABSENT UNIFORMED SERVICES VOT-
 18 ERS AND OVERSEAS VOTERS TO REQUEST AND FOR
 19 STATES TO SEND VOTER REGISTRATION APPLICATIONS
 20 AND ABSENTEE BALLOT APPLICATIONS, AND FOR OTHER
 21 PURPOSES RELATED TO VOTING INFORMATION.—

22 “(1) IN GENERAL.—Each State shall, in addi-
 23 tion to the designation of a single State office under
 24 subsection (b), designate not less than 1 means of
 25 electronic communication—

1 “(A) for use by absent uniformed services
2 voters and overseas voters who wish to register
3 to vote or vote in any jurisdiction in the State
4 to request voter registration applications and
5 absentee ballot applications under subsection
6 (a)(6);

7 “(B) for use by States to send voter reg-
8 istration applications and absentee ballot appli-
9 cations requested under such subsection; and

10 “(C) for the purpose of providing related
11 voting, balloting, and election information to
12 absent uniformed services voters and overseas
13 voters.

14 “(2) CLARIFICATION REGARDING PROVISION OF
15 MULTIPLE MEANS OF ELECTRONIC COMMUNICA-
16 TION.—A State may, in addition to the means of
17 electronic communication so designated, provide
18 multiple means of electronic communication to ab-
19 sent uniformed services voters and overseas voters,
20 including a means of electronic communication for
21 the appropriate jurisdiction of the State.

22 “(3) INCLUSION OF DESIGNATED MEANS OF
23 ELECTRONIC COMMUNICATION WITH INFORMA-
24 TIONAL AND INSTRUCTIONAL MATERIALS THAT AC-
25 COMPANY BALLOTING MATERIALS.—Each State shall

1 include a means of electronic communication so des-
2 ignated with all informational and instructional ma-
3 terials that accompany balloting materials sent by
4 the State to absent uniformed services voters and
5 overseas voters.

6 “(4) AVAILABILITY AND MAINTENANCE OF ON-
7 LINE REPOSITORY OF STATE CONTACT INFORMA-
8 TION.—The Federal Voting Assistance Program of
9 the Department of Defense shall maintain and make
10 available to the public an online repository of State
11 contact information with respect to elections for
12 Federal office, including the single State office des-
13 igned under subsection (b) and the means of elec-
14 tronic communication designated under paragraph
15 (1), to be used by absent uniformed services voters
16 and overseas voters as a resource to send voter reg-
17 istration applications and absentee ballot applica-
18 tions to the appropriate jurisdiction in the State.

19 “(5) TRANSMISSION IF NO PREFERENCE INDI-
20 CATED.—In the case where an absent uniformed
21 services voter or overseas voter does not designate a
22 preference under subsection (a)(6)(C), the State
23 shall transmit the voter registration application or
24 absentee ballot application by any delivery method

1 allowable in accordance with applicable State law, or
2 if there is no applicable State law, by mail.

3 “(6) SECURITY AND PRIVACY PROTECTIONS.—

4 “(A) SECURITY PROTECTIONS.—To the ex-
5 tent practicable, States shall ensure that the
6 procedures established under subsection (a)(6)
7 protect the security and integrity of the voter
8 registration and absentee ballot application re-
9 quest processes.

10 “(B) PRIVACY PROTECTIONS.—To the ex-
11 tent practicable, the procedures established
12 under subsection (a)(6) shall ensure that the
13 privacy of the identity and other personal data
14 of an absent uniformed services voter or over-
15 seas voter who requests or is sent a voter reg-
16 istration application or absentee ballot applica-
17 tion under such subsection is protected
18 throughout the process of making such request
19 or being sent such application.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 this section shall apply with respect to the regularly sched-
22 uled general election for Federal office held in November
23 2010 and each succeeding election for Federal office.

1 **SEC. 585. ESTABLISHMENT OF PROCEDURES FOR STATES**
2 **TO TRANSMIT BLANK ABSENTEE BALLOTS BY**
3 **MAIL AND ELECTRONICALLY TO ABSENT UNI-**
4 **FORMED SERVICES VOTERS AND OVERSEAS**
5 **VOTERS.**

6 (a) IN GENERAL.—Section 102 of the Uniformed and
7 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–
8 1), as amended by section 584, is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (5), by striking “and” at
11 the end;

12 (B) in paragraph (6), by striking the pe-
13 riod at the end and inserting “; and”; and

14 (C) by adding at the end the following new
15 paragraph:

16 “(7) in addition to any other method of trans-
17 mitting blank absentee ballots in the State, establish
18 procedures for transmitting by mail and electroni-
19 cally blank absentee ballots to absent uniformed
20 services voters and overseas voters with respect to
21 general, special, primary, and runoff elections for
22 Federal office in accordance with subsection (f).”;
23 and

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

1 “(f) TRANSMISSION OF BLANK ABSENTEE BALLOTS
2 BY MAIL AND ELECTRONICALLY.—

3 “(1) IN GENERAL.—Each State shall establish
4 procedures—

5 “(A) to transmit blank absentee ballots by
6 mail and electronically (in accordance with the
7 preferred method of transmission designated by
8 the absent uniformed services voter or overseas
9 voter under subparagraph (B)) to absent uni-
10 formed services voters and overseas voters for
11 an election for Federal office; and

12 “(B) by which the absent uniformed serv-
13 ices voter or overseas voter can designate
14 whether they prefer for such blank absentee
15 ballot to be transmitted by mail or electroni-
16 cally.

17 “(2) TRANSMISSION IF NO PREFERENCE INDI-
18 CATED.—In the case where an absent uniformed
19 services voter or overseas voter does not designate a
20 preference under paragraph (1)(B), the State shall
21 transmit the ballot by any delivery method allowable
22 in accordance with applicable State law, or if there
23 is no applicable State law, by mail.

24 “(3) SECURITY AND PRIVACY PROTECTIONS.—

1 “(A) SECURITY PROTECTIONS.—To the ex-
 2 tent practicable, States shall ensure that the
 3 procedures established under subsection (a)(7)
 4 protect the security and integrity of absentee
 5 ballots.

6 “(B) PRIVACY PROTECTIONS.—To the ex-
 7 tent practicable, the procedures established
 8 under subsection (a)(7) shall ensure that the
 9 privacy of the identity and other personal data
 10 of an absent uniformed services voter or over-
 11 seas voter to whom a blank absentee ballot is
 12 transmitted under such subsection is protected
 13 throughout the process of such transmission.”.

14 (b) EFFECTIVE DATE.—The amendments made by
 15 this section shall apply with respect to the regularly sched-
 16 uled general election for Federal office held in November
 17 2010 and each succeeding election for Federal office.

18 **SEC. 586. ENSURING ABSENT UNIFORMED SERVICES VOT-**
 19 **ERS AND OVERSEAS VOTERS HAVE TIME TO**
 20 **VOTE.**

21 (a) IN GENERAL.—Section 102 of the Uniformed and
 22 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-
 23 1(a)(1)), as amended by section 585, is amended—

24 (1) in subsection (a)—

1 (A) in paragraph (6), by striking “and” at
2 the end;

3 (B) in paragraph (7), by striking the pe-
4 riod at the end and inserting a semicolon; and

5 (C) by adding at the end the following new
6 paragraph:

7 “(8) transmit a validly requested absentee bal-
8 lot to an absent uniformed services voter or overseas
9 voter—

10 “(A) except as provided in subsection (g),
11 in the case where the request is received at
12 least 45 days before an election for Federal of-
13 fice, not later than 45 days before the election;
14 and

15 “(B) in the case where the request is re-
16 ceived less than 45 days before an election for
17 Federal office—

18 “(i) in accordance with State law; and

19 “(ii) if practicable and as determined
20 appropriate by the State, in a manner that
21 expedites the transmission of such absen-
22 tee ballot.”.

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

25 “(g) HARDSHIP EXEMPTION.—

1 “(1) IN GENERAL.—If the chief State election
2 official determines that the State is unable to meet
3 the requirement under subsection (a)(8)(A) with re-
4 spect to an election for Federal office due to an
5 undue hardship described in paragraph (2)(B), the
6 chief State election official shall request that the
7 Presidential designee grant a waiver to the State of
8 the application of such subsection. Such request
9 shall include—

10 “(A) a recognition that the purpose of
11 such subsection is to allow absent uniformed
12 services voters and overseas voters enough time
13 to vote in an election for Federal office;

14 “(B) an explanation of the hardship that
15 indicates why the State is unable to transmit
16 absent uniformed services voters and overseas
17 voters an absentee ballot in accordance with
18 such subsection;

19 “(C) the number of days prior to the elec-
20 tion for Federal office that the State requires
21 absentee ballots be transmitted to absent uni-
22 formed services voters and overseas voters; and

23 “(D) a comprehensive plan to ensure that
24 absent uniformed services voters and overseas
25 voters are able to receive absentee ballots which

1 they have requested and submit marked absen-
2 tee ballots to the appropriate State election offi-
3 cial in time to have that ballot counted in the
4 election for Federal office, which includes—

5 “(i) the steps the State will undertake
6 to ensure that absent uniformed services
7 voters and overseas voters have time to re-
8 ceive, mark, and submit their ballots in
9 time to have those ballots counted in the
10 election;

11 “(ii) why the plan provides absent
12 uniformed services voters and overseas vot-
13 ers sufficient time to vote as a substitute
14 for the requirements under such sub-
15 section; and

16 “(iii) the underlying factual informa-
17 tion which explains how the plan provides
18 such sufficient time to vote as a substitute
19 for such requirements.

20 “(2) APPROVAL OF WAIVER REQUEST.—After
21 consulting with the Attorney General, the Presi-
22 dential designee shall approve a waiver request
23 under paragraph (1) if the Presidential designee de-
24 termines each of the following requirements are met:

1 “(A) The comprehensive plan under sub-
2 paragraph (D) of such paragraph provides ab-
3 sent uniformed services voters and overseas vot-
4 ers sufficient time to receive absentee ballots
5 they have requested and submit marked absen-
6 tee ballots to the appropriate State election offi-
7 cial in time to have that ballot counted in the
8 election for Federal office.

9 “(B) One or more of the following issues
10 creates an undue hardship for the State:

11 “(i) The State’s primary election date
12 prohibits the State from complying with
13 subsection (a)(8)(A).

14 “(ii) The State has suffered a delay in
15 generating ballots due to a legal contest.

16 “(iii) The State Constitution prohibits
17 the State from complying with such sub-
18 section.

19 “(3) TIMING OF WAIVER.—

20 “(A) IN GENERAL.—Except as provided
21 under subparagraph (B), a State that requests
22 a waiver under paragraph (1) shall submit to
23 the Presidential designee the written waiver re-
24 quest not later than 90 days before the election
25 for Federal office with respect to which the re-

1 quest is submitted. The Presidential designee
2 shall approve or deny the waiver request not
3 later than 65 days before such election.

4 “(B) EXCEPTION.—If a State requests a
5 waiver under paragraph (1) as the result of an
6 undue hardship described in paragraph
7 (2)(B)(ii), the State shall submit to the Presi-
8 dential designee the written waiver request as
9 soon as practicable. The Presidential designee
10 shall approve or deny the waiver request not
11 later than 5 business days after the date on
12 which the request is received.

13 “(4) APPLICATION OF WAIVER.—A waiver ap-
14 proved under paragraph (2) shall only apply with re-
15 spect to the election for Federal office for which the
16 request was submitted. For each subsequent election
17 for Federal office, the Presidential designee shall
18 only approve a waiver if the State has submitted a
19 request under paragraph (1) with respect to such
20 election.”.

21 (b) RUNOFF ELECTIONS.—Section 102(a) of the
22 Uniformed and Overseas Citizens Absentee Voting Act (42
23 U.S.C. 1973ff–1(a)), as amended by subsection (a), is
24 amended—

1 (1) in paragraph (7), by striking “and” at the
2 end;

3 (2) in paragraph (8), by striking the period at
4 the end and inserting “; and”; and

5 (3) by adding at the end the following new
6 paragraph:

7 “(9) if the State declares or otherwise holds a
8 runoff election for Federal office, establish a written
9 plan that provides absentee ballots are made avail-
10 able to absent uniformed services voters and over-
11 seas voters in manner that gives them sufficient
12 time to vote in the runoff election.”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall apply with respect to the regularly sched-
15 uled general election for Federal office held in November
16 2010 and each succeeding election for Federal office.

17 **SEC. 587. PROCEDURES FOR COLLECTION AND DELIVERY**
18 **OF MARKED ABSENTEE BALLOTS OF ABSENT**
19 **OVERSEAS UNIFORMED SERVICES VOTERS.**

20 (a) IN GENERAL.—The Uniformed and Overseas
21 Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.)
22 is amended by inserting after section 103 the following
23 new section:

1 **“SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY**
2 **OF MARKED ABSENTEE BALLOTS OF ABSENT**
3 **OVERSEAS UNIFORMED SERVICES VOTERS.**

4 “(a) ESTABLISHMENT OF PROCEDURES.—The Presi-
5 dential designee shall establish procedures for collecting
6 marked absentee ballots of absent overseas uniformed
7 services voters in regularly scheduled general elections for
8 Federal office, including absentee ballots prepared by
9 States and the Federal write-in absentee ballot prescribed
10 under section 103, and for delivering such marked absen-
11 tee ballots to the appropriate election officials.

12 “(b) DELIVERY TO APPROPRIATE ELECTION OFFI-
13 CIALS.—

14 “(1) IN GENERAL.—Under the procedures es-
15 tablished under this section, the Presidential des-
16 ignee shall implement procedures that facilitate the
17 delivery of marked absentee ballots of absent over-
18 seas uniformed services voters for regularly sched-
19 uled general elections for Federal office to the ap-
20 propriate election officials, in accordance with this
21 section, not later than the date by which an absentee
22 ballot must be received in order to be counted in the
23 election.

24 “(2) COOPERATION AND COORDINATION WITH
25 THE UNITED STATES POSTAL SERVICE.—The Presi-
26 dential designee shall carry out this section in co-

1 operation and coordination with the United States
2 Postal Service, and shall provide expedited mail de-
3 livery service for all such marked absentee ballots of
4 absent uniformed services voters that are collected
5 on or before the deadline described in paragraph (3)
6 and then transferred to the United States Postal
7 Service.

8 “(3) DEADLINE DESCRIBED.—

9 “(A) IN GENERAL.—Except as provided in
10 subparagraph (B), the deadline described in
11 this paragraph is noon (in the location in which
12 the ballot is collected) on the seventh day pre-
13 ceding the date of the regularly scheduled gen-
14 eral election for Federal office.

15 “(B) AUTHORITY TO ESTABLISH ALTER-
16 NATIVE DEADLINE FOR CERTAIN LOCATIONS.—

17 If the Presidential designee determines that the
18 deadline described in subparagraph (A) is not
19 sufficient to ensure timely delivery of the ballot
20 under paragraph (1) with respect to a par-
21 ticular location because of remoteness or other
22 factors, the Presidential designee may establish
23 as an alternative deadline for that location the
24 latest date occurring prior to the deadline de-
25 scribed in subparagraph (A) which is sufficient

1 to provide timely delivery of the ballot under
2 paragraph (1).

3 “(4) NO POSTAGE REQUIREMENT.—In accord-
4 ance with section 3406 of title 39, United States
5 Code, such marked absentee ballots and other bal-
6 loting materials shall be carried free of postage.

7 “(5) DATE OF MAILING.—Such marked absen-
8 tee ballots shall be postmarked with a record of the
9 date on which the ballot is mailed.

10 “(c) OUTREACH FOR ABSENT OVERSEAS UNI-
11 FORMED SERVICES VOTERS ON PROCEDURES.—The Pres-
12 idential designee shall take appropriate actions to inform
13 individuals who are anticipated to be absent overseas uni-
14 formed services voters in a regularly scheduled general
15 election for Federal office to which this section applies of
16 the procedures for the collection and delivery of marked
17 absentee ballots established pursuant to this section, in-
18 cluding the manner in which such voters may utilize such
19 procedures for the submittal of marked absentee ballots
20 pursuant to this section.

21 “(d) ABSENT OVERSEAS UNIFORMED SERVICES
22 VOTER DEFINED.—In this section, the term ‘absent over-
23 seas uniformed services voter’ means an overseas voter de-
24 scribed in section 107(5)(A).

1 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Presidential des-
3 igned such sums as may be necessary to carry out this
4 section.”.

5 (b) CONFORMING AMENDMENT.—Section 101(b) of
6 such Act (42 U.S.C. 1973ff(b)) is amended—

7 (1) by striking “and” at the end of paragraph
8 (6);

9 (2) by striking the period at the end of para-
10 graph (7) and inserting “; and”; and

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

13 “(8) carry out section 103A with respect to the
14 collection and delivery of marked absentee ballots of
15 absent overseas uniformed services voters in elec-
16 tions for Federal office.”.

17 (c) STATE RESPONSIBILITIES.—Section 102(a) of
18 such Act (42 U.S.C. 1973ff-1(a)), as amended by section
19 586, is amended—

20 (1) in paragraph (8), by striking “and” at the
21 end;

22 (2) in paragraph (9), by striking the period at
23 the end and inserting “; and”; and

24 (3) by adding the following new paragraph:

1 “(10) carry out section 103A(b)(1) with respect
2 to the processing and acceptance of marked absentee
3 ballots of absent overseas uniformed services vot-
4 ers.”.

5 (d) TRACKING MARKED BALLOTS.—Section 102 of
6 such Act (42 U.S.C. 1973ff–1(a)), as amended by section
7 586, is amended by adding at the end the following new
8 subsection:

9 “(h) TRACKING MARKED BALLOTS.—The chief State
10 election official, in coordination with local election jurisdic-
11 tions, shall develop a free access system by which an ab-
12 sent uniformed services voter or overseas voter may deter-
13 mine whether the absentee ballot of the absent uniformed
14 services voter or overseas voter has been received by the
15 appropriate State election official.”.

16 (e) PROTECTING VOTER PRIVACY AND SECRECY OF
17 ABSENTEE BALLOTS.—Section 101(b) of the Uniformed
18 and Overseas Citizens Absentee Voting Act (42 U.S.C.
19 1973ff(b)), as amended by subsection (b), is amended—

20 (1) by striking “and” at the end of paragraph
21 (7);

22 (2) by striking the period at the end of para-
23 graph (8) and inserting “; and”; and

24 (3) by adding at the end the following new
25 paragraph:

1 “(9) to the greatest extent practicable, take
2 such actions as may be necessary—

3 “(A) to ensure that absent uniformed serv-
4 ices voters who cast absentee ballots at loca-
5 tions or facilities under the jurisdiction of the
6 Presidential designee are able to do so in a pri-
7 vate and independent manner; and

8 “(B) to protect the privacy of the contents
9 of absentee ballots cast by absentee uniformed
10 services voters and overseas voters while such
11 ballots are in the possession or control of the
12 Presidential designee.”.

13 (f) **EFFECTIVE DATE.**—The amendments made by
14 this section shall apply with respect to the regularly sched-
15 uled general election for Federal office held in November
16 2010 and each succeeding election for Federal office.

17 **SEC. 588. FEDERAL WRITE-IN ABSENTEE BALLOT.**

18 (a) **USE IN GENERAL, SPECIAL, PRIMARY, AND RUN-**
19 **OFF ELECTIONS FOR FEDERAL OFFICE.**—

20 (1) **IN GENERAL.**—Section 103 of the Uni-
21 formed and Overseas Citizens Absentee Voting Act
22 (42 U.S.C. 1973ff-2) is amended—

23 (A) in subsection (a), by striking “general
24 elections for Federal office” and inserting “gen-

1 eral, special, primary, and runoff elections for
2 Federal office”;

3 (B) in subsection (e), in the matter pre-
4 ceding paragraph (1), by striking “a general
5 election” and inserting “a general, special, pri-
6 mary, or runoff election for Federal office”; and

7 (C) in subsection (f), by striking “the gen-
8 eral election” each place it appears and insert-
9 ing “the general, special, primary, or runoff
10 election for Federal office”.

11 (2) EFFECTIVE DATE.—The amendments made
12 by this subsection shall take effect on December 31,
13 2010, and apply with respect to elections for Federal
14 office held on or after such date.

15 (b) PROMOTION AND EXPANSION OF USE.—Section
16 103(a) of the Uniformed and Overseas Citizens Absentee
17 Voting Act (42 U.S.C. 1973ff-2) is amended—

18 (1) by striking “GENERAL.—The Presidential”
19 and inserting “GENERAL.—

20 “(1) FEDERAL WRITE-IN ABSENTEE BALLOT.—
21 The Presidential”; and

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

24 “(2) PROMOTION AND EXPANSION OF USE OF
25 FEDERAL WRITE-IN ABSENTEE BALLOTS.—

1 “(A) IN GENERAL.—Not later than De-
2 cember 31, 2011, the Presidential designee
3 shall adopt procedures to promote and expand
4 the use of the Federal write-in absentee ballot
5 as a back-up measure to vote in elections for
6 Federal office.

7 “(B) USE OF TECHNOLOGY.—Under such
8 procedures, the Presidential designee shall uti-
9 lize technology to implement a system under
10 which the absent uniformed services voter or
11 overseas voter may—

12 “(i) enter the address of the voter or
13 other information relevant in the appro-
14 priate jurisdiction of the State, and the
15 system will generate a list of all candidates
16 in the election for Federal office in that ju-
17 risdiction; and

18 “(ii) submit the marked Federal
19 write-in absentee ballot by printing the bal-
20 lot (including complete instructions for
21 submitting the marked Federal write-in ab-
22 sentee ballot to the appropriate State elec-
23 tion official and the mailing address of the
24 single State office designated under section
25 102(b)).

1 “(C) AUTHORIZATION OF APPROPRIA-
 2 TIONS.—There are authorized to be appro-
 3 priated to the Presidential designee such sums
 4 as may be necessary to carry out this para-
 5 graph.”.

6 **SEC. 589. PROHIBITING REFUSAL TO ACCEPT VOTER REG-**
 7 **ISTRATION AND ABSENTEE BALLOT APPLICA-**
 8 **TIONS, MARKED ABSENTEE BALLOTS, AND**
 9 **FEDERAL WRITE-IN ABSENTEE BALLOTS FOR**
 10 **FAILURE TO MEET CERTAIN REQUIREMENTS.**

11 (a) VOTER REGISTRATION AND ABSENTEE BALLOT
 12 APPLICATIONS.—Section 102 of the Uniformed and Over-
 13 seas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1),
 14 as amended by section 587, is amended by adding at the
 15 end the following new subsection:

16 “(i) PROHIBITING REFUSAL TO ACCEPT APPLICA-
 17 TIONS FOR FAILURE TO MEET CERTAIN REQUIRE-
 18 MENTS.—A State shall not refuse to accept and process
 19 any otherwise valid voter registration application or absen-
 20 tee ballot application (including the official post card form
 21 prescribed under section 101) or marked absentee ballot
 22 submitted in any manner by an absent uniformed services
 23 voter or overseas voter solely on the basis of the following:

24 “(1) Notarization requirements.

1 “(2) Restrictions on paper type, including
2 weight and size.

3 “(3) Restrictions on envelope type, including
4 weight and size.”.

5 (b) FEDERAL WRITE-IN ABSENTEE BALLOT.—Sec-
6 tion 103 of such Act (42 U.S.C. 1973ff-2) is amended—

7 (1) by redesignating subsection (f) as sub-
8 section (g); and

9 (2) by inserting after subsection (e) the fol-
10 lowing new subsection:

11 “(f) PROHIBITING REFUSAL TO ACCEPT BALLOT
12 FOR FAILURE TO MEET CERTAIN REQUIREMENTS.—A
13 State shall not refuse to accept and process any otherwise
14 valid Federal write-in absentee ballot submitted in any
15 manner by an absent uniformed services voter or overseas
16 voter solely on the basis of the following:

17 “(1) Notarization requirements.

18 “(2) Restrictions on paper type, including
19 weight and size.

20 “(3) Restrictions on envelope type, including
21 weight and size.”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall apply with respect to the regularly sched-
24 uled general election for Federal office held in November
25 2010 and each succeeding election for Federal office.

1 **SEC. 590. FEDERAL VOTING ASSISTANCE PROGRAM IM-**
2 **PROVEMENTS.**

3 (a) FEDERAL VOTING ASSISTANCE PROGRAM IM-
4 PROVEMENTS.—

5 (1) IN GENERAL.—The Uniformed and Over-
6 seas Citizens Absentee Voting Act (42 U.S.C. 1973ff
7 et seq.), as amended by section 587, is amended by
8 inserting after section 103A the following new sec-
9 tion:

10 **“SEC. 103B. FEDERAL VOTING ASSISTANCE PROGRAM IM-**
11 **PROVEMENTS.**

12 “(a) DUTIES.—The Presidential designee shall carry
13 out the following duties:

14 “(1) Develop online portals of information to
15 inform absent uniformed services voters regarding
16 voter registration procedures and absentee ballot
17 procedures to be used by such voters with respect to
18 elections for Federal office.

19 “(2) Establish a program to notify absent uni-
20 formed services voters of voter registration informa-
21 tion and resources, the availability of the Federal
22 postcard application, and the availability of the Fed-
23 eral write-in absentee ballot on the military Global
24 Network, and shall use the military Global Network
25 to notify absent uniformed services voters of the

1 foregoing 90, 60, and 30 days prior to each election
2 for Federal office.

3 “(b) CLARIFICATION REGARDING OTHER DUTIES
4 AND OBLIGATIONS.—Nothing in this section shall relieve
5 the Presidential designee of their duties and obligations
6 under any directives or regulations issued by the Depart-
7 ment of Defense, including the Department of Defense Di-
8 rective 1000.04 (or any successor directive or regulation)
9 that is not inconsistent or contradictory to the provisions
10 of this section.

11 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Federal Voting
13 Assistance Program of the Department of Defense (or a
14 successor program) such sums as are necessary for pur-
15 poses of carrying out this section.”

16 (2) CONFORMING AMENDMENTS.—Section 101
17 of such Act (42 U.S.C. 1973ff), as amended by sec-
18 tion 587, is amended—

19 (A) in subparagraph (b)—

20 (i) by striking “and” at the end of
21 paragraph (8);

22 (ii) by striking the period at the end
23 of paragraph (9) and inserting “; and”;
24 and

1 (iii) by adding at the end the fol-
2 lowing new paragraph:

3 “(10) carry out section 103B with respect to
4 Federal Voting Assistance Program Improvements.”;
5 and

6 (B) by adding at the end the following new
7 subsection:

8 “(d) AUTHORIZATION OF APPROPRIATIONS FOR CAR-
9 RYING OUT FEDERAL VOTING ASSISTANCE PROGRAM IM-
10 PROVEMENTS.—There are authorized to be appropriated
11 to the Presidential designee such sums as are necessary
12 for purposes of carrying out subsection (b)(10).”.

13 (b) VOTER REGISTRATION ASSISTANCE FOR ABSENT
14 UNIFORMED SERVICES VOTERS.—Section 102 of the Uni-
15 formed and Overseas Citizens Absentee Voting Act (42
16 U.S.C. 1973ff–1), as amended by section 589, is amended
17 by adding at the end the following new subsection:

18 “(j) VOTER REGISTRATION ASSISTANCE FOR AB-
19 SENT UNIFORMED SERVICES VOTERS.—

20 “(1) DESIGNATING AN OFFICE AS A VOTER
21 REGISTRATION AGENCY ON EACH INSTALLATION OF
22 THE ARMED FORCES.—Not later than 180 days
23 after the date of enactment of this subsection, each
24 Secretary of a military department shall take appro-
25 priate actions to designate an office on each installa-

1 tion of the Armed Forces under the jurisdiction of
2 such Secretary (excluding any installation in a the-
3 ater of combat), consistent across every installation
4 of the department of the Secretary concerned, to
5 provide each individual described in paragraph (3)—

6 “(A) written information on voter registra-
7 tion procedures and absentee ballot procedures
8 (including the official post card form prescribed
9 under section 101);

10 “(B) the opportunity to register to vote in
11 an election for Federal office;

12 “(C) the opportunity to update the individ-
13 ual’s voter registration information, including
14 clear written notice and instructions for the ab-
15 sent uniformed services voter to change their
16 address by submitting the official post card
17 form prescribed under section 101 to the appro-
18 priate State election official; and

19 “(D) the opportunity to request an absen-
20 tee ballot under this Act.

21 “(2) DEVELOPMENT OF PROCEDURES.—Each
22 Secretary of a military department shall develop, in
23 consultation with each State and the Presidential
24 designee, the procedures necessary to provide the as-
25 sistance described in paragraph (1).

1 “(3) INDIVIDUALS DESCRIBED.—The following
2 individuals are described in this paragraph:

3 “(A) An absent uniformed services voter—

4 “(i) who is undergoing a permanent
5 change of duty station;

6 “(ii) who is deploying overseas for at
7 least 6 months;

8 “(iii) who is or returning from an
9 overseas deployment of at least 6 months;

10 or

11 “(iv) who at any time requests assist-
12 ance related to voter registration.

13 “(B) All other absent uniformed services
14 voters (as defined in section 107(1)).

15 “(4) TIMING OF PROVISION OF ASSISTANCE.—
16 The assistance described in paragraph (1) shall be
17 provided to an absent uniformed services voter—

18 “(A) described in clause (i) of paragraph
19 (3)(A), as part of the administrative in-proc-
20 essing of the member upon arrival at the new
21 duty station of the absent uniformed services
22 voter;

23 “(B) described in clause (ii) of such para-
24 graph, as part of the administrative in-proc-
25 essing of the member upon deployment from

1 the home duty station of the absent uniformed
2 services voter;

3 “(C) described in clause (iii) of such para-
4 graph, as part of the administrative in-proc-
5 essing of the member upon return to the home
6 duty station of the absent uniformed services
7 voter;

8 “(D) described in clause (iv) of such para-
9 graph, at any time the absent uniformed serv-
10 ices voter requests such assistance; and

11 “(E) described in paragraph (3)(B), at any
12 time the absent uniformed services voter re-
13 quests such assistance.

14 “(5) PAY, PERSONNEL, AND IDENTIFICATION
15 OFFICES OF THE DEPARTMENT OF DEFENSE.—The
16 Secretary of Defense may designate pay, personnel,
17 and identification offices of the Department of De-
18 fense for persons to apply to register to vote, update
19 the individual’s voter registration information, and
20 request an absentee ballot under this Act.

21 “(6) TREATMENT OF OFFICES DESIGNATED AS
22 VOTER REGISTRATION AGENCIES.—An office des-
23 igned under paragraph (1) or (5) shall be consid-
24 ered to be a voter registration agency designated

1 under section 7(a)(2) of the National Voter Reg-
2 istration Act of 1993 for all purposes of such Act.

3 “(7) OUTREACH TO ABSENT UNIFORMED SERV-
4 ICES VOTERS.—The Secretary of each military de-
5 partment or the Presidential designee shall take ap-
6 propriate actions to inform absent uniformed serv-
7 ices voters of the assistance available under this sub-
8 section including—

9 “(A) the availability of voter registration
10 assistance at offices designated under para-
11 graphs (1) and (5); and

12 “(B) the time, location, and manner in
13 which an absent uniformed voter may utilize
14 such assistance.

15 “(8) DEFINITION OF MILITARY DEPARTMENT
16 AND SECRETARY CONCERNED.—In this subsection,
17 the terms ‘military department’ and ‘Secretary con-
18 cerned’ have the meaning given such terms in para-
19 graphs (8) and (9), respectively, of section 101 of
20 title 10, United States Code.

21 “(9) AUTHORIZATION OF APPROPRIATIONS.—
22 There are authorized to be appropriated such sums
23 as are necessary to carry out this subsection.”.

24 (c) EFFECTIVE DATE.—The amendments made by
25 this section shall apply with respect to the regularly sched-

1 uled general election for Federal office held in November
2 2010 and each succeeding election for Federal office.

3 **SEC. 591. DEVELOPMENT OF STANDARDS FOR REPORTING**
4 **AND STORING CERTAIN DATA.**

5 (a) IN GENERAL.—Section 101(b) of such Act (42
6 U.S.C. 1973ff(b)), as amended by section 590, is amend-
7 ed—

8 (1) by striking “and” at the end of paragraph
9 (9);

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

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

14 “(11) working with the Election Assistance
15 Commission and the chief State election official of
16 each State, develop standards—

17 “(A) for States to report data on the num-
18 ber of absentee ballots transmitted and received
19 under section 102(c) and such other data as the
20 Presidential designee determines appropriate;
21 and

22 “(B) for the Presidential designee to store
23 the data reported.”.

1 (b) CONFORMING AMENDMENT.—Section 102(a) of
2 such Act (42 U.S.C. 1973ff–1(a)), as amended by section
3 587, is amended—

4 (1) in paragraph (9), by striking “and” at the
5 end;

6 (2) in paragraph (10), by striking the period at
7 the end and inserting “; and”; and

8 (3) by adding at the end the following new
9 paragraph:

10 “(11) report data on the number of absentee
11 ballots transmitted and received under section
12 102(c) and such other data as the Presidential des-
13 ignee determines appropriate in accordance with the
14 standards developed by the Presidential designee
15 under section 101(b)(11).”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply with respect to the regularly sched-
18 uled general election for Federal office held in November
19 2010 and each succeeding election for Federal office.

20 **SEC. 592. REPEAL OF PROVISIONS RELATING TO USE OF**
21 **SINGLE APPLICATION FOR ALL SUBSEQUENT**
22 **ELECTIONS.**

23 (a) IN GENERAL.—Subsections (a) through (d) of
24 section 104 of the Uniformed and Overseas Citizens Ab-
25 sentee Voting Act (42 U.S.C. 1973ff–3) are repealed.

1 (b) CONFORMING AMENDMENTS.—The Uniformed
 2 and Overseas Citizens Absentee Voting Act (42 U.S.C.
 3 1973ff et seq.) is amended—

4 (1) in section 101(b)—

5 (A) in paragraph (2), by striking “, for use
 6 by States in accordance with section 104”; and

7 (B) in paragraph (4), by striking “for use
 8 by States in accordance with section 104”; and

9 (2) in section 104, as amended by subsection
 10 (a)—

11 (A) in the section heading, by striking
 12 **“USE OF SINGLE APPLICATION FOR ALL**
 13 **SUBSEQUENT ELECTIONS”** and inserting
 14 **“PROHIBITION OF REFUSAL OF APPLICA-**
 15 **TIONS ON GROUNDS OF EARLY SUBMIS-**
 16 **SION”**; and

17 (B) in subsection (e), by striking “(e) PRO-
 18 HIBITION OF REFUSAL OF APPLICATIONS ON
 19 GROUNDS OF EARLY SUBMISSION.—”.

20 **SEC. 593. REPORTING REQUIREMENTS.**

21 The Uniformed and Overseas Citizens Absentee Vot-
 22 ing Act (42 U.S.C. 1973ff et seq.) is amended by inserting
 23 after section 105 the following new section:

1 **“SEC. 105A. REPORTING REQUIREMENTS.**

2 “(a) REPORT ON STATUS OF IMPLEMENTATION AND
3 ASSESSMENT OF PROGRAMS.—Not later than 180 days
4 after the date of the enactment of the Military and Over-
5 seas Voter Empowerment Act, the Presidential designee
6 shall submit to the relevant committees of Congress a re-
7 port containing the following information:

8 “(1) The status of the implementation of the
9 procedures established for the collection and delivery
10 of marked absentee ballots of absent overseas uni-
11 formed services voters under section 103A, and a de-
12 tailed description of the specific steps taken towards
13 such implementation for the regularly scheduled gen-
14 eral election for Federal office held in November
15 2010.

16 “(2) An assessment of the effectiveness of the
17 Voting Assistance Officer Program of the Depart-
18 ment of Defense, which shall include the following:

19 “(A) A thorough and complete assessment
20 of whether the Program, as configured and im-
21 plemented as of such date of enactment, is ef-
22 fectively assisting absent uniformed services
23 voters in exercising their right to vote.

24 “(B) An inventory and explanation of any
25 areas of voter assistance in which the Program
26 has failed to accomplish its stated objectives

1 and effectively assist absent uniformed services
2 voters in exercising their right to vote.

3 “(C) As necessary, a detailed plan for the
4 implementation of any new program to replace
5 or supplement voter assistance activities re-
6 quired to be performed under this Act.

7 “(3) A detailed description of the specific steps
8 taken towards the implementation of voter registra-
9 tion assistance for absent uniformed services voters
10 under section 102(j), including the designation of of-
11 fices under paragraphs (1) and (5) of such section.

12 “(b) ANNUAL REPORT ON EFFECTIVENESS OF AC-
13 TIVITIES AND UTILIZATION OF CERTAIN PROCEDURES.—
14 Not later than March 31 of each year, the Presidential
15 designee shall transmit to the President and to the rel-
16 evant committees of Congress a report containing the fol-
17 lowing information:

18 “(1) An assessment of the effectiveness of ac-
19 tivities carried out under section 103B, including the
20 activities and actions of the Federal Voting Assist-
21 ance Program of the Department of Defense, a sepa-
22 rate assessment of voter registration and participa-
23 tion by absent uniformed services voters, a separate
24 assessment of voter registration and participation by
25 overseas voters who are not members of the uni-

1 formed services, and a description of the cooperation
2 between States and the Federal Government in car-
3 rying out such section.

4 “(2) A description of the utilization of voter
5 registration assistance under section 102(j), which
6 shall include the following:

7 “(A) A description of the specific programs
8 implemented by each military department of the
9 Armed Forces pursuant to such section.

10 “(B) The number of absent uniformed
11 services voters who utilized voter registration
12 assistance provided under such section.

13 “(3) In the case of a report submitted under
14 this subsection in the year following a year in which
15 a regularly scheduled general election for Federal of-
16 fice is held, a description of the utilization of the
17 procedures for the collection and delivery of marked
18 absentee ballots established pursuant to section
19 103A, which shall include the number of marked ab-
20 sentee ballots collected and delivered under such pro-
21 cedures and the number of such ballots which were
22 not delivered by the time of the closing of the polls
23 on the date of the election (and the reasons such
24 ballots were not so delivered).

25 “(c) DEFINITIONS.—In this section:

1 “(1) ABSENT OVERSEAS UNIFORMED SERVICES
2 VOTER.—The term ‘absent overseas uniformed serv-
3 ices voter’ has the meaning given such term in sec-
4 tion 103A(d).

5 “(2) PRESIDENTIAL DESIGNEE.—The term
6 ‘Presidential designee’ means the Presidential des-
7 ignee under section 101(a).

8 “(3) RELEVANT COMMITTEES OF CONGRESS
9 DEFINED.—The term ‘relevant committees of Con-
10 gress’ means—

11 “(A) the Committees on Appropriations,
12 Armed Services, and Rules and Administration
13 of the Senate; and

14 “(B) the Committees on Appropriations,
15 Armed Services, and House Administration of
16 the House of Representatives.”.

17 **SEC. 594. ANNUAL REPORT ON ENFORCEMENT.**

18 Section 105 of the Uniformed and Overseas Citizens
19 Absentee Voting Act (42 U.S.C. 1973f-4) is amended—

20 (1) by striking “The Attorney” and inserting

21 “(a) IN GENERAL.—The Attorney”; and

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

24 “(b) REPORT TO CONGRESS.—Not later than Decem-
25 ber 31 of each year, the Attorney General shall submit

1 to Congress an annual report on any civil action brought
2 under subsection (a) during the preceding year.”.

3 **SEC. 595. REQUIREMENTS PAYMENTS.**

4 (a) USE OF FUNDS.—Section 251(b) of the Help
5 America Vote Act of 2002 (42 U.S.C. 15401(b)) is amend-
6 ed—

7 (1) in paragraph (1), by striking “paragraph
8 (2)” and inserting “paragraphs (2) and (3)”; and

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

11 “(3) ACTIVITIES UNDER UNIFORMED AND
12 OVERSEAS CITIZENS ABSENTEE VOTING ACT.—A
13 State shall use a requirements payment made using
14 funds appropriated pursuant to the authorization
15 under section 257(4) only to meet the requirements
16 under the Uniformed and Overseas Citizens Absen-
17 tee Voting Act imposed as a result of the provisions
18 of and amendments made by the Military and Over-
19 seas Voter Empowerment Act.”.

20 (b) REQUIREMENTS.—

21 (1) STATE PLAN.—Section 254(a) of the Help
22 America Vote Act of 2002 (42 U.S.C. 15404(a)) is
23 amended by adding at the end the following new
24 paragraph:

1 “(14) How the State plan will comply with the
2 provisions and requirements of and amendments
3 made by the Military and Overseas Voter Empower-
4 ment Act.”.

5 (2) CONFORMING AMENDMENTS.—Section
6 253(b) of the Help America Vote Act of 2002 (42
7 U.S.C. 15403(b)) is amended—

8 (A) in paragraph (1)(A), by striking “sec-
9 tion 254” and inserting “subsection (a) of sec-
10 tion 254 (or, in the case where a State is seek-
11 ing a requirements payment made using funds
12 appropriated pursuant to the authorization
13 under section 257(4), paragraph (14) of section
14 254)”; and

15 (B) in paragraph (2)—

16 (i) by striking “(2) The State” and
17 inserting “(2)(A) Subject to subparagraph
18 (B), the State”; and

19 (ii) by inserting after subparagraph
20 (A), as added by clause (i), the following
21 new subparagraph:

22 “(B) The requirement under subparagraph (A)
23 shall not apply in the case of a requirements pay-
24 ment made using funds appropriated pursuant to
25 the authorization under section 257(4).”.

1 (c) AUTHORIZATION.—Section 257(a) of the Help
2 America Vote Act of 2002 (42 U.S.C. 15407(a)) is amend-
3 ed by adding at the end the following new paragraph:

4 “(4) For fiscal year 2010 and subsequent fiscal
5 years, such sums as are necessary for purposes of
6 making requirements payments to States to carry
7 out the activities described in section 251(b)(3).”.

8 **SEC. 596. TECHNOLOGY PILOT PROGRAM.**

9 (a) DEFINITIONS.—In this section:

10 (1) ABSENT UNIFORMED SERVICES VOTER.—
11 The term “absent uniformed services voter” has the
12 meaning given such term in section 107(a) of the
13 Uniformed and Overseas Citizens Absentee Voting
14 Act (42 U.S.C. 1973ff et seq.).

15 (2) OVERSEAS VOTER.—The term “overseas
16 voter” has the meaning given such term in section
17 107(5) of such Act.

18 (3) PRESIDENTIAL DESIGNEE.—The term
19 “Presidential designee” means the individual des-
20 ignated under section 101(a) of such Act.

21 (b) ESTABLISHMENT.—

22 (1) IN GENERAL.—The Presidential designee
23 may establish 1 or more pilot programs under which
24 the feasibility of new election technology is tested for
25 the benefit of absent uniformed services voters and

1 overseas voters claiming rights under the Uniformed
2 and Overseas Citizens Absentee Voting Act (42
3 U.S.C. 1973ff et seq.).

4 (2) DESIGN AND CONDUCT.—The design and
5 conduct of a pilot program established under this
6 subsection—

7 (A) shall be at the discretion of the Presi-
8 dential designee; and

9 (B) shall not conflict with or substitute for
10 existing laws, regulations, or procedures with
11 respect to the participation of absent uniformed
12 services voters and military voters in elections
13 for Federal office.

14 (c) CONSIDERATIONS.—In conducting a pilot pro-
15 gram established under subsection (b), the Presidential
16 designee may consider the following issues:

17 (1) The transmission of electronic voting mate-
18 rial across military networks.

19 (2) Virtual private networks, cryptographic vot-
20 ing systems, centrally controlled voting stations, and
21 other information security techniques.

22 (3) The transmission of ballot representations
23 and scanned pictures in a secure manner.

24 (4) Capturing, retaining, and comparing elec-
25 tronic and physical ballot representations.

1 (5) Utilization of voting stations at military
2 bases.

3 (6) Document delivery and upload systems.

4 (7) The functional effectiveness of the applica-
5 tion or adoption of the pilot program to operational
6 environments, taking into account environmental
7 and logistical obstacles and State procedures.

8 (d) REPORTS.—The Presidential designee shall sub-
9 mit to Congress reports on the progress and outcomes of
10 any pilot program conducted under this subsection, to-
11 gether with recommendations—

12 (1) for the conduct of additional pilot programs
13 under this section; and

14 (2) for such legislation and administrative ac-
15 tion as the Presidential designee determines appro-
16 priate.

17 (e) TECHNICAL ASSISTANCE.—

18 (1) IN GENERAL.—The Election Assistance
19 Commission and the National Institute of Standards
20 and Technology shall work with the Presidential des-
21 ignee to support the pilot program or programs es-
22 tablished under this section through best practices
23 or standards and in accordance with electronic ab-
24 sentee voting guidelines established under the first
25 sentence of section 1604(a)(2) of the National De-

1 fense Authorization Act for Fiscal Year 2002 (Pub-
2 lic Law 107–107; 115 Stat. 1277; 42 U.S.C. 1977ff
3 note), as amended by section 567 of the Ronald W.
4 Reagan National Defense Authorization Act for Fis-
5 cal Year 2005 (Public Law 108–375; 118 Stat.
6 1919).

7 (2) REPORT.—In the case where the Election
8 Assistance Commission has not established electronic
9 absentee voting guidelines under such section
10 1604(a)(2), as so amended, by not later than 180
11 days after enactment of this Act, the Election As-
12 sistance Commission shall submit to the relevant
13 committees of Congress a report containing the fol-
14 lowing information:

15 (A) The reasons such guidelines have not
16 been established as of such date.

17 (B) A detailed timeline for the establish-
18 ment of such guidelines.

19 (C) A detailed explanation of the Commis-
20 sion’s actions in establishing such guidelines
21 since the date of enactment of the Ronald W.
22 Reagan National Defense Authorization Act for
23 Fiscal Year 2005 (Public Law 108–375; 118
24 Stat. 1919).

1 (3) RELEVANT COMMITTEES OF CONGRESS DE-
2 FINED.—In this subsection, the term “relevant com-
3 mittees of Congress” means—

4 (A) the Committees on Appropriations,
5 Armed Services, and Rules and Administration
6 of the Senate; and

7 (B) the Committees on Appropriations,
8 Armed Services, and House Administration of
9 the House of Representatives.

10 (f) AUTHORIZATION OF APPROPRIATIONS.—There
11 are authorized to be appropriated such sums as are nec-
12 essary to carry out this section.

13 **TITLE VI—COMPENSATION AND**
14 **OTHER PERSONNEL BENEFITS**
15 **Subtitle A—Pay and Allowances**

16 **SEC. 601. FISCAL YEAR 2010 INCREASE IN MILITARY BASIC**
17 **PAY.**

18 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The
19 adjustment to become effective during fiscal year 2010 re-
20 quired by section 1009 of title 37, United States Code,
21 in the rates of monthly basic pay authorized members of
22 the uniformed services shall not be made.

23 (b) INCREASE IN BASIC PAY.—Effective on January
24 1, 2010, the rates of monthly basic pay for members of
25 the uniformed services are increased by 3.4 percent.

1 **SEC. 602. COMPTROLLER GENERAL OF THE UNITED**
2 **STATES COMPARATIVE ASSESSMENT OF MILI-**
3 **TARY AND PRIVATE-SECTOR PAY AND BENE-**
4 **FITS.**

5 (a) **STUDY REQUIRED.**—The Comptroller General of
6 the United States shall conduct a study comparing pay
7 and benefits provided by law to members of the Armed
8 Forces with pay and benefits provided by the private sec-
9 tor to comparably situated private-sector employees.

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

12 (1) An assessment of total military compensa-
13 tion for officers and for enlisted personnel, including
14 basic pay, the basic allowance for housing (BAH),
15 the basic allowance for subsistence (BAS), tax bene-
16 fits applicable to military pay and allowances under
17 Federal law (including the Social Security laws) and
18 State law, military retirement benefits, commissary
19 and exchange privileges, and military healthcare
20 benefits.

21 (2) An assessment of private-sector pay and
22 benefits for civilians of similar age, education, and
23 experience in like fields of officers and enlisted per-
24 sonnel of the Armed Forces, including pay, bonuses,
25 employee options, fringe benefits, retirement bene-
26 fits, individual retirement investment benefits, flexi-

1 ble spending accounts and health savings accounts,
2 and any other elements of private-sector compensa-
3 tion that the Comptroller General considers appro-
4 priate.

5 (3) An identification of the percentile of com-
6 parable private-sector compensation at which mem-
7 bers of the Armed Forces are paid, including an as-
8 sessment of the adequacy of percentile comparisons
9 generally and whether the Department of Defense
10 goal of compensating members of the Armed Forces
11 at the 80th percentile of comparable private-sector
12 compensation, as described in the 10th Quadrennial
13 Review of Military Compensation, is appropriate and
14 adequate to achieve comparability of pay between
15 members of the Armed Forces and private-sector
16 employees.

17 (c) REPORT.—The Comptroller General shall submit
18 to the congressional defense committees a report on the
19 study required by subsection (a) by not later than April
20 1, 2010.

1 **SEC. 603. INCREASE IN MAXIMUM MONTHLY AMOUNT OF**
2 **SUPPLEMENTAL SUBSISTENCE ALLOWANCE**
3 **FOR LOW-INCOME MEMBERS WITH DEPEND-**
4 **ENTS.**

5 (a) INCREASE IN MAXIMUM MONTHLY AMOUNT.—
6 Section 402a(a) of title 37, United States Code, is amend-
7 ed—

8 (1) in paragraph (2), by striking “\$500” and
9 inserting “\$1,100”; and

10 (2) in paragraph (3)(B), by striking “\$500”
11 and inserting “\$1,100”.

12 (b) EFFECTIVE DATE.—The amendments made by
13 subsection (a) shall take effect on October 1, 2009, and
14 shall apply with respect to monthly supplemental subsist-
15 ence allowances for low-income members with dependents
16 payable on or after that date.

17 (c) REPORT ON ELIMINATION OF RELIANCE ON SUP-
18 PLEMENTAL NUTRITION ASSISTANCE PROGRAM TO MEET
19 NUTRITIONAL NEEDS OF MEMBERS OF THE ARMED
20 FORCES AND THEIR DEPENDENTS.—

21 (1) IN GENERAL.—Not later than September 1,
22 2010, the Secretary of Defense shall, in consultation
23 with the Secretary of Agriculture, submit to the con-
24 gressional defense committees a report setting forth
25 a plan for actions to eliminate the need for members
26 of the Armed Forces and their dependents to rely on

1 the supplemental nutrition assistance program under
2 the Food Stamp Act of 1977 (7 U.S.C. 2011 et
3 seq.) for their monthly nutritional needs.

4 (2) ELEMENTS.—The plan required by para-
5 graph (1) shall address the following:

6 (A) An appropriate amount or amounts for
7 the monthly supplemental subsistence allowance
8 for low-income members with dependents pay-
9 able under section 402a of title 37, United
10 States Code.

11 (B) Such modifications, if any, to the eligi-
12 bility requirements for the monthly supple-
13 mental subsistence allowance, including limita-
14 tions on the maximum size of the household of
15 a member for purposes of eligibility for the al-
16 lowance, as the Secretary of Defense considers
17 appropriate.

18 (C) The advisability of requiring members
19 of the Armed Forces to apply for the monthly
20 supplemental subsistence allowance before seek-
21 ing assistance under the supplemental nutrition
22 assistance program.

23 (D) Such other matters as the Secretary of
24 Defense considers appropriate.

1 **SEC. 604. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZA-**
2 **TION RESPITE ABSENCE PROGRAM FOR CER-**
3 **TAIN PERIODS BEFORE IMPLEMENTATION OF**
4 **PROGRAM.**

5 (a) IN GENERAL.—Under regulations prescribed by
6 the Secretary of Defense, the Secretary concerned may
7 provide any member or former member of the Armed
8 Forces with the benefits specified in subsection (b) if the
9 member or former member would, on any day during the
10 period beginning on January 19, 2007, and ending on the
11 date of the implementation of the Post-Deployment/Mobi-
12 lization Respite Absence (PDMRA) program by the Sec-
13 retary concerned, have qualified for a day of administra-
14 tive absence under the Post-Deployment/Mobilization Res-
15 pite Absence program had the program been in effect dur-
16 ing such period.

17 (b) BENEFITS.—The benefits specified in this sub-
18 section are the following:

19 (1) In the case of an individual who is a former
20 member of the Armed Forces at the time of the pro-
21 vision of benefits under this section, payment of an
22 amount not to exceed \$200 for each day the indi-
23 vidual would have qualified for a day of administra-
24 tive absence as described in subsection (a) during
25 the period specified in that subsection.

1 (2) In the case of an individual who is a mem-
2 ber of the Armed Forces at the time of the provision
3 of benefits under this section, either one day of ad-
4 ministrative absence or payment of an amount not
5 to exceed \$200, as selected by the Secretary con-
6 cerned, for each day the individual would have quali-
7 fied for a day of administrative absence as described
8 in subsection (a) during the period specified in that
9 subsection.

10 (c) EXCLUSION OF CERTAIN FORMER MEMBERS.—
11 A former member of the Armed Forces is not eligible
12 under this section for the benefits specified in subsection
13 (b)(1) if the former member was discharged or released
14 from the Armed Forces under other than honorable condi-
15 tions.

16 (d) MAXIMUM NUMBER OF DAYS OF BENEFITS
17 PROVIDABLE.—The number of days of benefits providable
18 to a member or former member of the Armed Forces
19 under this section may not exceed 40 days of benefits.

20 (e) FORM OF PAYMENT.—The paid benefits
21 providable under subsection (b) may be paid in a lump
22 sum or installments, at the election of the Secretary con-
23 cerned.

24 (f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—
25 The benefits provided a member or former member of the

1 Armed Forces under this section are in addition to any
2 other pay, absence, or leave provided by law.

3 (g) DEFINITIONS.—In this section:

4 (1) The term “Post-Deployment/Mobilization
5 Respite Absence program” means the program of a
6 military department to provide days of administra-
7 tive absence not chargeable against available leave to
8 certain deployed or mobilized members of the Armed
9 Forces in order to assist such members in reinte-
10 grating into civilian life after deployment or mobili-
11 zation.

12 (2) The term “Secretary concerned” has the
13 meaning given that term in section 101(5) of title
14 37, United States Code.

15 (h) TERMINATION.—

16 (1) IN GENERAL.—The authority to provide
17 benefits under this section shall expire on the date
18 that is one year after the date of the enactment of
19 this Act.

20 (2) CONSTRUCTION.—Expiration under this
21 subsection of the authority to provide benefits under
22 this section shall not affect the utilization of any day
23 of administrative absence provided a member of the
24 Armed Forces under subsection (b)(2), or the pay-
25 ment of any payment authorized a member or

1 former member of the Armed Forces under sub-
2 section (b), before the expiration of the authority in
3 this section.

4 **Subtitle B—Bonuses and Special**
5 **and Incentive Pays**

6 **SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL**
7 **PAY AUTHORITIES FOR RESERVE FORCES.**

8 (a) **SELECTED RESERVE REENLISTMENT BONUS.**—
9 Section 308b(g) of title 37, United States Code, is amend-
10 ed by striking “December 31, 2009” and inserting “De-
11 cember 31, 2010”.

12 (b) **SELECTED RESERVE AFFILIATION OR ENLIST-**
13 **MENT BONUS.**—Section 308c(i) of such title is amended
14 by striking “December 31, 2009” and inserting “Decem-
15 ber 31, 2010”.

16 (c) **SPECIAL PAY FOR ENLISTED MEMBERS AS-**
17 **SIGNED TO CERTAIN HIGH PRIORITY UNITS.**—Section
18 308d(e) of such title is amended by striking “December
19 31, 2009” and inserting “December 31, 2010”.

20 (d) **READY RESERVE ENLISTMENT BONUS FOR PER-**
21 **SONS WITHOUT PRIOR SERVICE.**—Section 308g(f)(2) of
22 such title is amended by striking “December 31, 2009”
23 and inserting “December 31, 2010”.

24 (e) **READY RESERVE ENLISTMENT AND REENLIST-**
25 **MENT BONUS FOR PERSONS WITH PRIOR SERVICE.**—Sec-

1 tion 308h(e) of such title is amended by striking “Decem-
2 ber 31, 2009” and inserting “December 31, 2010”.

3 (f) **SELECTED RESERVE ENLISTMENT BONUS FOR**
4 **PERSONS WITH PRIOR SERVICE.**—Section 308i(f) of such
5 title is amended by striking “December 31, 2009” and in-
6 serting “December 31, 2010”.

7 (g) **INCOME REPLACEMENT PAYMENTS.**—Section
8 910(g) of such title is amended by striking “December 31,
9 2009” and inserting “December 31, 2010”.

10 **SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL**
11 **PAY AUTHORITIES FOR HEALTH CARE PRO-**
12 **FESSIONALS.**

13 (a) **NURSE OFFICER CANDIDATE ACCESSION PRO-**
14 **GRAM.**—Section 2130a(a)(1) of title 10, United States
15 Code, is amended by striking “December 31, 2009” and
16 inserting “December 31, 2010”.

17 (b) **REPAYMENT OF EDUCATION LOANS FOR CER-**
18 **TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-**
19 **LECTED RESERVE.**—Section 16302(d) of such title is
20 amended by striking “December 31, 2009” and inserting
21 “December 31, 2010”.

22 (c) **ACCESSION AND RETENTION BONUSES FOR PSY-**
23 **CHOLOGISTS.**—Section 302c-1(f) of title 37, United States
24 Code, is amended by striking “December 31, 2009” and
25 inserting “December 31, 2010”.

1 (d) ACCESSION BONUS FOR REGISTERED NURSES.—
2 Section 302d(a)(1) of such title is amended by striking
3 “December 31, 2009” and inserting “December 31,
4 2010”.

5 (e) INCENTIVE SPECIAL PAY FOR NURSE ANES-
6 THETISTS.—Section 302e(a)(1) of such title is amended
7 by striking “December 31, 2009” and inserting “Decem-
8 ber 31, 2010”.

9 (f) SPECIAL PAY FOR SELECTED RESERVE HEALTH
10 PROFESSIONALS IN CRITICALLY SHORT WARTIME SPE-
11 CIALTIES.—Section 302g(e) of such title is amended by
12 striking “December 31, 2009” and inserting “December
13 31, 2010”.

14 (g) ACCESSION BONUS FOR DENTAL OFFICERS.—
15 Section 302h(a)(1) of such title is amended by striking
16 “December 31, 2009” and inserting “December 31,
17 2010”.

18 (h) ACCESSION BONUS FOR PHARMACY OFFICERS.—
19 Section 302j(a) of such title is amended by striking “De-
20 cember 31, 2009” and inserting “December 31, 2010”.

21 (i) ACCESSION BONUS FOR MEDICAL OFFICERS IN
22 CRITICALLY SHORT WARTIME SPECIALTIES.—Section
23 302k(f) of such title is amended by striking “December
24 31, 2009” and inserting “December 31, 2010”.

1 (j) ACCESSION BONUS FOR DENTAL SPECIALIST OF-
2 FICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—
3 Section 302l(g) of such title is amended by striking “De-
4 cember 31, 2009” and inserting “December 31, 2010”.

5 **SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AU-**
6 **THORITIES FOR NUCLEAR OFFICERS.**

7 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
8 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
9 312(f) of title 37, United States Code, is amended by
10 striking “December 31, 2009” and inserting “December
11 31, 2010”.

12 (b) NUCLEAR CAREER ACCESSION BONUS.—Section
13 312b(c) of such title is amended by striking “December
14 31, 2009” and inserting “December 31, 2010”.

15 (c) NUCLEAR CAREER ANNUAL INCENTIVE
16 BONUS.—Section 312c(d) of such title is amended by
17 striking “December 31, 2009” and inserting “December
18 31, 2010”.

19 **SEC. 614. EXTENSION OF AUTHORITIES RELATING TO TITLE**
20 **37 CONSOLIDATED SPECIAL PAY, INCENTIVE**
21 **PAY, AND BONUS AUTHORITIES.**

22 (a) GENERAL BONUS AUTHORITY FOR ENLISTED
23 MEMBERS.—Section 331(h) of title 37, United States
24 Code, is amended by striking “December 31, 2009” and
25 inserting “December 31, 2010”.

1 (b) GENERAL BONUS AUTHORITY FOR OFFICERS.—
2 Section 332(g) of such title is amended by striking “De-
3 cember 31, 2009” and inserting “December 31, 2010”.

4 (c) SPECIAL BONUS AND INCENTIVE PAY AUTHORI-
5 TIES FOR NUCLEAR OFFICERS.—Section 333(i) of such
6 title is amended by striking “December 31, 2009” and in-
7 serting “December 31, 2010”.

8 (d) SPECIAL AVIATION INCENTIVE PAY AND BONUS
9 AUTHORITIES.—Section 334(i) of such title is amended by
10 striking “December 31, 2009” and inserting “December
11 31, 2010”.

12 (e) SPECIAL HEALTH PROFESSIONS INCENTIVE PAY
13 AND BONUS AUTHORITIES.—Section 335(k) of such title
14 is amended by striking “December 31, 2009” and insert-
15 ing “December 31, 2010”.

16 (f) HAZARDOUS DUTY PAY.—Section 351(i) of such
17 title is amended by striking “December 31, 2009” and in-
18 serting “December 31, 2010”.

19 (g) ASSIGNMENT PAY OR SPECIAL DUTY PAY.—Sec-
20 tion 352(g) of such title is amended by striking “Decem-
21 ber 31, 2009” and inserting “December 31, 2010”.

22 (h) SKILL INCENTIVE PAY OR PROFICIENCY
23 BONUS.—Section 353(j) of such title is amended by strik-
24 ing “December 31, 2009” and inserting “December 31,
25 2010”.

1 (i) RETENTION BONUS FOR MEMBERS WITH CRIT-
2 ICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY
3 UNITS.—Section 355(i) of such title is amended by strik-
4 ing “December 31, 2009” and inserting “December 31,
5 2010”.

6 **SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAY-**
7 **MENT OF OTHER TITLE 37 BONUSES AND SPE-**
8 **CIAL PAYS.**

9 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
10 tion 301b(a) of title 37, United States Code, is amended
11 by striking “December 31, 2009” and inserting “Decem-
12 ber 31, 2010”.

13 (b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g)
14 of such title is amended by striking “December 31, 2009”
15 and inserting “December 31, 2010”.

16 (c) REENLISTMENT BONUS FOR ACTIVE MEM-
17 BERS.—Section 308(g) of such title is amended by strik-
18 ing “December 31, 2009” and inserting “December 31,
19 2010”.

20 (d) ENLISTMENT BONUS.—Section 309(e) of such
21 title is amended by striking “December 31, 2009” and in-
22 serting “December 31, 2010”.

23 (e) ACCESSION BONUS FOR NEW OFFICERS IN CRIT-
24 ICAL SKILLS.—Section 324(g) of such title is amended by

1 striking “December 31, 2009” and inserting “December
2 31, 2010”.

3 (f) INCENTIVE BONUS FOR CONVERSION TO MILI-
4 TARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL
5 SHORTAGE.—Section 326(g) of such title is amended by
6 striking “December 31, 2009” and inserting “December
7 31, 2010”.

8 (g) INCENTIVE BONUS FOR TRANSFER BETWEEN
9 ARMED FORCES.—Section 327(h) of such title is amended
10 by striking “December 31, 2009” and inserting “Decem-
11 ber 31, 2010”.

12 (h) ACCESSION BONUS FOR OFFICER CAN-
13 DIDATES.—Section 330(f) of such title is amended by
14 striking “December 31, 2009” and inserting “December
15 31, 2010”.

16 **SEC. 616. EXTENSION OF AUTHORITIES RELATING TO PAY-**
17 **MENT OF REFERRAL BONUSES.**

18 (a) HEALTH PROFESSIONS REFERRAL BONUS.—Sec-
19 tion 1030(i) of title 10, United States Code, is amended
20 by striking “December 31, 2009” and inserting “Decem-
21 ber 31, 2010”.

22 (b) ARMY REFERRAL BONUS.—Section 3252(h) of
23 such title is amended by striking “December 31, 2009”
24 and inserting “December 31, 2010”.

1 **SEC. 617. SPECIAL COMPENSATION FOR MEMBERS OF THE**
2 **UNIFORMED SERVICES WITH SERIOUS INJU-**
3 **RIES OR ILLNESSES REQUIRING ASSISTANCE**
4 **IN EVERYDAY LIVING.**

5 (a) IN GENERAL.—Chapter 7 of title 37, United
6 States Code, is amended by adding at the end the fol-
7 lowing new section:

8 **“§ 439. Special compensation: members of the uni-**
9 **formed services with serious injuries or**
10 **illnesses requiring assistance in everyday**
11 **living**

12 “(a) MONTHLY COMPENSATION.—The Secretary con-
13 cerned may pay to any member of the uniformed services
14 described in subsection (b) monthly special compensation
15 in an amount determined under subsection (c).

16 “(b) COVERED MEMBERS.—A member eligible for
17 monthly special compensation authorized by subsection (a)
18 is a member who—

19 “(1) has been certified by a licensed physician
20 to be in need of assistance from another person to
21 perform the personal functions required in everyday
22 living;

23 “(2) has a serious injury, disorder, or disease of
24 either a temporary or permanent nature that—

25 “(A) is incurred or aggravated in the line
26 of duty; and

1 “(B) compromises the member’s ability to
2 carry out one or more activities of daily living
3 or requires the member to be constantly super-
4 vised to avoid physical harm to the member or
5 to others; and

6 “(3) meets such other criteria, if any, as the
7 Secretary of Defense (or the Secretary of Homeland
8 Security, with respect to the Coast Guard) pre-
9 scribes for purposes of this section.

10 “(c) AMOUNT.—(1) The amount of monthly special
11 compensation payable to a member under subsection (a)
12 shall be determined under criteria prescribed by the Sec-
13 retary of Defense (or the Secretary of Homeland Security,
14 with respect to the Coast Guard), but may not exceed the
15 amount of aid and attendance allowance authorized by
16 section 1114(r)(2) of title 38 for veterans in need of aid
17 and attendance.

18 “(2) In determining the amount of monthly special
19 compensation, the Secretary concerned shall consider the
20 following:

21 “(A) The extent to which home health care and
22 related services are being provided by the Govern-
23 ment.

24 “(B) The extent to which aid and attendance
25 services are being provided by family and friends

1 who may be compensated with funds provided
2 through the monthly special compensation.

3 “(d) PAYMENT UNTIL MEDICAL RETIREMENT.—
4 Monthly special compensation is payable under this sec-
5 tion to a member described in subsection (b) for any
6 month that begins before the date on which the member
7 is medically retired.

8 “(e) CONSTRUCTION WITH OTHER PAY AND ALLOW-
9 ANCES.—Monthly special compensation payable to a mem-
10 ber under this section is in addition to any other pay and
11 allowances payable to the member by law.

12 “(f) BENEFIT INFORMATION.—The Secretary of De-
13 fense, in collaboration with the Secretary of Veterans Af-
14 fairs, shall ensure that members of the uniformed services
15 who may be eligible for compensation under this section
16 are made aware of the availability of such compensation
17 by including information about such compensation in writ-
18 ten and online materials for such members and their fami-
19 lies.

20 “(g) REGULATIONS.—The Secretary of Defense (or
21 the Secretary of Homeland Security, with respect to the
22 Coast Guard) shall prescribe regulations to carry out this
23 section.”.

24 (b) REPORT TO CONGRESS.—

1 (1) IN GENERAL.—Not later than one year
2 after the date of the enactment of this Act, the Sec-
3 retary of Defense (and the Secretary of Homeland
4 Security, with respect to the Coast Guard) shall sub-
5 mit to Congress a report on the provision of com-
6 pensation under section 439 of title 37, United
7 States Code, as added by subsection (a) of this sec-
8 tion.

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

11 (A) An estimate of the number of members
12 of the uniformed services eligible for compensa-
13 tion under such section 439.

14 (B) The number of members of the uni-
15 formed services receiving compensation under
16 such section.

17 (C) The average amount of compensation
18 provided to members of the uniformed services
19 receiving such compensation.

20 (D) The average amount of time required
21 for a member of the uniformed services to re-
22 ceive such compensation after the member be-
23 comes eligible for the compensation.

24 (E) A summary of the types of injuries,
25 disorders, and diseases of members of the uni-

1 formed services receiving such compensation
2 that made such members eligible for such com-
3 pensation.

4 (c) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of chapter 7 of such title is amended by
6 adding at the end the following new item:

“439. Special compensation: members of the uniformed services with serious in-
juries or illnesses requiring assistance in everyday living.”.

7 **SEC. 618. TEMPORARY AUTHORITY FOR MONTHLY SPECIAL**
8 **PAY FOR MEMBERS OF THE ARMED FORCES**
9 **SUBJECT TO CONTINUING ACTIVE DUTY OR**
10 **SERVICE UNDER STOP-LOSS AUTHORITIES.**

11 (a) SPECIAL PAY AUTHORIZED.—The Secretary of
12 the military department concerned may pay monthly spe-
13 cial pay to any member of the Armed Forces described
14 in subsection (b) for any month or portion of a month
15 in which the member serves on active duty in the Armed
16 Forces or active status in a reserve component of the
17 Armed Forces, including time served performing pre-de-
18 ployment and re-integration duty regardless of whether or
19 not such duty was performed by such a member on active
20 duty in the Armed Forces, or has the member’s eligibility
21 for retirement from the Armed Forces suspended, as de-
22 scribed in that subsection.

23 (b) COVERED MEMBERS.—A member of the Armed
24 Forces described in this subsection is any member of the

1 Army, Navy, Air Force, or Marine Corps (including a
2 member of a reserve component thereof) who, at any time
3 during the period beginning on October 1, 2009, and end-
4 ing on June 30, 2011, serves on active duty in the Armed
5 Forces or active status in a reserve component of the
6 Armed Forces, including time served performing pre-de-
7 ployment and re-integration duty regardless of whether or
8 not such duty was performed by such a member on active
9 duty in the Armed Forces, while the member's enlistment
10 or period of obligated service is extended, or has the mem-
11 ber's eligibility for retirement suspended, pursuant to sec-
12 tion 123 or 12305 of title 10, United States Code, or any
13 other provision of law (commonly referred to as a "stop-
14 loss authority") authorizing the President to extend an en-
15 listment or period of obligated service, or suspend eligi-
16 bility for retirement, of a member of the uniformed serv-
17 ices in time of war or of national emergency declared by
18 Congress or the President.

19 (c) AMOUNT.—The amount of monthly special pay
20 payable to a member under this section for a month may
21 not exceed \$500.

22 (d) CONSTRUCTION WITH OTHER PAYS.—Monthly
23 special pay payable to a member under this section is in
24 addition to any other amounts payable to the member by
25 law.

1 **Subtitle C—Travel and**
2 **Transportation Allowances**

3 **SEC. 631. TRAVEL AND TRANSPORTATION ALLOWANCES**
4 **FOR DESIGNATED INDIVIDUALS OF WOUND-**
5 **ED, ILL, OR INJURED MEMBERS OF THE UNI-**
6 **FORMED SERVICES FOR DURATION OF INPA-**
7 **TIENT TREATMENT.**

8 (a) **AUTHORITY TO PROVIDE TRAVEL TO DES-**
9 **IGNATED INDIVIDUALS.**—Subsection (a) of section 411h
10 of title 37, United States Code, is amended—

11 (1) in paragraph (1)—

12 (A) by striking “family members of a
13 member described in paragraph (2)” and insert-
14 ing “individuals who, with respect to a member
15 described in paragraph (2), are designated indi-
16 viduals for that member”;

17 (B) by striking “that the presence of the
18 family member” and inserting “, with respect to
19 any such individual, that the presence of such
20 individual”; and

21 (C) by striking “of family members” and
22 inserting “of designated individuals”; and

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

1 “(4) In the case of a designated individual who is also
2 a member of the uniformed services, that member may be
3 provided travel and transportation under this section in
4 the same manner as a designated individual who is not
5 a member.”.

6 (b) DEFINITION OF DESIGNATED INDIVIDUAL.—

7 (1) IN GENERAL.—Paragraph (1) of subsection
8 (b) of such section is amended by striking “the
9 term” and all that follows and inserting “the term
10 ‘designated individual’, with respect to a member,
11 means—

12 “(A) an individual designated by the member
13 for the purposes of this section; or

14 “(B) in the case of a member who has not
15 made a designation under subparagraph (A) and, as
16 determined by the attending physician or surgeon, is
17 not able to make such a designation, an individual
18 who, as designated by the attending physician or
19 surgeon and the commander or head of the military
20 medical facility exercising control over the member,
21 is someone with a personal relationship to the mem-
22 ber whose presence may aid and support the health
23 and welfare of the member during the duration of
24 the member’s inpatient treatment.”.

1 (2) DESIGNATIONS NOT PERMANENT.—Para-
2 graph (2) of such subsection is amended to read as
3 follows:

4 “(2) The designation of an individual as a designated
5 individual for purposes of this section may be changed at
6 any time.”.

7 (c) COVERAGE OF MEMBERS HOSPITALIZED OUT-
8 SIDE THE UNITED STATES WHO WERE WOUNDED OR IN-
9 JURED IN A COMBAT OPERATION OR COMBAT ZONE.—

10 (1) COVERAGE FOR HOSPITALIZATION OUTSIDE
11 THE UNITED STATES.—Subparagraph (B) of section
12 (a)(2) of such section is amended—

13 (A) in clause (i), by striking “in or outside
14 the United States”; and

15 (B) in clause (ii), by striking “in the
16 United States”.

17 (2) CLARIFICATION OF MEMBERS COVERED.—
18 Such subparagraph is further amended—

19 (A) in clause (i), by inserting “seriously
20 wounded,” after “(i) is”; and

21 (B) in clause (ii)—

22 (i) by striking “an injury” and insert-
23 ing “a wound or an injury”; and

24 (ii) by striking “that injury” and in-
25 serting “that wound or injury”.

1 (d) COVERAGE OF MEMBERS WITH SERIOUS MEN-
2 TAL DISORDERS.—

3 (1) IN GENERAL.—Subsection (a)(2)(B)(i) of
4 such section, as amended by subsection (c) of this
5 section, is further amended by inserting “(including
6 having a serious mental disorder)” after “seriously
7 injured”.

8 (2) SERIOUS MENTAL DISORDER DEFINED.—
9 Subsection (b) of such section 411h, as amended by
10 subsection (b) of this section, is further amended by
11 adding at the end the following new paragraph:

12 “(4)(A) In this section, the term ‘serious mental dis-
13 order’, in the case of a member, means that the member
14 has been diagnosed with a mental disorder that requires
15 intensive mental health treatment or hospitalization.

16 “(B) The circumstances in which a member shall be
17 considered to have a serious mental disorder for purposes
18 of this section shall include, but not be limited to, the fol-
19 lowing:

20 “(i) The member is considered to be a potential
21 danger to self or others as a result of a diagnosed
22 mental disorder that requires intensive mental health
23 treatment or hospitalization.

1 “(ii) The member is diagnosed with a mental
2 disorder and has psychotic symptoms that require
3 intensive mental health treatment or hospitalization.

4 “(iii) The member is diagnosed with a mental
5 disorder and has severe symptoms or severe impair-
6 ment in functioning that require intensive mental
7 health treatment or hospitalization.”.

8 (e) FREQUENCY OF AUTHORIZED TRAVEL.—Para-
9 graph (3) of subsection (a) of such section 411h is amend-
10 ed to read as follows:

11 “(3) Not more than a total of three roundtrips may
12 be provided under paragraph (1) in any 60-day period at
13 Government expense to the individuals who, with respect
14 to a member, are the designated individuals of that mem-
15 ber in effect during that period. However, if the Secretary
16 concerned has granted a waiver under the second sentence
17 of paragraph (1) with respect to a member, then for any
18 60-day period in which the waiver is in effect the limita-
19 tion in the preceding sentence shall be adjusted accord-
20 ingly. In addition, during any period during which there
21 is in effect a non-medical attendant designation for a
22 member under section 411h–1 of this title, not more than
23 a total of two roundtrips may be provided under para-
24 graph (1) in any 60-day period at Government expense
25 until there no longer is a designation of a non-medical at-

1 tendant or that designation transfers to another indi-
2 vidual, in which case during the transfer period three
3 roundtrip tickets may be provided.”.

4 (f) **STYLISTIC AND CONFORMING AMENDMENTS.—**
5 Such section is further amended—

6 (1) in subsection (a), by striking “(a)(1)” and
7 inserting “(a) **TRAVEL AND TRANSPORTATION AU-**
8 **THORIZED.—(1)**”;

9 (2) in subsection (b)—

10 (A) by striking “(b)(1)” and inserting “(b)
11 **DEFINITIONS.—(1)**”; and

12 (B) in paragraph (3)—

13 (i) by inserting “(A)” after “(3)”; and

14 (ii) by adding at the end the following

15 new subparagraph:

16 “(B) In this paragraph, the term ‘family member’,
17 with respect to a member, means the following:

18 “(i) The member’s spouse.

19 “(ii) Children of the member (including step-
20 children, adopted children, and illegitimate children).

21 “(iii) Parents of the member or persons in loco
22 parentis to the member, including fathers and moth-
23 ers through adoption and persons who stood in loco
24 parentis to the member for a period not less than
25 one year immediately before the member entered the

1 uniformed service, except that only one father and
2 one mother or their counterparts in loco parentis
3 may be recognized in any one case.

4 “(iv) Siblings of the member.

5 “(v) A person related to the member as de-
6 scribed in clause (i), (ii), (iii), or (iv) who is also a
7 member of the uniformed services.”;

8 (3) in subsection (c)—

9 (A) by striking “(c)(1)” and inserting “(c)

10 ROUND TRIP TRANSPORTATION AND PER DIEM
11 ALLOWANCE.—(1)”;

12 (B) in paragraph (1), by striking “family
13 member” and inserting “designated individual”;
14 and

15 (4) in subsection (d), by striking “(d)(1)” and
16 inserting “(d) METHOD OF TRANSPORTATION AU-
17 THORIZED.—(1)”.

18 (g) CLERICAL AMENDMENTS.—

19 (1) SECTION HEADING.—The heading of such
20 section is amended to read as follows:

1 **“§ 411h. Travel and transportation allowances: trans-**
 2 **portation of designated individuals inci-**
 3 **dent to hospitalization of members for**
 4 **treatment of wounds, illness, or injury”.**

5 (2) TABLE OF SECTIONS.—The item relating to
 6 such section in the table of sections at the beginning
 7 of chapter 7 of such title is amended to read as fol-
 8 lows:

“411h. Travel and transportation allowances: transportation of designated indi-
 viduals incident to hospitalization of members for treatment of
 wounds, illness, or injury.”.

9 (h) CONFORMING AMENDMENT TO WOUNDED WAR-
 10 RIOR ACT.—Section 1602(4) of the Wounded Warrior Act
 11 (10 U.S.C. 1071 note) is amended by striking
 12 “411h(b)(1)” and inserting “411h(b)(3)(B)”.

13 (i) APPLICABILITY OF AMENDMENTS.—No reim-
 14 bursement may be provided under section 411h of title 37,
 15 United States Code, by reason of the amendments made
 16 by this section for travel and transportation costs incurred
 17 before the date of the enactment of this Act.

18 **SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES**
 19 **FOR NON-MEDICAL ATTENDANTS OF SERI-**
 20 **OUSLY WOUNDED, ILL, OR INJURED MEM-**
 21 **BERS OF THE UNIFORMED SERVICES.**

22 (a) PAYMENT OF TRAVEL COSTS AUTHORIZED.—

1 (1) IN GENERAL.—Chapter 7 of title 37, United
2 States Code, is amended by inserting after section
3 411h the following new section:

4 **“§ 411h-1. Travel and transportation allowances:**
5 **transportation of non-medical attendants**
6 **for members who are seriously wounded,**
7 **ill, or injured**

8 “(a) IN GENERAL.—Under uniform regulations pre-
9 scribed by the Secretaries concerned, travel and transpor-
10 tation described in subsection (d) may be provided for a
11 qualified non-medical attendant for a member of the uni-
12 formed services described in subsection (c) if the attending
13 physician or surgeon and the commander or head of the
14 military medical facility exercising control over the mem-
15 ber jointly determine that the presence of such an attend-
16 ant may contribute to the member’s health and welfare.

17 “(b) QUALIFIED NON-MEDICAL ATTENDANT.—For
18 purposes of this section, a qualified non-medical attendant
19 with respect to a member described in subsection (c) is
20 an individual who—

21 “(1) the member designates for purposes of this
22 section to be a non-medical attendant for the mem-
23 ber; or

24 “(2) the attending physician or surgeon and the
25 commander or head of the military medical facility

1 exercising control over the member jointly determine
2 is an appropriate non-medical attendant for the
3 member whose presence may contribute to the mem-
4 ber's health and welfare.

5 “(c) COVERED MEMBERS.—A member of the uni-
6 formed services described in this subsection is a member
7 who—

8 “(1) is serving on active duty, is entitled to pay
9 and allowances under section 204(g) of this title (or
10 would be so entitled if not for offsetting earned in-
11 come described in that subsection), or is retired for
12 the wound, illness, or injury for which the member
13 is categorized as described in paragraph (2);

14 “(2) has been determined by the attending phy-
15 sician or surgeon to be in the category known as
16 ‘very seriously wounded, ill, or injured’ or in the cat-
17 egory known as ‘seriously wounded, ill, and injured’;
18 and

19 “(3) either—

20 “(A) is hospitalized for treatment of the
21 wound, illness, or injury for which the member
22 is so categorized; or

23 “(B) requires continuing outpatient treat-
24 ment for such wound, illness, or injury.

1 “(d) TRAVEL AND TRANSPORTATION.—(1)(A) The
2 transportation authorized by subsection (a) for a qualified
3 non-medical attendant for a member is round-trip trans-
4 portation between the home of the attendant and the loca-
5 tion at which the member is receiving treatment, including
6 transportation, while accompanying the member, to any
7 other location to which the member is subsequently trans-
8 ferred for further treatment.

9 “(B) In addition to the transportation authorized by
10 subsection (a), the Secretary concerned may provide a per
11 diem allowance or reimbursement, or a combination there-
12 of, for the actual and necessary expenses of travel as de-
13 scribed in subparagraph (A), but at rates not to exceed
14 the rates for travel established under section 404(d) of
15 this title.

16 “(2) The transportation authorized by subsection (a)
17 includes transportation, while accompanying the member,
18 necessary to obtain treatment for the member at the loca-
19 tion to which the member is permanently assigned.

20 “(3) The transportation authorized by subsection (a)
21 may be provided by any means as follows:

22 “(A) Transportation in-kind.

23 “(B) A monetary allowance in place of trans-
24 portation in-kind.

1 “(C) Reimbursement for the cost of commercial
2 transportation.

3 “(4) An allowance payable under this subsection may
4 be paid in advance.

5 “(5) Reimbursement payable under this subsection
6 for air travel may not exceed the cost of Government-pro-
7 cured commercial round-trip air travel.

8 “(e) COORDINATION WITH TRANSPORTATION AND
9 ALLOWANCES FOR DESIGNATED INDIVIDUALS.—An indi-
10 vidual may not receive travel and transportation allow-
11 ances under section 411h of this title and this section si-
12 multaneously.”.

13 (2) CLERICAL AMENDMENT.—The table of sec-
14 tions at the beginning of chapter 7 of such title is
15 amended by inserting after the item related to sec-
16 tion 411h the following new item:

“411h–1. Travel and transportation allowances: transportation of non-medical
attendants for members who are seriously wounded, ill, or in-
jured.”.

17 (b) APPLICABILITY.—No reimbursement may be pro-
18 vided under section 411h–1 of title 37, United States Code
19 (as added by subsection (a)), for any costs of travel or
20 transportation incurred before the date of the enactment
21 of this Act.

1 **SEC. 633. TRAVEL AND TRANSPORTATION ALLOWANCES**
2 **FOR MEMBERS OF THE RESERVE COMPO-**
3 **NENTS OF THE ARMED FORCES ON LEAVE**
4 **FOR SUSPENSION OF TRAINING.**

5 (a) ALLOWANCES AUTHORIZED.—

6 (1) IN GENERAL.—Chapter 7 of title 37, United
7 States Code, is amended by inserting after section
8 411j the following new section:

9 **“§ 411k. Travel and transportation allowances: travel**
10 **performed by certain members of the re-**
11 **serve components of the armed forces in**
12 **connection with leave for suspension of**
13 **training**

14 “(a) ALLOWANCE AUTHORIZED.—The Secretary con-
15 cerned may reimburse or provide transportation to a mem-
16 ber of a reserve component of the armed forces on active
17 duty for a period of more than 30 days who is performing
18 duty at a temporary duty station for travel between the
19 member’s temporary duty station and the member’s per-
20 manent duty station in connection with authorized leave
21 pursuant to a suspension of training.

22 “(b) MINIMUM DISTANCE BETWEEN STATIONS.—A
23 member may be paid for or provided transportation under
24 subsection (a) only as follows:

25 “(1) In the case of a member who travels be-
26 tween a temporary duty station and permanent duty

1 station by air transportation, if the distance between
2 such stations is not less than 300 miles.

3 “(2) In the case of a member who travels be-
4 tween a temporary duty station and permanent duty
5 station by ground transportation, if the distance be-
6 tween such stations is more than the normal com-
7 muting distance from the permanent duty station
8 (as determined under the regulations prescribed
9 under subsection (e)).

10 “(c) MINIMUM PERIOD OF SUSPENSION OF TRAIN-
11 ING.—A member may be paid for or provided transpor-
12 tation under subsection (a) only in connection with a sus-
13 pension of training covered by that subsection that is five
14 days or more in duration.

15 “(d) LIMITATION ON REIMBURSEMENT.—The
16 amount a member may be paid under subsection (a) for
17 travel may not exceed the amount that would be paid by
18 the government (as determined under the regulations pre-
19 scribed under subsection (e)) for the least expensive means
20 of travel between the duty stations concerned.

21 “(e) REGULATIONS.—The Secretary concerned shall
22 prescribe regulations to carry out this section. Regulations
23 prescribed by the Secretary of a military department shall
24 be subject to the approval of the Secretary of Defense.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
 2 tions at the beginning of chapter 7 of such title is
 3 amended by inserting after the item relating to sec-
 4 tion 411j the following new item:

“411k. Travel and transportation allowances: travel performed by certain mem-
 bers of the reserve components of the armed forces in connec-
 tion with leave for suspension of training.”.

5 (b) EFFECTIVE DATE.—The amendments made by
 6 subsection (a) shall take effect on the date of the enact-
 7 ment of this Act, and shall apply with respect to travel
 8 that occurs on or after that date.

9 **SEC. 634. REIMBURSEMENT OF TRAVEL EXPENSES OF MEM-**
 10 **BERS OF THE ARMED FORCES ON ACTIVE**
 11 **DUTY AND THEIR DEPENDENTS FOR TRAVEL**
 12 **FOR SPECIALTY CARE UNDER EXCEPTIONAL**
 13 **CIRCUMSTANCES.**

14 (a) REIMBURSEMENT AUTHORIZED.—Section 1074i
 15 of title 10, United States Code, is amended—

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

18 (2) by inserting after subsection (a) the fol-
 19 lowing new subsection (b):

20 “(b) REIMBURSEMENT FOR TRAVEL UNDER EXCEP-
 21 TIONAL CIRCUMSTANCES.—The Secretary of Defense may
 22 provide reimbursement for reasonable travel expenses of
 23 travel of members of the armed forces on active duty and
 24 their dependents, and accompaniment, to a specialty care

1 provider not otherwise authorized by subsection (a) under
2 such exceptional circumstances as the Secretary considers
3 appropriate for purposes of this section.”.

4 (b) TECHNICAL AMENDMENT.—Subsection (a) of
5 such section is amended by inserting “of Defense” after
6 “the Secretary”.

7 **SEC. 635. TRAVEL AND TRANSPORTATION FOR SURVIVORS**
8 **OF DECEASED MEMBERS OF THE UNI-**
9 **FORMED SERVICES TO ATTEND MEMORIAL**
10 **CEREMONIES.**

11 (a) ALLOWANCES AUTHORIZED.—Subsection (a) of
12 section 411f of title 37, United States Code, is amended—

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

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

17 “(2) The Secretary concerned may provide round trip
18 travel and transportation allowances to eligible relatives
19 of a member of the uniformed services who dies while on
20 active duty in order that the eligible relatives may attend
21 a memorial service for the deceased member that occurs
22 at a location other than the location of the burial ceremony
23 for which travel and transportation allowances are pro-
24 vided under paragraph (1). Travel and transportation al-
25 lowances may be provided under this paragraph for travel

1 of eligible relatives to only one memorial service for the
2 deceased member concerned.”.

3 (b) CONFORMING AMENDMENTS.—Subsection (c) of
4 such section is amended—

5 (1) by striking “subsection (a)(1)” the first
6 place it appears and inserting “paragraphs (1) and
7 (2) of subsection (a)”;

8 (2) by striking “subsection (a)(1)” the second
9 place it appears and inserting “paragraph (1) or (2)
10 of subsection (a)”.

11 **Subtitle D—Other Matters**

12 **SEC. 651. AUTHORITY TO CONTINUE PROVISION OF INCEN-** 13 **TIVES AFTER TERMINATION OF TEMPORARY** 14 **ARMY AUTHORITY TO PROVIDE ADDITIONAL** 15 **RECRUITMENT INCENTIVES.**

16 Subsection (i) of section 681 of the National Defense
17 Authorization Act for Fiscal Year 2006 (Public Law 109–
18 163; 119 Stat. 3321) is amended to read as follows:

19 “(i) TERMINATION OF AUTHORITY.—

20 “(1) IN GENERAL.—The Secretary may not de-
21 velop an incentive under this section, or first provide
22 an incentive developed under this section to an indi-
23 vidual, after December 31, 2009.

24 “(2) CONTINUATION OF INCENTIVES.—Nothing
25 in paragraph (1) shall be construed to prohibit or

1 limit the continuing provision to an individual after
2 the date specified in that paragraph of an incentive
3 first provided the individual under this section be-
4 fore that date.”.

5 **SEC. 652. REPEAL OF REQUIREMENT OF REDUCTION OF**
6 **SBP SURVIVOR ANNUITIES BY DEPENDENCY**
7 **AND INDEMNITY COMPENSATION.**

8 (a) REPEAL.—

9 (1) IN GENERAL.—Subchapter II of chapter 73
10 of title 10, United States Code, is amended as fol-
11 lows:

12 (A) In section 1450, by striking subsection

13 (c).

14 (B) In section 1451(c)—

15 (i) by striking paragraph (2); and

16 (ii) by redesignating paragraphs (3)

17 and (4) as paragraphs (2) and (3), respec-

18 tively.

19 (2) CONFORMING AMENDMENTS.—Such sub-
20 chapter is further amended as follows:

21 (A) In section 1450—

22 (i) by striking subsection (e);

23 (ii) by striking subsection (k); and

24 (iii) by striking subsection (m).

1 (B) In section 1451(g)(1), by striking sub-
2 paragraph (C).

3 (C) In section 1452—

4 (i) in subsection (f)(2), by striking
5 “does not apply—” and all that follows
6 and inserting “does not apply in the case
7 of a deduction made through administra-
8 tive error.”; and

9 (ii) by striking subsection (g).

10 (D) In section 1455(c), by striking “,
11 1450(k)(2),”.

12 (b) PROHIBITION ON RETROACTIVE BENEFITS.—No
13 benefits may be paid to any person for any period before
14 the effective date provided under subsection (f) by reason
15 of the amendments made by subsection (a).

16 (c) PROHIBITION ON RECOUPMENT OF CERTAIN
17 AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPI-
18 ENTS.—A surviving spouse who is or has been in receipt
19 of an annuity under the Survivor Benefit Plan under sub-
20 chapter II of chapter 73 of title 10, United States Code,
21 that is in effect before the effective date provided under
22 subsection (f) and that is adjusted by reason of the
23 amendments made by subsection (a) and who has received
24 a refund of retired pay under section 1450(e) of title 10,

1 United States Code, shall not be required to repay such
2 refund to the United States.

3 (d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY
4 FOR DEPENDENT CHILDREN.—Section 1448(d) of such
5 title is amended—

6 (1) in paragraph (1), by striking “Except as
7 provided in paragraph (2)(B), the Secretary con-
8 cerned” and inserting “The Secretary concerned”;
9 and

10 (2) in paragraph (2)—

11 (A) by striking “DEPENDENT CHIL-
12 DREN.—” and all that follows through “In the
13 case of a member described in paragraph (1),”
14 and inserting “DEPENDENT CHILDREN ANNU-
15 ITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—
16 In the case of a member described in paragraph
17 (1),”; and

18 (B) by striking subparagraph (B).

19 (e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY
20 ELIGIBLE SPOUSES.—The Secretary of the military de-
21 partment concerned shall restore annuity eligibility to any
22 eligible surviving spouse who, in consultation with the Sec-
23 retary, previously elected to transfer payment of such an-
24 nuity to a surviving child or children under the provisions
25 of section 1448(d)(2)(B) of title 10, United States Code,

1 as in effect on the day before the effective date provided
2 under subsection (f). Such eligibility shall be restored
3 whether or not payment to such child or children subse-
4 quently was terminated due to loss of dependent status
5 or death. For the purposes of this subsection, an eligible
6 spouse includes a spouse who was previously eligible for
7 payment of such annuity and is not remarried, or remar-
8 ried after having attained age 55, or whose second or sub-
9 sequent marriage has been terminated by death, divorce
10 or annulment.

11 (f) **EFFECTIVE DATE.**—The sections and the amend-
12 ments made by this section shall take effect on the later
13 of—

14 (1) the first day of the first month that begins
15 after the date of the enactment of this Act; or

16 (2) the first day of the fiscal year that begins
17 in the calendar year in which this Act is enacted.

18 **SEC. 653. SENSE OF CONGRESS ON AIRFARES FOR MEM-**
19 **BERS OF THE ARMED FORCES.**

20 (a) **FINDINGS.**—Congress makes the following find-
21 ings:

22 (1) The Armed Forces is comprised of over
23 1,450,000 active-duty members from every State
24 and territory of the United States who are assigned
25 to thousands of installations, stations, and ships

1 worldwide and who oftentimes must travel long dis-
2 tances by air at their own expense to enjoy the bene-
3 fits of leave and liberty.

4 (2) The United States is indebted to the mem-
5 bers of the all volunteer Armed Forces and their
6 families who protect our Nation, often experiencing
7 long separations due to the demands of military
8 service and in life threatening circumstances.

9 (3) Military service often precludes long range
10 planning for leave and liberty to provide opportuni-
11 ties for reunions and recreation with loved ones and
12 requires changes in planning due to military neces-
13 sity which results in last minute changes in plan-
14 ning.

15 (b) SENSE OF CONGRESS.—It is the sense of Con-
16 gress that—

17 (1) all United States commercial carriers should
18 seek to lend their support with flexible, generous
19 policies applicable to members of the Armed Forces
20 who are traveling on leave or liberty at their own ex-
21 pense; and

22 (2) each United States air carrier, for all mem-
23 bers of the Armed Forces who have been granted
24 leave or liberty and who are traveling by air at their
25 own expense, should—

1 (A) seek to provide reduced air fares that
2 are comparable to the lowest airfare for ticketed
3 flights and that eliminate to the maximum ex-
4 tent possible advance purchase requirements;

5 (B) seek to eliminate change fees or
6 charges and any penalties for military per-
7 sonnel;

8 (C) seek to eliminate or reduce baggage
9 and excess weight fees;

10 (D) offer flexible terms that allow members
11 of the Armed Forces on active duty to pur-
12 chase, modify, or cancel tickets without time re-
13 strictions, and to waive fees (including baggage
14 fees), ancillary costs, or penalties; and

15 (E) seek to take proactive measures to en-
16 sure that all airline employees, particularly
17 those who issue tickets and respond to members
18 of the Armed Forces and their family members
19 are trained in the policies of the airline aimed
20 at benefitting members of the Armed Forces
21 who are on leave.

1 **SEC. 654. CONTINUATION ON ACTIVE DUTY OF RESERVE**
2 **COMPONENT MEMBERS DURING PHYSICAL**
3 **DISABILITY EVALUATION FOLLOWING MOBI-**
4 **LIZATION AND DEPLOYMENT.**

5 Section 1218 of title 10, United States Code, is
6 amended by adding at the end the following new sub-
7 section:

8 “(d)(1) The Secretary of a military department shall
9 ensure that each member of a reserve component under
10 the jurisdiction of the Secretary who is determined, after
11 a mobilization and deployment to an area in which immi-
12 nent danger pay is authorized under section 310 of title
13 37, to require evaluation for a physical or mental disability
14 which could result in separation or retirement for dis-
15 ability under this chapter or placement on the temporary
16 disability retired list or inactive status list under this
17 chapter is retained on active duty during the disability
18 evaluation process until such time as such member is—

19 “(A) cleared by appropriate authorities for con-
20 tinuation on active duty; or

21 “(B) separated, retired, or placed on the tem-
22 porary disability retired list or inactive status list.

23 “(2)(A) A member described in paragraph (1) may
24 request termination of active duty under such paragraph
25 at any time during the demobilization or disability evalua-
26 tion process of such member.

1 “(B) Upon a request under subparagraph (A), a
 2 member described in paragraph (1) shall only be released
 3 from active duty after the member receives counseling
 4 about the consequences of termination of active duty.

5 “(C) Each release from active duty under subpara-
 6 graph (B) shall be thoroughly documented.

7 “(3) The requirements in paragraph (1) shall expire
 8 on the date that is five years after the date of the enact-
 9 ment of the National Defense Authorization Act for Fiscal
 10 Year 2010.”.

11 **SEC. 655. USE OF LOCAL RESIDENCES FOR COMMUNITY-**
 12 **BASED CARE FOR CERTAIN RESERVE COMPO-**
 13 **NENT MEMBERS.**

14 Section 1222 of title 10, United States Code, is
 15 amended by adding at the end the following new sub-
 16 section:

17 “(d) **USE OF LOCAL RESIDENCES FOR CERTAIN RE-**
 18 **SERVE COMPONENT MEMBERS.—(1)(A)** A member of a
 19 reserve component described by subparagraph (B) may be
 20 assigned to the community-based warrior transition unit
 21 located nearest to the member’s permanent place of resi-
 22 dence if residing at that location is—

23 “(i) medically feasible, as determined by a li-
 24 censed military health care provider; and

25 “(ii) consistent with—

1 “(I) the needs of the armed forces; and

2 “(II) the optimal course of medical treat-
3 ment of the member.

4 “(B) A member of a reserve component described by
5 this subparagraph is any member remaining on active
6 duty under section 1218(d) of this title during the period
7 the member is on active duty under such subsection.

8 “(2) Nothing in this subsection shall be construed as
9 terminating, altering, or otherwise affecting the authority
10 of the commander of a member described in paragraph
11 (1)(B) to order the member to perform duties consistent
12 with the member’s fitness for duty.

13 “(3) The Secretary concerned shall pay any reason-
14 able expenses of transportation, lodging, and meals in-
15 curred by a member residing at the member’s permanent
16 place of residence under this subsection in connection with
17 travel from the member’s permanent place of residence to
18 a medical facility during the period in which the member
19 is covered by this subsection.”.

20 **SEC. 656. ASSISTANCE WITH TRANSITIONAL BENEFITS.**

21 (a) IN GENERAL.—Chapter 61 of title 10, United
22 States Code, is amended by inserting after section 1218
23 the following new section:

1 **“§ 1218a. Discharge or release from active duty: tran-**
2 **sition assistance**

3 “The Secretary of a military department shall provide
4 to a member of a reserve component under the jurisdiction
5 of the Secretary who is injured while on active duty in
6 the armed forces the following before such member is de-
7 mobilized or separated from the armed forces:

8 “(1) Information on the availability of care and
9 administrative processing through community based
10 warrior transition units.

11 “(2) The location of the community based war-
12 rior transition unit located nearest to the member’s
13 permanent place of residence.

14 “(3) An opportunity to consult with a member
15 of the applicable judge advocate general’s corps, or
16 other qualified legal assistance attorney, regarding
17 the member’s eligibility for compensation, disability,
18 or other transitional benefits.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of chapter 61 of such title is amended
21 by inserting after the item relating to section 1218 the
22 following new item:

“1218a. Discharge or release from active duty: transition assistance.”.

1 **SEC. 657. REPORT ON RECRUITMENT AND RETENTION OF**
2 **MEMBERS OF THE AIR FORCE IN NUCLEAR**
3 **CAREER FIELDS.**

4 (a) **REPORT REQUIRED.**—Not later than 180 days
5 after the date of the enactment of this Act, the Secretary
6 of the Air Force shall submit to the congressional defense
7 committees a report on the efforts of the Air Force to at-
8 tract and retain qualified individuals for service as mem-
9 bers of the Air Force involved in the operation, mainte-
10 nance, handling, and security of nuclear weapons.

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

13 (1) A description of current reenlistment rates,
14 set forth by Air Force Specialty Code, of members
15 of the Air Force serving in positions involving the
16 operation, maintenance, handling, and security of
17 nuclear weapons.

18 (2) A description of the current personnel fill
19 rate for Air Force units involved in the operation,
20 maintenance, handling, and security of nuclear
21 weapons.

22 (3) An description of the steps the Air Force
23 has taken, including the use of retention bonuses or
24 assignment incentive pay, to improve recruiting and
25 retention of officers and enlisted personnel by the

1 Air Force for the positions described in paragraph
2 (1).

3 (4) An assessment of the feasibility, advis-
4 ability, utility, and cost effectiveness of establishing
5 additional bonuses or incentive pay as a way to en-
6 hance the recruitment and retention by the Air
7 Force of skilled personnel in the positions described
8 in paragraph (1).

9 (5) An assessment of whether assignment in-
10 centive pay should be provided for members of the
11 Air Force covered by the Personnel Reliability Pro-
12 gram.

13 (6) An assessment of the long-term community
14 management plan for recruitment and retention by
15 the Air Force of skilled personnel in the positions
16 described in paragraph (1).

17 (7) Such other matters as the Secretary con-
18 siders appropriate.

19 **SEC. 658. SENSE OF CONGRESS ON ESTABLISHMENT OF**
20 **FLEXIBLE SPENDING ARRANGEMENTS FOR**
21 **THE UNIFORMED SERVICES.**

22 (a) IN GENERAL.—It is the sense of Congress that,
23 the Secretary of Defense, with respect to members of the
24 Army, Navy, Marine Corps, and Air Force, the Secretary
25 of Homeland Security, with respect to members of the

1 Coast Guard, the Secretary of Health and Human Serv-
2 ices, with respect to commissioned officers of the Public
3 Health Service, and the Secretary of Commerce, with re-
4 spect to commissioned officers of the National Oceanic
5 and Atmospheric Administration, should establish proce-
6 dures to implement flexible spending arrangements with
7 respect to basic pay and compensation, for health care and
8 dependent care on a pre-tax basis in accordance with regu-
9 lations prescribed under sections 106(c) and 125 of the
10 Internal Revenue Code of 1986.

11 (b) CONSIDERATIONS.—It is the sense of Congress
12 that, in establishing the procedures described by sub-
13 section (a), the Secretary of Defense, the Secretary of
14 Homeland Security, the Secretary of Health and Human
15 Services, and the Secretary of Commerce should consider
16 life events of members of the uniformed services that are
17 unique to them as members of the uniformed services, in-
18 cluding changes relating to permanent changes of duty
19 station and deployments to overseas contingency oper-
20 ations.

1 **SEC. 659. TREATMENT AS ACTIVE SERVICE FOR RETIRED**
2 **PAY PURPOSES OF SERVICE AS MEMBER OF**
3 **ALASKA TERRITORIAL GUARD DURING**
4 **WORLD WAR II.**

5 (a) **IN GENERAL.**—Service as a member of the Alas-
6 ka Territorial Guard during World War II of any indi-
7 vidual who was honorably discharged therefrom under sec-
8 tion 8147 of the Department of Defense Appropriations
9 Act, 2001 (Public Law 106–259; 114 Stat. 705) shall be
10 treated as active service for purposes of the computation
11 under chapter 61, 71, 371, 571, 871, or 1223 of title 10,
12 United States Code, as applicable, of the retired pay to
13 which such individual may be entitled under title 10,
14 United States Code.

15 (b) **APPLICABILITY.**—Subsection (a) shall apply with
16 respect to amounts of retired pay payable under title 10,
17 United States Code, for months beginning on or after the
18 date of the enactment of this Act. No retired pay shall
19 be paid to any individual by reason of subsection (a) for
20 any period before that date.

21 (c) **WORLD WAR II DEFINED.**—In this section, the
22 term “World War II” has the meaning given that term
23 in section 101(8) of title 38, United States Code.

1 **SEC. 660. INCLUSION OF SERVICE AFTER SEPTEMBER 11,**
 2 **2001, IN DETERMINATION OF REDUCED ELIGI-**
 3 **BILITY AGE FOR RECEIPT OF NON-REGULAR**
 4 **SERVICE RETIRED PAY.**

5 Section 12731(f)(2)(A) of title 10, United States
 6 Code, is amended—

7 (1) by striking “the date of the enactment of
 8 the National Defense Authorization Act for Fiscal
 9 Year 2008” and inserting “September 11, 2001”;
 10 and

11 (2) by striking “in any fiscal year after such
 12 date” and inserting “in any fiscal year after fiscal
 13 year 2001”.

14 **TITLE VII—HEALTH CARE**
 15 **PROVISIONS**

16 **Subtitle A—TRICARE Program**

17 **SEC. 701. TRICARE STANDARD COVERAGE FOR CERTAIN**
 18 **MEMBERS OF THE RETIRED RESERVE, AND**
 19 **FAMILY MEMBERS, WHO ARE QUALIFIED FOR**
 20 **A NON-REGULAR RETIREMENT BUT ARE NOT**
 21 **YET AGE 60.**

22 (a) **IN GENERAL.**—Chapter 55 of title 10, United
 23 States Code, is amended by inserting after section 1076d
 24 the following new section:

1 **“§ 1076e. TRICARE program: TRICARE Standard cov-**
2 **erage for certain members of the Retired**
3 **Reserve who are qualified for a non-reg-**
4 **ular retirement but are not yet age 60**

5 “(a) ELIGIBILITY.—(1) Except as provided in para-
6 graph (2), a member of the Retired Reserve of a reserve
7 component of the Armed Forces who is qualified for a non-
8 regular retirement at age 60 under chapter 1223, but is
9 not age 60, is eligible for health benefits under TRICARE
10 Standard as provided in this section.

11 “(2) Paragraph (1) does not apply to a member who
12 is enrolled, or is eligible to enroll, in a health benefits plan
13 under chapter 89 of title 5.

14 “(b) TERMINATION OF ELIGIBILITY UPON OBTAIN-
15 ING OTHER TRICARE COVERAGE.—Eligibility for
16 TRICARE Standard coverage of a member under this sec-
17 tion shall terminate upon the member becoming eligible
18 for TRICARE coverage at age 60 under section 1086 of
19 this title.

20 “(c) FAMILY MEMBERS.—While a member of a re-
21 serve component is covered by TRICARE Standard under
22 the section, the members of the immediate family of such
23 member are eligible for TRICARE Standard coverage as
24 dependents of the member. If a member of a reserve com-
25 ponent dies while in a period of coverage under this sec-
26 tion, the eligibility of the members of the immediate family

1 of such member for TRICARE Standard coverage under
2 this section shall continue for the same period of time that
3 would be provided under section 1086 of this title if the
4 member had been eligible at the time of death for
5 TRICARE Standard coverage under such section (instead
6 of under this section).

7 “(d) PREMIUMS.—(1) A member of a reserve compo-
8 nent covered by TRICARE Standard under this section
9 shall pay a premium for that coverage.

10 “(2) The Secretary of Defense shall prescribe for the
11 purposes of this section one premium for TRICARE
12 Standard coverage of members without dependents and
13 one premium for TRICARE Standard coverage of mem-
14 bers with dependents referred to in subsection (f)(1). The
15 premium prescribed for a coverage shall apply uniformly
16 to all covered members of the reserve components covered
17 under this section.

18 “(3)(A) The monthly amount of the premium in ef-
19 fect for a month for TRICARE Standard coverage under
20 this section shall be the amount equal to the cost of cov-
21 erage that the Secretary determines on an appropriate ac-
22 tuarial basis.

23 “(B) The appropriate actuarial basis for purposes of
24 subparagraph (A) shall be determined in the manner spec-

1 ified in section 1076d(d)(3)(B) of this title with respect
2 to the cost of coverage applicable under subparagraph (A).

3 “(4) The Secretary shall prescribe the requirements
4 and procedures applicable to the payment of premiums
5 under this subsection.

6 “(5) Amounts collected as premiums under this sub-
7 section shall be credited to the appropriation available for
8 the Defense Health Program Account under section 1100
9 of this title, shall be merged with sums in such Account
10 that are available for the fiscal year in which collected,
11 and shall be available under subsection (b) of such section
12 for such fiscal year.

13 “(e) REGULATIONS.—The Secretary of Defense, in
14 consultation with the other administering Secretaries,
15 shall prescribe regulations for the administration of this
16 section.

17 “(f) DEFINITIONS.—In this section:

18 “(1) The term ‘immediate family’, with respect
19 to a member of a reserve component, means all of
20 the member’s dependents described in subpara-
21 graphs (A), (D), and (I) of section 1072(2) of this
22 title.

23 “(2) The term ‘TRICARE Standard’ means—

1 “(A) medical care to which a dependent
 2 described in section 1076(a)(2) of this title is
 3 entitled; and

4 “(B) health benefits contracted for under
 5 the authority of section 1079(a) of this title and
 6 subject to the same rates and conditions as
 7 apply to persons covered under that section.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
 9 at the beginning of chapter 55 of such title is amended
 10 by inserting after the item relating to section 1076d the
 11 following new item:

“1076e. TRICARE program: TRICARE Standard coverage for certain members
 of the Retired Reserve who are qualified for a non-regular re-
 tirement but are not yet age 60.”.

12 (c) EFFECTIVE DATE.—Section 1076e of title 10,
 13 United States Code, as inserted by subsection (a), shall
 14 apply to coverage for months beginning on or after Octo-
 15 ber 1, 2009, or such earlier date as the Secretary of De-
 16 fense may specify.

17 **SEC. 702. EXPANSION OF ELIGIBILITY OF SURVIVORS**
 18 **UNDER THE TRICARE DENTAL PROGRAM.**

19 Section 1076a(k)(3) of title 10, United States Code,
 20 is amended by inserting before the period at the end the
 21 following: “, except that, in the case of a dependent de-
 22 scribed by subparagraph (D) or (I) of section 1072(2) of
 23 this title, the period of continuing eligibility shall be the
 24 longer of the following periods beginning on such date:

1 “(A) Three years.

2 “(B) The period ending on the date on which
3 the dependent attains 21 years of age.

4 “(C) In the case of a dependent who, at 21
5 years of age, is enrolled in a full-time course of
6 study at an institution of higher learning approved
7 by the administering Secretary and is, or was, at the
8 time of the member’s death, in fact dependent on
9 the member for over one-half of the dependent’s sup-
10 port, the period ending on the earlier of the fol-
11 lowing dates:

12 “(i) The date on which the dependent
13 ceases to pursue such a course of study, as de-
14 termined by the administering Secretary.

15 “(ii) The date on which the dependent at-
16 tains 23 years of age”.

17 **SEC. 703. CONSTRUCTIVE ELIGIBILITY FOR TRICARE BENE-**
18 **FITS OF CERTAIN PERSONS OTHERWISE IN-**
19 **ELIGIBLE UNDER RETROACTIVE DETERMINA-**
20 **TION OF ENTITLEMENT TO MEDICARE PART**
21 **A HOSPITAL INSURANCE BENEFITS.**

22 Section 1086(d) of title 10, United States Code, is
23 amended—

24 (1) by redesignating paragraph (4) as para-
25 graph (5); and

1 (2) by inserting after paragraph (3) the fol-
2 lowing new paragraph (4):

3 “(4)(A) If a person referred to in subsection (c) and
4 described by paragraph (2)(B) is subject to a retroactive
5 determination by the Social Security Administration of en-
6 titlement to hospital insurance benefits described in para-
7 graph (1), the person shall, during the period described
8 in subparagraph (B), be deemed for purposes of health
9 benefits under this section—

10 “(i) not to have been covered by paragraph (1);
11 and

12 “(ii) not to have been subject to the require-
13 ments of section 1079(j)(1) of this title, whether
14 through the operation of such section or subsection
15 (g) of this section.

16 “(B) The period described in this subparagraph with
17 respect to a person covered by subparagraph (A) is the
18 period that—

19 “(i) begins on the date that eligibility of the
20 person for hospital insurance benefits referred to in
21 paragraph (1) is effective under the retroactive de-
22 termination of eligibility with respect to the person
23 as described in subparagraph (A); and

1 “(ii) ends on the date of the issuance of such
2 retroactive determination of eligibility by the Social
3 Security Administration.”.

4 **SEC. 704. REFORM AND IMPROVEMENT OF THE TRICARE**
5 **PROGRAM.**

6 (a) **IN GENERAL.**—Commencing not later than 30
7 days after the date of the enactment of this Act, the Sec-
8 retary of Defense shall, in consultation with the other ad-
9 ministering Secretaries, undertake actions to reform and
10 improve the TRICARE program.

11 (b) **ELEMENTS.**—In undertaking actions to reform
12 and improve the TRICARE program under subsection (a),
13 the Secretary shall consider actions as follows:

14 (1) Actions to guarantee the availability of care
15 without delay for eligible beneficiaries.

16 (2) Actions to expand and enhance sharing of
17 health care resources among Federal health care
18 programs, including designated providers (as that
19 term is defined in section 721(5) of the National
20 Defense Authorization Act for Fiscal Year 1997 (10
21 U.S.C. 1073 note)).

22 (3) Actions utilizing medical technology to
23 speed and simplify referrals for specialty care.

1 (4) Actions, including a comprehensive plan, for
2 the enhanced availability of prevention and wellness
3 care.

4 (5) Actions to expand and enhance options for
5 mental health care.

6 (6) Actions utilizing technology to improve di-
7 rect communication with beneficiaries regarding
8 health and preventive care.

9 (7) Actions regarding additional financing op-
10 tions for health care provided by civilian providers.

11 (8) Actions to improve regional or national
12 staffing capabilities in order to enhance support pro-
13 vided to military medical treatment facilities facing
14 staff shortages.

15 (9) Actions to reduce administrative costs.

16 (10) Actions to control the cost of health care
17 and pharmaceuticals.

18 (11) Actions to ensure consistency throughout
19 the TRICARE program, including actions to hold
20 commanders of military medical treatment facilities
21 and civilian providers accountable for compliance
22 with access standards.

23 (12) Actions to create performance metrics by
24 which to measure improvement in the TRICARE
25 program.

1 (13) Such other actions as the Secretary, in
2 consultation with the other administering Secre-
3 taries, considers appropriate.

4 (c) CONSULTATION.—In considering actions to be un-
5 dertaken under this section, and in undertaking such ac-
6 tions, the Secretary shall consult with a broad range of
7 national health care and military advocacy organizations.

8 (d) REPORTS.—

9 (1) IN GENERAL.—The Secretary shall, on a
10 periodic basis, submit to the congressional defense
11 committees a report on the progress being made in
12 the reform and improvement of the TRICARE pro-
13 gram under this section.

14 (2) ELEMENTS.—Each report under this sub-
15 section shall include the following:

16 (A) A description and assessment of the
17 progress made as of the date of such report in
18 the reform and improvement of the TRICARE
19 program.

20 (B) Such recommendations for administra-
21 tive or legislative action as the Secretary con-
22 siders appropriate to expedite and enhance the
23 reform and improvement of the TRICARE pro-
24 gram.

25 (e) DEFINITIONS.—In this section:

1 (1) The term “administering Secretaries” has
2 the meaning given that term in section 1072(3) of
3 title 10, United States Code.

4 (2) The term “TRICARE program” has the
5 meaning given that term in section 1072(7) of title
6 10, United States Code.

7 **SEC. 705. COMPTROLLER GENERAL OF THE UNITED**
8 **STATES REPORT ON IMPLEMENTATION OF**
9 **REQUIREMENTS ON THE RELATIONSHIP BE-**
10 **TWEEN THE TRICARE PROGRAM AND EM-**
11 **PLOYER-SPONSORED GROUP HEALTH PLANS.**

12 (a) **REPORT REQUIRED.**—Not later than March 31,
13 2010, the Comptroller General of the United States shall
14 submit to the Committees on Armed Services of the Sen-
15 ate and the House of Representatives a report on the im-
16 plementation of the requirements of section 1097c of title
17 10, United States Code, relating to the relationship be-
18 tween the TRICARE program and employer-sponsored
19 group health plans.

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

22 (1) A description of the extent to which the De-
23 partment of Defense has established measures to as-
24 sess the effectiveness of section 1097c of title 10,
25 United States Code, in reducing health care costs to

1 the Department for military retirees and their fami-
2 lies, and an assessment of the effectiveness of any
3 measures so established.

4 (2) An assessment of the extent to which the
5 implementation of such section 1097c has resulted
6 in the migration of military retirees from coverage
7 under the TRICARE Standard option of the
8 TRICARE program to coverage under the
9 TRICARE Prime option of the TRICARE program.

10 (3) A description of the exceptions adopted
11 under subsection (a)(2) of such section 1097c to the
12 requirements under such section 1097c, and an as-
13 sessment of the effect of the exercise of any excep-
14 tions adopted on the administration of such section
15 1097c.

16 (4) An assessment of the extent to which the
17 Department collects and assembles data on the
18 treatment of employees eligible for participation in
19 the TRICARE program in comparison with similar
20 employees who are not eligible for participation in
21 that program.

22 (5) A description of the outreach conducted by
23 the Department to inform individuals eligible for
24 participation in the TRICARE program and employ-
25 ers of their respective rights and responsibilities

1 under such section 1097c, and an assessment of the
2 effectiveness of any outreach so conducted.

3 (6) Such other matters with respect to the ad-
4 ministration and effectiveness of the authorities in
5 such section 1097c as the Comptroller General con-
6 siders appropriate.

7 **SEC. 706. SENSE OF THE SENATE ON HEALTH CARE BENE-**
8 **FITS AND COSTS FOR MEMBERS OF THE**
9 **ARMED FORCES AND THEIR FAMILIES.**

10 (a) FINDINGS.—The Senate makes the following
11 findings:

12 (1) Career members of the Armed Forces and
13 their families endure unique and extraordinary de-
14 mands, and make extraordinary sacrifices, over the
15 course of 20-year to 30-year careers in protecting
16 freedom for all Americans.

17 (2) The nature and extent of these demands
18 and sacrifices are never so evident as in wartime,
19 not only during the current combat operations, but
20 also during the wars of the last 60 years when cur-
21 rent retired members of the Armed Forces were on
22 continuous call to go in harm's way when and as
23 needed.

24 (3) A primary benefit of enduring the extraor-
25 dinary sacrifices inherent in a military career is a

1 range of retirement benefits, including lifetime
2 health benefits, that a grateful Nation provides for
3 those who choose to subordinate their personal life
4 to the national interest for so many years.

5 (4) Currently serving and retired members of
6 the uniformed services and their families and sur-
7 vivors deserve benefits equal to their commitment
8 and service to our Nation.

9 (5) Many employers are curtailing health bene-
10 fits and shifting costs to their employees, which may
11 result in retired members of the Armed Forces re-
12 turning to the Department of Defense, and its
13 TRICARE program, for health care benefits during
14 retirement, and contribute to health care cost
15 growth.

16 (6) Defense health costs also expand as a result
17 of service-unique military readiness requirements,
18 wartime requirements, and other necessary require-
19 ments that represent the “cost of business” for the
20 Department of Defense.

21 (7) While the Department of Defense has made
22 some efforts to contain increases in the cost of the
23 TRICARE program, too many of those efforts have
24 been devoted to shifting a larger share of the costs
25 of benefits under that program to retired members

1 of the Armed Forces who have earned health care
2 benefits in return for a career of military service.

3 (8) In some cases health care providers refuse
4 to accept TRICARE patients because that program
5 pays less than other public and private payors and
6 imposes unique administrative requirements.

7 (9) The Department of Defense records depos-
8 its to the Department of Defense Military Retiree
9 Health Care Fund as discretionary costs to the De-
10 partment in spite of legislation enacted in 2006 that
11 requires such deposits to be made directly from the
12 Treasury of the United States.

13 (10) As a result, annual payments for the fu-
14 ture costs of servicemember health care continue to
15 compete with other readiness needs of the Armed
16 Forces.

17 (b) SENSE OF SENATE.—It is the sense of the Senate
18 that—

19 (1) the Department of Defense and the Nation
20 have an obligation to provide health care benefits to
21 retired members of the Armed Forces that equals
22 the quality of their selfless service to our country;

23 (2) past proposals by the Department of De-
24 fense to impose substantial fee increases on military

1 beneficiaries have failed to acknowledge properly the
2 findings addressed in subsection (a); and

3 (3) the Department of Defense has many addi-
4 tional options to constrain the growth of health care
5 spending in ways that do not disadvantage retired
6 members of the Armed Forces who participate or
7 seek to participate in the TRICARE program, and
8 should pursue any and all such options rather than
9 seeking large increases for enrollment fees,
10 deductibles, and copayments for such retirees, and
11 their families or survivors, who do participate in that
12 program.

13 **SEC. 707. NOTIFICATION OF CERTAIN INDIVIDUALS RE-**
14 **GARDING OPTIONS FOR ENROLLMENT**
15 **UNDER MEDICARE PART B.**

16 Chapter 55 of title 10, United States Code, is amend-
17 ed by adding at the end the following new section:

18 **“SEC. 1111. NOTIFICATION OF CERTAIN INDIVIDUALS RE-**
19 **GARDING OPTIONS FOR ENROLLMENT**
20 **UNDER MEDICARE PART B.**

21 “(a) IN GENERAL.—The Secretary of Defense shall
22 establish procedures for identifying individuals described
23 in subsection (b). The Secretary of Defense shall imme-
24 diately notify individuals identified under the preceding
25 sentence that they are no longer eligible for health care

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Defense shall issue guidance for the provi-
4 sion of a person-to-person mental health assessment
5 for each member of the Armed Forces who is de-
6 ployed in connection with a contingency operation as
7 follows:

8 (A) At a time during the period beginning
9 60 days before the date of deployment in con-
10 nection with the contingency operation.

11 (B) At a time during the period beginning
12 90 days after the date of redeployment from the
13 contingency operation and ending 180 days
14 after the date of redeployment from the contin-
15 gency operation.

16 (C) Subject to subsection (d), not later
17 than each of 6 months, 12 months, and 24
18 months after return from deployment.

19 (2) EXCLUSION OF CERTAIN MEMBERS.—A
20 mental health assessment is not required for a mem-
21 ber of the Armed Forces under subparagraphs (B)
22 and (C) of paragraph (1) if the Secretary determines
23 that the member was not subjected or exposed to
24 operational risk factors during deployment in the
25 contingency operation concerned.

1 (b) PURPOSE.—The purpose of the mental health as-
2 sessments provided pursuant to this section shall be to
3 identify Post Traumatic Stress Disorder (PTSD), suicidal
4 tendencies, and other behavioral health issues identified
5 among members of the Armed Forces described in sub-
6 section (a) in order to determine which such members are
7 in need of additional care and treatment for such health
8 issues.

9 (c) ELEMENTS.—

10 (1) IN GENERAL.—The mental health assess-
11 ments provided pursuant to this section shall—

12 (A) be performed by personnel trained and
13 certified to perform such assessments and may
14 be performed by licensed mental health profes-
15 sionals if such professionals are available and
16 the use of such professionals for the assess-
17 ments would not impair the capacity of such
18 professionals to perform higher priority tasks;

19 (B) include a person-to-person dialogue be-
20 tween members of the Armed Forces described
21 in subsection (a) and the professionals or per-
22 sonnel described by paragraph (1), as applica-
23 ble, on such matters as the Secretary shall
24 specify in order that the assessments achieve

1 the purpose specified in subsection (b) for such
2 assessments;

3 (C) be conducted in a private setting to
4 foster trust and openness in discussing sensitive
5 health concerns; and

6 (D) be provided in a consistent manner
7 across the military departments.

8 (2) TREATMENT OF CURRENT ASSESSMENTS.—

9 The Secretary may treat periodic health assessments
10 and other person-to-person assessments that are
11 provided to members of the Armed Forces as of the
12 date of the enactment of this Act as meeting the re-
13 quirements for mental health assessments required
14 under this section if the Secretary determines that
15 such assessments and person-to-person assessments
16 meet the requirements for mental health assess-
17 ments established by this section.

18 (d) CESSATION OF ASSESSMENTS.—No mental
19 health assessment is required to be provided to an indi-
20 vidual under subsection (a)(1)(C) after the individual's
21 discharge or release from the Armed Forces.

22 (e) SHARING OF INFORMATION.—

23 (1) IN GENERAL.—The Secretary of Defense
24 shall share with the Secretary of Veterans Affairs
25 such information on members of the Armed Forces

1 that is derived from confidential mental health as-
2 sements, including mental health assessments pro-
3 vided pursuant to this section and health assess-
4 ments and other person-to-person assessments pro-
5 vided before the date of the enactment of this Act,
6 as the Secretary of Defense and the Secretary of
7 Veterans Affairs jointly consider appropriate to en-
8 sure continuity of mental health care and treatment
9 of members of the Armed Forces during their transi-
10 tion from health care and treatment provided by the
11 Department of Defense to health care and treatment
12 provided by the Department of Veterans Affairs.

13 (2) PROTOCOLS.—Any sharing of information
14 under paragraph (1) shall occur pursuant to a pro-
15 tocol jointly established by the Secretary of Defense
16 and the Secretary of Veterans Affairs for purposes
17 of this subsection. Any such protocol shall be con-
18 sistent with the following:

19 (A) Applicable provisions of the Wounded
20 Warrior Act (title XVI of Public Law 110–181;
21 10 U.S.C. 1071 note), including in particular,
22 section 1614 of that Act (122 Stat. 443; 10
23 U.S.C. 1071 note).

24 (B) Section 1720F of title 38, United
25 States Code.

1 (f) CONTINGENCY OPERATION DEFINED.—In this
2 section, the term “contingency operation” has the mean-
3 ing given that term in section 101(a)(13) of title 10,
4 United States Code.

5 (g) REPORTS.—

6 (1) REPORT ON GUIDANCE.—Upon the issuance
7 of the guidance required by subsection (a), the Sec-
8 retary of Defense shall submit to Congress a report
9 describing the guidance.

10 (2) REPORTS ON IMPLEMENTATION OF GUID-
11 ANCE.—

12 (A) INITIAL REPORT.—Not later than 270
13 days after the date of the issuance of the guid-
14 ance, the Secretary shall submit to Congress an
15 initial report on the implementation of the guid-
16 ance by the military departments.

17 (B) SUBSEQUENT REPORT.—Not later
18 than two years after the date of the issuance of
19 the guidance, the Secretary shall submit to
20 Congress a report on the implementation of the
21 guidance by the military departments. The re-
22 port shall include an evidence based assessment
23 of the effectiveness of the mental health assess-
24 ments provided pursuant to the guidance in

1 achieving the purpose specified in subsection (b)
2 for such assessments.

3 **SEC. 712. ENHANCEMENT OF TRANSITIONAL DENTAL CARE**
4 **FOR MEMBERS OF THE RESERVE COMPO-**
5 **NENTS ON ACTIVE DUTY FOR MORE THAN 30**
6 **DAYS IN SUPPORT OF A CONTINGENCY OPER-**
7 **ATION.**

8 Section 1145(a) of title 10, United States Code, is
9 amended—

10 (1) in paragraph (1)—

11 (A) in the matter preceding subparagraph
12 (A), by striking “paragraph (3)” and inserting
13 “paragraph (4)”; and

14 (B) in subparagraph (A), by inserting “ex-
15 cept as provided in paragraph (3),” before
16 “medical and dental care”;

17 (2) by redesignating paragraphs (3), (4), (5),
18 and (6) as paragraphs (4), (5), (6), and (7), respec-
19 tively;

20 (3) by inserting after paragraph (2) the fol-
21 lowing new paragraph (3):

22 “(3) In the case of a member described in paragraph
23 (2)(B), the dental care to which the member is entitled
24 under this subsection shall be the dental care to which
25 a member of the uniformed services on active duty for

1 more than 30 days is entitled under section 1074 of this
2 title.”; and

3 (4) in subparagraph (A) of paragraph (6), as
4 redesignated by paragraph (2) of this section, by
5 striking “paragraph (4)” and inserting “paragraph
6 (5)”.

7 **SEC. 713. REDUCTION OF MINIMUM DISTANCE OF TRAVEL**
8 **FOR REIMBURSEMENT OF COVERED BENE-**
9 **FICIARIES OF THE MILITARY HEALTH CARE**
10 **SYSTEM FOR TRAVEL FOR SPECIALTY**
11 **HEALTH CARE.**

12 (a) **REDUCTION.**—Section 1074i(a) of title 10,
13 United States Code, is amended by striking “100 miles”
14 and inserting “50 miles”.

15 (b) **EFFECTIVE DATE.**—The amendment made by
16 subsection (a) shall take effect on the date that is 90 days
17 after the date of the enactment of this Act, and shall apply
18 with respect to referrals for specialty health care made on
19 or after such effective date.

20 (c) **OFFSET.**—The amount authorized to be appro-
21 priated by section 301(a)(5) for operation and mainte-
22 nance for Defense-wide activities is hereby decreased by
23 \$14,000,000, with the amount of the decrease to be de-
24 rived from unobligated balances.

1 **SEC. 714. REPORT ON POST-DEPLOYMENT HEALTH ASSESS-**
2 **MENTS OF GUARD AND RESERVE MEMBERS.**

3 (a) **REPORT REQUIRED.**—Not later than March 1,
4 2010, the Secretary of Defense shall submit to the con-
5 gressional defense committees a report on post-deployment
6 health assessments of Guard and Reserve members.

7 (b) **ELEMENTS.**—The report required under sub-
8 section (a) shall include the following:

9 (1) An assessment of the feasibility of admin-
10 istering a Post-Deployment Health Assessment
11 (PDHA) to each member of a reserve component of
12 the Armed Forces returning to the member's home
13 station from deployment in connection with a contin-
14 gency operation at such home station or in the coun-
15 ty of residence of the member within the following
16 timeframes:

17 (A) In the case of a member of the Indi-
18 vidual Ready Reserve, an assessment adminis-
19 tered by not later than the member's release
20 from active duty following such deployment or
21 10 days after the member's return to such sta-
22 tion or county, whichever occurs earlier.

23 (B) In the case of any other member of a
24 reserve component of the Armed Forces return-
25 ing from deployment, by not later than the

1 member's release from active duty following
2 such deployment.

3 (2) An assessment of the feasibility of requiring
4 that Post-Deployment Health Assessments described
5 under paragraph (1) be performed by a practitioner
6 trained and certified as qualified to participate in
7 the performance of Post-Deployment Health Assess-
8 ments or Post-Deployment Health Reassessments.

9 (3) A description of—

10 (A) the availability of personnel described
11 under paragraph (2) to perform assessments
12 described under this subsection at the home
13 stations or counties of residence of members of
14 the reserve components of the Armed Forces;
15 and

16 (B) if such personnel are not available at
17 such locations, the additional resources nec-
18 essary to ensure such availability within one
19 year after the date of the enactment of this Act.

20 **Subtitle C—Health Care**
21 **Administration**

22 **SEC. 721. COMPREHENSIVE POLICY ON PAIN MANAGEMENT**
23 **BY THE MILITARY HEALTH CARE SYSTEM.**

24 (a) COMPREHENSIVE POLICY REQUIRED.—Not later
25 than October 1, 2010, the Secretary of Defense shall de-

1 velop and implement a comprehensive policy on pain man-
2 agement by the military health care system.

3 (b) SCOPE OF POLICY.—The policy required by sub-
4 section (a) shall cover each of the following:

5 (1) The management of acute and chronic pain.

6 (2) The standard of care for pain management
7 to be used throughout the Department.

8 (3) The consistent application of pain assess-
9 ments throughout the Department.

10 (4) The assurance of prompt and appropriate
11 pain care treatment and management by the Depart-
12 ment when medically necessary.

13 (5) Programs of research related to acute and
14 chronic pain, including pain attributable to central
15 and peripheral nervous system damage characteristic
16 of injuries incurred in modern warfare, brain inju-
17 ries, and chronic migraine headache.

18 (6) Programs of pain care education and train-
19 ing for health care personnel of the Department.

20 (7) Programs of patient education for members
21 suffering from acute or chronic pain and their fami-
22 lies.

23 (c) UPDATES.—The Secretary shall revise the policy
24 required by subsection (a) on a periodic basis in accord-
25 ance with experience and evolving best practice guidelines.

1 (d) ANNUAL REPORT.—

2 (1) IN GENERAL.—Not later than 180 days
3 after the date of the commencement of the imple-
4 mentation of the policy required by subsection (a),
5 and on October 1 each year thereafter through
6 2018, the Secretary shall submit to the Committee
7 on Armed Services of the Senate and the Committee
8 on Armed Services of the House of Representatives
9 a report on the policy.

10 (2) ELEMENTS.—Each report required by para-
11 graph (1) shall include the following:

12 (A) A description of the policy imple-
13 mented under subsection (a), and any revisions
14 to such policy under subsection (c).

15 (B) A description of the performance
16 measures used to determine the effectiveness of
17 the policy in improving pain care for bene-
18 ficiaries enrolled in the military health care sys-
19 tem.

20 (C) An assessment of the adequacy of De-
21 partment pain management services based on a
22 current survey of patients managed in Depart-
23 ment clinics.

24 (D) An assessment of the research projects
25 of the Department relevant to the treatment of

1 the types of acute and chronic pain suffered by
2 members of the Armed Forces and their fami-
3 lies.

4 (E) An assessment of the training provided
5 to Department health care personnel with re-
6 spect to the diagnosis, treatment, and manage-
7 ment of acute and chronic pain.

8 (F) An assessment of the pain care edu-
9 cation programs of the Department.

10 (G) An assessment of the dissemination of
11 information on pain management to bene-
12 ficiaries enrolled in the military health care sys-
13 tem.

14 **SEC. 722. PLAN TO INCREASE THE BEHAVIORAL HEALTH**
15 **CAPABILITIES OF THE DEPARTMENT OF DE-**
16 **FENSE.**

17 (a) PLAN REQUIRED.—

18 (1) IN GENERAL.—The Secretary of Defense
19 shall develop and implement a plan to significantly
20 increase the number of military and civilian behav-
21 ioral health personnel of the Department of Defense
22 by September 30, 2013.

23 (2) ELEMENTS.—The plan required by para-
24 graph (1) may include the following:

1 (A) The allocation of scholarships and fi-
2 nancial assistance under the Health Professions
3 Scholarship and Financial Assistance Program
4 under subchapter I of chapter 105 of title 10,
5 United States Code, to students pursuing ad-
6 vanced degrees in clinical psychology and other
7 behavioral health professions.

8 (B) The offering of accession and retention
9 bonuses for psychologists as authorized by sec-
10 tion 620 of the Duncan Hunter National De-
11 fense Authorization Act for Fiscal Year 2009
12 (Public Law 110–417; 122 Stat. 4489).

13 (C) An expansion of the capacity for train-
14 ing doctoral-level clinical psychologists at the
15 Uniformed Services University of the Health
16 Sciences.

17 (D) An expansion of the capacity of the
18 Department of Defense for training masters-
19 level clinical psychologists and social workers
20 with expertise in deployment-related mental
21 health disorders, such as post traumatic stress
22 disorder.

23 (E) The detail of commissioned officers of
24 the Armed Forces to accredited schools of psy-

1 chology for training leading to a doctoral degree
2 in clinical psychology or social work.

3 (F) The reassignment of military behav-
4 ioral health providers from administrative posi-
5 tions to clinical positions in support of military
6 units.

7 (G) The offering of civilian hiring incen-
8 tives and bonuses and the utilization of direct
9 hiring authority to increase the number of be-
10 havioral health personnel of the Department of
11 Defense.

12 (H) Such other mechanisms to increase the
13 number of behavioral health personnel of the
14 Department of Defense as the Secretary con-
15 siders appropriate.

16 (3) REPORT.—Not later than January 31,
17 2010, the Secretary shall submit to the congress-
18 sional defense committees a report on the plan re-
19 quired by paragraph (1). The report shall include a
20 comprehensive description of the plan and the ac-
21 tions the Secretary proposes to undertake in the im-
22 plementation of the plan.

23 (b) REPORT ON ADDITIONAL OFFICER OR ENLISTED
24 MILITARY SPECIALTIES FOR BEHAVIORAL HEALTH
25 COUNSELORS.—

1 (1) REPORT.—Not later than 120 days after
2 the date of the enactment of this Act, the Secretary
3 shall submit to the congressional defense committees
4 a report setting forth the assessment of the Sec-
5 retary of the feasibility and advisability of estab-
6 lishing one or more military specialities for officers
7 or enlisted members of the Armed Forces as coun-
8 selors with behavioral health expertise in order to
9 better meet the mental health care needs of mem-
10 bers of the Armed Forces and their families.

11 (2) ELEMENTS.—The report required by para-
12 graph (1) shall set forth the following:

13 (A) A recommendation as to the feasibility
14 and advisability of establishing one or more
15 military specialities for officers or enlisted
16 members of the Armed Forces as counselors
17 with behavioral health expertise.

18 (B) For each military specialty rec-
19 ommended to be established under subpara-
20 graph (A)—

21 (i) a description of the qualifications
22 required for such speciality, which quali-
23 fications shall reflect lessons learned from
24 best practices in academia and the civilian

1 health care industry regarding positions
2 analogous to such specialty; and

3 (ii) a description of the incentives or
4 other mechanisms, if any, that would be
5 advisable to facilitate recruitment and re-
6 tention of individuals to and in such spe-
7 cialty.

8 **SEC. 723. DEPARTMENT OF DEFENSE STUDY ON MANAGE-**
9 **MENT OF MEDICATIONS FOR PHYSICALLY**
10 **AND PSYCHOLOGICALLY WOUNDED MEM-**
11 **BERS OF THE ARMED FORCES.**

12 (a) **STUDY REQUIRED.**—The Secretary of Defense
13 shall conduct a study on the management of medications
14 for physically and psychologically wounded members of the
15 Armed Forces.

16 (b) **ELEMENTS.**—The study required under sub-
17 section (a) shall include the following:

18 (1) A review and assessment of current prac-
19 tices within the Department of Defense for the man-
20 agement of medications for physically and psycho-
21 logically wounded members of the Armed Forces.

22 (2) A review and analysis of the published lit-
23 erature on factors contributing to the risk of
24 misadministration of medications, including acci-
25 dental and intentional overdoses, under and over

1 medication, and adverse interactions among medica-
2 tions.

3 (3) An identification of the medical conditions,
4 and of the patient management procedures of the
5 Department of Defense, that may increase the risks
6 of misadministration of medications in populations
7 of members of the Armed Forces.

8 (4) An assessment of current and best practices
9 in the Armed Forces, other departments and agen-
10 cies of government, and the private sector con-
11 cerning the prescription, distribution, and manage-
12 ment of medications, and the associated coordination
13 of care.

14 (5) An identification of means for decreasing
15 the risks of misadministration of medications and
16 associated problems with respect to physically and
17 psychologically wounded members of the Armed
18 Forces.

19 (c) REPORT.—Not later than April 1, 2010, the Sec-
20 retary of Defense shall submit to the Committees on
21 Armed Services of the Senate and the House of Represent-
22 atives a report on the study required under subsection (a).
23 The report shall include such findings and recommenda-
24 tions as the Secretary considers appropriate in light of the
25 study.

1 **SEC. 724. PRESCRIPTION OF ANTIDEPRESSANTS FOR**
2 **TROOPS SERVING IN IRAQ AND AFGHANI-**
3 **STAN.**

4 (a) REPORT.—

5 (1) IN GENERAL.—Not later than June 30,
6 2010, and annually thereafter until June 30, 2015,
7 the Secretary of Defense shall submit to Congress a
8 report on the prescription of antidepressants and
9 drugs to treat anxiety for troops serving in Iraq and
10 Afghanistan.

11 (2) CONTENT.—The report required under
12 paragraph (1) shall include—

13 (A) the numbers and percentages of troops
14 that have served or are serving in Iraq and Af-
15 ghanistan since January 1, 2005, who have
16 been prescribed antidepressants or drugs to
17 treat anxiety, including psychotropic drugs such
18 as Selective Serotonin Reuptake Inhibitors
19 (SSRIs); and

20 (B) the policies and patient management
21 practices of the Department of Defense with re-
22 spect to the prescription of such drugs.

23 (b) NATIONAL INSTITUTE OF MENTAL HEALTH
24 STUDY.—

25 (1) STUDY.—The National Institute of Mental
26 Health shall conduct a study on the potential rela-

1 tionship between the increased number of suicides
2 and attempted suicides by members of the Armed
3 Forces and the increased number of antidepressants,
4 drugs to treat anxiety, other psychotropics, and
5 other behavior modifying prescription medications
6 being prescribed, including any combination or inter-
7 actions of such prescriptions. The Department of
8 Defense shall immediately make available to the Na-
9 tional Institute of Mental Health all data necessary
10 to complete the study.

11 (2) REPORT ON FINDINGS.—Not later than two
12 years after the date of the enactment of this Act, the
13 Secretary of Defense shall submit to Congress a re-
14 port on the findings of the study conducted pursuant
15 to paragraph (1).

16 **Subtitle D—Wounded Warrior** 17 **Matters**

18 **SEC. 731. PILOT PROGRAM FOR THE PROVISION OF COG-** 19 **NITIVE REHABILITATIVE THERAPY SERVICES** 20 **UNDER THE TRICARE PROGRAM.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of the enactment of this Act, the Secretary of Defense
23 may, in consultation with the entities and officials referred
24 to in subsection (d), carry out a pilot program under the
25 TRICARE program to determine the feasibility and advis-

1 ability of expanding the availability of cognitive rehabilita-
2 tive therapy services for members or former members of
3 the Armed Forces described in subsection (b).

4 (b) COVERED MEMBERS AND FORMER MEMBERS.—

5 A member or former member of the Armed Forces is de-
6 scribed in this subsection if—

7 (1) the member or former member—

8 (A) is otherwise eligible for medical care
9 under the TRICARE program;

10 (B) has been diagnosed with a moderate to
11 severe traumatic brain injury incurred in the
12 line of duty in Operation Iraqi Freedom or Op-
13 eration Enduring Freedom;

14 (C) is retired or separated from the Armed
15 Forces for disability under chapter 61 of title
16 10, United States Code; and

17 (D) is referred by a qualified physician for
18 cognitive rehabilitative therapy; and

19 (2) cognitive rehabilitative therapy is not rea-
20 sonably available to the member or former member
21 through the Department of Veterans Affairs.

22 (c) ELEMENTS OF PILOT PROGRAM.—The Secretary
23 of Defense shall, in consultation with the entities and offi-
24 cials referred to in subsection (d), develop for inclusion
25 in the pilot program the following:

1 (1) Procedures for access to cognitive rehabili-
2 tative therapy services.

3 (2) Qualifications and supervisory requirements
4 for licensed and certified health care professionals
5 providing such services.

6 (3) A methodology for reimbursing providers
7 for such services.

8 (d) ENTITIES AND OFFICIALS TO BE CONSULTED.—
9 The entities and officials referred to in this subsection are
10 the following:

11 (1) The Secretary of Veterans Affairs.

12 (2) The Defense Centers of Excellence for Psy-
13 chological Health and Traumatic Brain Injury.

14 (3) Relevant national organizations with experi-
15 ence in treating traumatic brain injury.

16 (e) REPORT.—Not later than 18 months after the
17 date of the enactment of this Act, the Secretary of Defense
18 shall submit to the Committees on Armed Services of the
19 Senate and the House of Representatives a report—

20 (1) evaluating the effectiveness of the pilot pro-
21 gram in providing increased access to safe, effective,
22 and quality cognitive rehabilitative therapy services
23 for members and former members of the Armed
24 Forces described in subsection (b); and

1 (2) making recommendations with respect to
2 the effectiveness of cognitive rehabilitative therapy
3 services and the appropriateness of including such
4 services as a benefit under the TRICARE program.

5 (f) TRICARE PROGRAM DEFINED.—The term
6 “TRICARE program” has the meaning given that term
7 in section 1072(7) of title 10, United States Code.

8 (g) FUNDING.—Of the amount authorized to be ap-
9 propriated by section 1403 for the Defense Health Pro-
10 gram, not more than \$5,000,000 may be available to carry
11 out the pilot program under this section.

12 **SEC. 732. DEPARTMENT OF DEFENSE TASK FORCE ON THE**
13 **CARE, MANAGEMENT, AND TRANSITION OF**
14 **RECOVERING WOUNDED, ILL, AND INJURED**
15 **MEMBERS OF THE ARMED FORCES.**

16 (a) ESTABLISHMENT.—

17 (1) IN GENERAL.—The Secretary of Defense
18 shall establish within the Department of Defense a
19 task force to be known as the “Department of De-
20 fense Task Force on the Care, Management, and
21 Transition of Recovering Wounded, Ill, and Injured
22 Members of the Armed Forces” (in this section re-
23 ferred to as the “Task Force”).

24 (2) PURPOSE.—The purpose of the Task Force
25 shall be to assess the effectiveness of the policies and

1 programs developed and implemented by the Depart-
2 ment of Defense, and by each of the military depart-
3 ments, to assist and support the care, management,
4 and transition of recovering wounded, ill, and in-
5 jured members of the Armed Forces, and to make
6 recommendations for the further improvement of
7 such policies and programs.

8 (b) COMPOSITION.—

9 (1) MEMBERS.—The Task Force shall consist
10 of not more than 14 members, appointed by the Sec-
11 retary of Defense from among the individuals as de-
12 scribed in paragraph (2).

13 (2) COVERED INDIVIDUALS.—The individuals
14 appointed to the Task Force shall include the fol-
15 lowing:

16 (A) At least one member of each of the
17 regular components of the Army, the Navy, the
18 Air Force, and the Marine Corps.

19 (B) One member of the National Guard.

20 (C) One member of a reserve component of
21 the Armed Forces other than National Guard.

22 (D) A number of persons from outside the
23 Department of Defense equal to the total num-
24 ber of personnel from within the Department of
25 Defense (whether members of the Armed

1 Forces or civilian personnel) who are appointed
2 to the Task Force.

3 (E) Persons who have experience in—

4 (i) medical care and coordination for
5 wounded, ill, and injured members of the
6 Armed Forces;

7 (ii) medical case management;

8 (iii) non-medical case management;

9 (iv) the disability evaluation process
10 for members of the Armed Forces;

11 (v) veterans benefits;

12 (vi) treatment of traumatic brain in-
13 jury and post traumatic stress disorder;

14 (vii) family support;

15 (viii) medical research;

16 (ix) vocational rehabilitation; or

17 (x) disability benefits.

18 (F) At least one family member of a
19 wounded, ill, or injured member of the Armed
20 Forces or veteran who has experience working
21 with wounded, ill, and injured members of the
22 Armed Forces or their families.

23 (3) INDIVIDUALS APPOINTED FROM WITHIN DE-
24 PARTMENT OF DEFENSE.—At least one of the indi-
25 viduals appointed to the Task Force from within the

1 Department of Defense shall be the surgeon general
2 of an Armed Force.

3 (4) INDIVIDUALS APPOINTED FROM OUTSIDE
4 DEPARTMENT OF DEFENSE.—The individuals ap-
5 pointed to the Task Force from outside the Depart-
6 ment of Defense—

7 (A) with the concurrence of the Secretary
8 of Veterans Affairs, shall include an officer or
9 employee of the Department of Veterans Af-
10 fairs; and

11 (B) may include individuals from other de-
12 partments or agencies of the Federal Govern-
13 ment, from State and local agencies, or from
14 the private sector.

15 (5) DEADLINE FOR APPOINTMENTS.—All origi-
16 nal appointments to the Task Force shall be made
17 not later than 120 days after the date of the enact-
18 ment of this Act.

19 (6) CO-CHAIRS.—There shall be two co-chairs
20 of the Task Force. One of the co-chairs shall be des-
21 ignated by the Secretary of Defense at the time of
22 appointment from among the individuals appointed
23 to the Task Force from within the Department of
24 Defense. The other co-chair shall be selected from

1 among the individuals appointed from outside the
2 Department of Defense by those individuals.

3 (c) REPORT REQUIRED.—

4 (1) IN GENERAL.—Not later than 12 months
5 after the date on which all members of the Task
6 Force have been appointed, the Task Force shall
7 submit to the Secretary of Defense a report. The re-
8 port shall include the following:

9 (A) The findings and conclusions of the
10 Task Force as a result of its assessment of the
11 effectiveness of the policies and programs devel-
12 oped and implemented by the Department of
13 Defense, and by each of the military depart-
14 ments, to assist and support the care, manage-
15 ment, and transition of recovering wounded, ill,
16 and injured members of the Armed Forces.

17 (B) A description of various ways in which
18 the Department of Defense and the military de-
19 partments could more effectively address mat-
20 ters relating to the care, management, and
21 transition of recovering wounded, ill, and in-
22 jured members of the Armed Forces, including
23 members of the regular components, and mem-
24 bers of the reserve components, and support for
25 their families.

1 (C) Such recommendations for other legis-
2 lative or administrative action as the Task
3 Force considers appropriate for measures to im-
4 prove the policies and programs described in
5 subparagraph (A).

6 (2) METHODOLOGY.—For purposes of the re-
7 port, the Task Force—

8 (A) shall conduct site visits and interviews
9 as the Task Force considers appropriate;

10 (B) may consider the findings and rec-
11 ommendations of previous reviews and evalua-
12 tions of the care, management, and transition
13 of recovering wounded, ill, and injured members
14 of the Armed Forces; and

15 (C) may utilize such other means for di-
16 rectly obtaining information relating to the
17 care, management, and transition of recovering
18 wounded, ill, and injured members of the
19 Armed Forces as the Task Force considers ap-
20 propriate.

21 (3) MATTERS TO BE REVIEWED AND AS-
22 SESSED.—For purposes of the report, the Task
23 Force shall review and assess the following:

24 (A) Case management, including the num-
25 bers and types of case managers (including

1 Federal Recovery Coordinators, Recovery Care
2 Coordinators, National Guard or Reserve case
3 managers, and other case managers) assigned
4 to recovering wounded, ill, and injured members
5 of the Armed Forces, the training provided
6 such case managers, and the effectiveness of
7 such case managers in providing care and sup-
8 port to recovering wounded, ill, and injured
9 members of the Armed Forces.

10 (B) The effectiveness of the Interagency
11 Program Office in achieving fully interoperable
12 electronic health records by September 30,
13 2009, in accordance with section 1635 of the
14 Wounded Warrior Act (10 U.S.C. 1071 note).

15 (C) Staffing of Army Warrior Transition
16 Units, Marine Corps Wounded Warrior Regi-
17 ments, Navy and Air Force Medical Hold or
18 Medical Holdover Units, and other service-re-
19 lated programs or units for recovering wounded,
20 ill, and injured members of the Armed Forces,
21 including the use of applicable hiring authori-
22 ties to ensure the proper staffing of such pro-
23 grams and units.

1 (D) The legal support available to recov-
2 ering wounded, ill, and injured members of the
3 Armed Forces and their families.

4 (E) The support and assistance provided
5 to recovering wounded, ill, and injured members
6 of the Armed Forces as they progress through
7 the military disability evaluation system.

8 (F) The effectiveness of any measures
9 under pilot programs to improve or enhance the
10 military disability evaluation system.

11 (G) The effectiveness of the Senior Over-
12 sight Committee in facilitating and overseeing
13 collaboration between the Department of De-
14 fense and the Department of Veterans Affairs
15 on matters relating to the care, management,
16 and transition of recovering wounded, ill, and
17 injured members of the Armed Forces.

18 (H) The establishment and effectiveness of
19 the Defense Centers of Excellence for Psycho-
20 logical Health and Traumatic Brain Injury, and
21 the centers of excellence for military eye inju-
22 ries, hearing loss and auditory system injuries,
23 and traumatic extremity injuries and amputa-
24 tions.

1 (I) The establishment and effectiveness of
2 performance and accountability standards for
3 warrior transition units and programs.

4 (J) The support available to family care-
5 givers of recovering wounded, ill, and injured
6 members of the Armed Forces.

7 (K) The availability of vocational training
8 for recovering wounded, ill, and injured mem-
9 bers of the Armed Forces seeking to transition
10 to civilian life.

11 (L) The availability of services for trau-
12 matic brain injury and post traumatic stress
13 disorder.

14 (M) The support systems in place to ease
15 the transition of recovering wounded, ill, and
16 injured members of the Armed Forces from the
17 Department of Defense to the Department of
18 Veterans Affairs.

19 (N) The effectiveness of wounded warrior
20 information resources, including the Wounded
21 Warrior Resource Center, the National Re-
22 source Directory, Military OneSource, Family
23 Assistance Centers, and Service hotlines, in pro-
24 viding meaningful information for recovering

1 wounded, ill, and injured members of the
2 Armed Forces.

3 (O) Interagency matters affecting recov-
4 ering wounded, ill, and injured members of the
5 Armed Forces in their transition to civilian life.

6 (P) Overall coordination between the De-
7 partment of Defense and the Department of
8 Veterans Affairs on the matters specified in this
9 paragraph.

10 (Q) Such other matters as the Task Force
11 considers appropriate in connection with the
12 care, management, and transition of recovering
13 wounded, ill, and injured members of the
14 Armed Forces.

15 (4) TRANSMITTAL.—Not later than 90 days
16 after receipt of the report required by paragraph (1)
17 the Secretary of Defense shall transmit the report,
18 together with the Secretary's evaluation of the re-
19 port, to the Committees on Armed Services of the
20 Senate and the House of Representatives.

21 (d) PLAN REQUIRED.—Not later than six months
22 after the receipt under subsection (c) of the report of the
23 Task Force under that subsection, the Secretary of De-
24 fense shall, in consultation with the Secretaries of the mili-
25 tary departments, submit to the Committees on Armed

1 Services of the Senate and the House of Representatives
2 a plan to implement the recommendations of the Task
3 Force as included in the report of the Task Force under
4 subsection (c).

5 (e) ADMINISTRATIVE MATTERS.—

6 (1) COMPENSATION.—Each member of the
7 Task Force who is a member of the Armed Forces
8 or a civilian officer or employee of the United States
9 shall serve on the Task Force without compensation
10 (other than compensation to which entitled as a
11 member of the Armed Forces or an officer or em-
12 ployee of the United States, as the case may be).
13 Other members of the Task Force shall be appointed
14 in accordance with, and subject to, the provisions of
15 section 3161 of title 5, United States Code.

16 (2) OVERSIGHT.—The Under Secretary of De-
17 fense for Personnel and Readiness shall oversee the
18 Task Force. The Washington Headquarters Services
19 of the Department of Defense shall provide the Task
20 Force with personnel, facilities, and other adminis-
21 trative support as necessary for the performance of
22 the duties of the Task Force.

23 (3) VISITS TO MILITARY FACILITIES.—Any visit
24 by the Task Force to a military installation or facil-
25 ity shall be undertaken through the Deputy Under

1 Secretary of Defense for Personnel and Readiness,
2 in coordination with the Secretaries of the military
3 departments.

4 (f) TERMINATION.—The Task Force shall terminate
5 90 days after the date on which the Task Force submits
6 to the Secretary of Defense the report of the Task Force
7 under subsection (e).

8 **SEC. 733. REPORT ON USE OF ALTERNATIVE THERAPIES IN**
9 **TREATMENT OF POST-TRAUMATIC STRESS**
10 **DISORDER.**

11 (a) IN GENERAL.—Not later than December 31,
12 2010, the Secretary of Defense and the Secretary of Vet-
13 erans Affairs shall jointly submit to the appropriate com-
14 mittees of Congress a report on research related to post-
15 traumatic stress disorder.

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

18 (1) The status of all studies and clinical trials
19 that involve treatments of post-traumatic stress dis-
20 order conducted by the Department of Defense and
21 the Department of Veterans Affairs.

22 (2) The effectiveness of alternative therapies in
23 the treatment of post-traumatic stress disorder, in-
24 cluding the therapeutic use of animals.

1 (3) Identification of areas in which the Depart-
2 ment of Defense and the Department of Veterans
3 Affairs may be duplicating studies, programs, or re-
4 search with respect to post-traumatic stress dis-
5 order.

6 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-
7 FINED.—In this section, the term “appropriate commit-
8 tees of Congress” means—

9 (1) the Committee on Armed Services, the
10 Committee on Appropriations, and the Committee on
11 Veterans’ Affairs of the Senate; and

12 (2) the Committee on Armed Services, the
13 Committee on Appropriations, and the Committee on
14 Veterans’ Affairs of the House of Representatives.

15 **TITLE VIII—ACQUISITION POL-**
16 **ICY, ACQUISITION MANAGE-**
17 **MENT, AND RELATED MAT-**
18 **TERS**

19 **Subtitle A—Amendments to Gen-**
20 **eral Contracting Authorities,**
21 **Procedures, and Limitations**

22 **SEC. 801. CONTRACT AUTHORITY FOR ADVANCED DEVEL-**
23 **OPMENT OF PROTOTYPE UNITS.**

24 (a) CONTRACT AUTHORITY.—

1 (1) IN GENERAL.—Chapter 139 of title 10,
2 United States Code, is amended by inserting after
3 section 2359b the following new section:

4 **“§ 2359c. Contract authority for advanced develop-**
5 **ment of prototype units**

6 “(a) AUTHORITY.—A contract initially awarded from
7 the competitive selection of a proposal resulting from a
8 broad agency announcement pursuant to section
9 2302(2)(B) of this title may contain a contract line item
10 or an option, including not-to-exceed prices, for either of
11 the following:

12 “(1) The delivery of a specified number of pro-
13 totype items to demonstrate technology developed
14 under the contract.

15 “(2) The provision, for a specified period of
16 time, of advanced component development effort or
17 effort to prototype technology developed under the
18 contract.

19 “(b) LIMITATIONS.—(1) The number of prototype
20 items specified pursuant to subsection (a)(1) may not ex-
21 ceed the minimum number required to ensure that re-
22 search and development work can continue without inter-
23 ruption during the solicitation and award of a follow-on
24 competitive contract.

1 “(2) The period of time specified under subsection
2 (a)(2) may not exceed 12 months.

3 “(3) The dollar value of the work to be performed
4 pursuant to a contract line item or option under sub-
5 section (a) may not exceed the lesser of the amounts as
6 follows:

7 “(A) The amount that is three times the dollar
8 value of the work previously performed under the
9 contract.

10 “(B) \$20,000,000.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of chapter 139 of such title
13 is amended by inserting after the item relating to
14 section 2359b the following new item:

“2359c. Contract authority for advanced development of prototype units.”.

15 (b) SUNSET.—

16 (1) IN GENERAL.—Effective on the date that is
17 five years after the date of the enactment of this
18 Act—

19 (A) section 2359c of title 10, United
20 States Code (as added by subsection (a)), is re-
21 pealed; and

22 (B) the table of sections at the beginning
23 of chapter 139 of such title (as amended by
24 subsection (a)) is further amended by striking
25 the item relating to section 2359c.

1 (2) CONTINUATION OF LINE ITEMS AND OP-
2 TIONS.—The repeal of section 2359c of title 10,
3 United States Code (as so added), by paragraph (1)
4 shall not affect the authority of the Department of
5 Defense to exercise any contract line item or option
6 included in a contract under the authority of such
7 section before the effective date of the repeal of such
8 section under paragraph (1).

9 (c) REPORT.—Not later than three years after the
10 date of the enactment of this Act, the Secretary of Defense
11 shall submit to the congressional defense committees a re-
12 port on the use of the authority provided by section 2359c
13 of title 10, United States Code (as added by subsection
14 (a)). The report shall, at a minimum—

15 (1) identify the number of times the authority
16 in section 2359c of title 10, United States Code (as
17 so added), has been used by each military depart-
18 ment and Defense Agency, and the dollar amount of
19 contract line items or options exercised pursuant to
20 such authority;

21 (2) assess the effectiveness of the authority in
22 promoting the maturation of technologies and in ad-
23 dressing potential gaps between science and tech-
24 nology projects and acquisition programs;

1 (3) assess any potential anti-competitive im-
2 pacts resulting from the use of the authority; and

3 (4) make such recommendations as the Sec-
4 retary considers appropriate.

5 **SEC. 802. JUSTIFICATION AND APPROVAL OF SOLE-SOURCE**
6 **CONTRACTS.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of the enactment of this Act, the Secretary of Defense
9 shall modify the Department of Defense Supplement to
10 the Federal Acquisition Regulation to provide that the
11 head of an agency may not award a sole-source contract
12 for an amount exceeding \$20,000,000 unless—

13 (1) the contracting officer for the contract justifi-
14 fies the use of a sole-source contract in writing; and

15 (2) the justification is approved by an official
16 designated in section 2304(f)(1)(B) of title 10,
17 United States Code, to approve contract awards for
18 dollar amounts that are comparable to the amount
19 of the sole-source contract.

20 (b) ELEMENTS OF JUSTIFICATION.—The justifica-
21 tion of a sole-source contract required pursuant to sub-
22 section (a) shall include the following:

23 (1) A description of the needs of the agency
24 concerned for the matters covered by the contract.

1 (2) A specification of the statutory provision
2 providing the exception from the requirement to use
3 competitive procedures in entering into the contract.

4 (3) A determination that the use of a sole-
5 source contract is in the best interest of the Depart-
6 ment of Defense.

7 (4) A determination that the anticipated cost of
8 the contract will be fair and reasonable.

9 (5) Such other matters as the Secretary shall
10 specify for purposes of this section.

11 (c) CONSTRUCTION WITH COMPETITION IN CON-
12 TRACTING ACT REQUIREMENTS.—In the case of any con-
13 tract for which a justification and approval is required
14 under section 2304(f) of title 10, United States Code, a
15 justification and approval meeting the requirements of
16 such section may be treated as meeting the requirements
17 of this section for purposes of the award of a sole-source
18 contract.

1 **Subtitle B—Acquisition Policy and**
2 **Management**

3 **SEC. 811. REPORTING REQUIREMENTS FOR PROGRAMS**
4 **THAT QUALIFY AS BOTH MAJOR AUTOMATED**
5 **INFORMATION SYSTEM PROGRAMS AND**
6 **MAJOR DEFENSE ACQUISITION PROGRAMS.**

7 (a) IN GENERAL.—Section 2445d of title 10, United
8 States Code, is amended by striking “of this title” and
9 all that follows and inserting “of this title, the Secretary
10 may designate the program to be treated only as a major
11 automated information system program covered by this
12 chapter or to be treated only as a major defense acquisi-
13 tion program covered by such chapter 144.”.

14 (b) GUIDANCE REQUIRED.—Not later than 180 days
15 after the date of the enactment of this Act, the Secretary
16 of Defense shall issue guidance on the implementation of
17 section 2445d of title 10, United States Code (as amended
18 by subsection (a)). The guidance shall provide that, as a
19 general rule—

20 (1) a program covered by such section that re-
21 quires the development of customized hardware shall
22 be treated only as a major defense acquisition pro-
23 gram under chapter 144 of title 10, United States
24 Code; and

1 (2) a program covered by such section that does
2 not require the development of customized hardware
3 shall be treated only as a major automated informa-
4 tion system program under chapter 144A of title 10,
5 United States Code.

6 **SEC. 812. FUNDING OF DEPARTMENT OF DEFENSE ACQUI-**
7 **SITION WORKFORCE DEVELOPMENT FUND.**

8 (a) **ADDITIONAL ELEMENT OF FUND.**—Subsection
9 (d) of section 1705 of title 10, United States Code, is
10 amended—

11 (1) in paragraph (1)—

12 (A) by redesignating subparagraph (B) as
13 subparagraph (C); and

14 (B) by inserting after subparagraph (A)
15 the following new subparagraph (B):

16 “(B) Amounts transferred to the Fund
17 pursuant to paragraph (3).”; and

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

20 “(3) **TRANSFER OF CERTAIN UNOBLIGATED**
21 **BALANCES.**—To the extent provided in appropria-
22 tions Acts, the Secretary of Defense may, during the
23 24-month period following the expiration of avail-
24 ability for obligation of any appropriations made to
25 the Department of Defense for procurement, re-

1 search, development, test, and evaluation, or oper-
2 ation and maintenance, transfer to the Fund any
3 unobligated balance of such appropriations. Any
4 amount so transferred shall be credited to the
5 Fund.”.

6 (b) NATURE OF EXPENDED AMOUNTS PROVIDING
7 BASIS FOR CREDIT TO FUND.—Subparagraph (A) of
8 paragraph (2) of such subsection is amended by striking
9 “, other than” and all that follows and inserting “from
10 amounts available for operation and maintenance.”.

11 (c) REMITTANCES.—Subparagraph (B) of paragraph
12 (2) of such subsection is amended by inserting “, from
13 amounts available to such military department or Defense
14 Agency, as the case may be, for operation and mainte-
15 nance,” after “remit to the Secretary of Defense”.

16 (d) ADDITIONAL MATTERS RELATING TO REMIT-
17 TANCES.—Such subsection is further amended—

18 (1) in paragraph (2)(B), by striking “Not later
19 than” and inserting “Subject to paragraph (4), not
20 later than”; and

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

23 “(4) ADDITIONAL REQUIREMENTS AND LIMITA-
24 TIONS ON REMITTANCES.—(A) In the event amounts
25 are transferred to the Fund during a fiscal year pur-

1 suant to paragraph (1)(B) or appropriated to the
2 Fund for a fiscal year pursuant to paragraph (1)(C),
3 the aggregate amount otherwise required to be re-
4 mitted to the Fund for that fiscal year pursuant to
5 paragraph (2)(B) shall be reduced by the amount
6 equal to the amounts so transferred or appropriated
7 to the Fund during or for that fiscal year. Any re-
8 duction in the aggregate amount required to be re-
9 mitted to the Fund for a fiscal year under this sub-
10 paragraph shall be allocated as provided in applica-
11 ble provisions of appropriations Acts or, absent such
12 provisions, on a pro rata basis among the military
13 departments and Defense Agencies required to make
14 remittances to the Fund for that fiscal year under
15 paragraph (2)(B).

16 “(B) Any remittance of amounts to the Fund
17 for a fiscal year under paragraph (2) shall be sub-
18 ject to the availability of appropriations for that pur-
19 pose.”.

20 (e) REMITTANCE AMOUNTS.—Paragraph (2) of such
21 subsection is further amended by striking subparagraphs
22 (C) and (D) and inserting the following new subpara-
23 graphs:

24 “(C) For purposes of this paragraph, the appli-
25 cable percentage for a fiscal year is the percentage

1 that results in the credit to the Fund in such fiscal
2 year of an amount as follows:

3 “(i) For fiscal year 2010, \$570,000,000.

4 “(ii) For fiscal year 2011, \$770,000,000.

5 “(iii) For fiscal year 2012, \$900,000,000.

6 “(iv) For fiscal year 2013,
7 \$1,180,000,000.

8 “(v) For fiscal year 2014, \$1,330,000,000.

9 “(vi) For fiscal year 2015,
10 \$1,470,000,000.

11 “(D) The Secretary of Defense may reduce a
12 percentage specified in subparagraph (C) for a fiscal
13 year if the Secretary determines that the application
14 of such percentage would result in the crediting to
15 the Fund in such fiscal year of an amount greater
16 than is reasonably needed for purposes of the Fund.
17 The percentage for a fiscal year, as so reduced, may
18 not be a percentage that will result in the credit to
19 the Fund in such fiscal year of an amount that is
20 less than 80 percent of the amount otherwise speci-
21 fied in subparagraph (C) for such fiscal year.”.

22 (f) CLARIFICATION OF LIMITATION ON PAY OF BASE
23 SALARY OF CURRENT EMPLOYEES.—Subsection (e)(5) of
24 such section is amended by striking “as of the date of
25 the enactment of the National Defense Authorization Act

1 for Fiscal Year 2008” and inserting “serving in a position
2 in the acquisition workforce as of January 28, 2008”.

3 (g) TECHNICAL AMENDMENTS.—

4 (1) Subsection (a) of such section is amended
5 by inserting “Development” after “Workforce”.

6 (2) Subsection (f) of such section is amended in
7 the matter preceding paragraph (1) by striking “be-
8 ginning with fiscal year 2008”.

9 (h) EFFECTIVE DATES.—

10 (1) FUNDING AMENDMENTS.—The amendments
11 made by subsections (a) through (e) shall take effect
12 on October 1, 2009.

13 (2) TECHNICAL AMENDMENTS.—The amend-
14 ments made by subsections (f) and (g) shall take ef-
15 fect on the date of the enactment of this Act.

16 **SEC. 813. ENHANCEMENT OF EXPEDITED HIRING AUTHOR-**
17 **ITY FOR DEFENSE ACQUISITION WORKFORCE**
18 **POSITIONS.**

19 (a) IN GENERAL.—Paragraph (1) of section 1705(h)
20 of title 10, United States Code, is amended—

21 (1) in subparagraph (A), by striking “acquisi-
22 tion positions within the Department of Defense as
23 shortage category position” and inserting “acquisi-
24 tion workforce positions as positions for which there

1 exists a shortage of candidates or there is a critical
2 hiring need”; and

3 (2) in subparagraph (B), by striking “highly
4 qualified” and inserting “appropriately qualified”.

5 (b) EXTENSION.—Paragraph (2) of such section is
6 amended by striking “September 30, 2012” and inserting
7 “September 30, 2015”.

8 (c) TECHNICAL AMENDMENT.—Paragraph (1) of
9 such section is further amended by striking “United
10 States Code,” in the matter preceding subparagraph (A).

11 **SEC. 814. TREATMENT OF NON-DEFENSE AGENCY PRO-**
12 **UREMENTS UNDER JOINT PROGRAMS WITH**
13 **THE DEPARTMENT OF DEFENSE UNDER LIMI-**
14 **TATIONS ON NON-DEFENSE AGENCY PRO-**
15 **UREMENTS ON BEHALF OF THE DEPART-**
16 **MENT OF DEFENSE.**

17 Section 801(b) of the National Defense Authorization
18 Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amend-
19 ed by adding at the end the following new paragraph:

20 “(3) TREATMENT OF PROCUREMENTS UNDER
21 JOINT PROGRAMS.—For purposes of this subsection,
22 a contract entered by a non-defense agency for the
23 performance of a joint program conducted to meet
24 the needs of the Department of Defense and the
25 non-defense agency shall not be considered a pro-

1 curement of property or services for the Department
2 of Defense through a non-defense agency.”.

3 **SEC. 815. COMPTROLLER GENERAL OF THE UNITED**
4 **STATES REPORT ON TRAINING OF ACQUISITION AND AUDIT PERSONNEL OF THE DE-**
5 **PARTMENT OF DEFENSE.**
6

7 (a) REPORT REQUIRED.—Not later than one year
8 after the date of the enactment of this Act, the Com-
9 troller General of the United States shall submit to the
10 congressional defense committees a report setting forth an
11 assessment of the efficacy of Department of Defense train-
12 ing for acquisition and audit personnel of the Department
13 of Defense.

14 (b) ELEMENTS.—The report required by subsection
15 (a) shall include, at a minimum, the following:

16 (1) An assessment of the nature and efficacy of
17 training (including training materials and methods)
18 required for acquisition and audit personnel of the
19 Department of Defense.

20 (2) An assessment of the timeliness and man-
21 ner in which the Department of Defense provides
22 training for such personnel.

23 (3) An assessment of the extent to which such
24 training reaches appropriate acquisition personnel,

1 including personnel outside the acquisition workforce
2 who exercise significant acquisition responsibilities.

3 (4) An assessment of the extent to which each
4 of the Department of Defense and the Department
5 of the Army have implemented the recommendations
6 of the Commission on Army Acquisition and Pro-
7 gram Management in Expeditionary Operations re-
8 lating to training of acquisition personnel.

9 (5) Such recommendations as the Comptroller
10 General considers appropriate regarding training of
11 acquisition and audit personnel of the Department
12 of Defense, including recommendations regarding
13 best practices and objectives for improved training of
14 such acquisition and audit personnel.

15 **Subtitle C—Contractor Matters**

16 **SEC. 821. AUTHORITY FOR GOVERNMENT SUPPORT CON-** 17 **TRACTORS TO HAVE ACCESS TO TECHNICAL** 18 **DATA BELONGING TO PRIME CONTRACTORS.**

19 (a) AUTHORITY.—

20 (1) ACCESS TO TECHNICAL DATA.—Subsection
21 (c) of section 2320 of title 10, United States Code,
22 is amended—

23 (A) in paragraph (1), by striking “or” at
24 the end;

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

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

5 “(2) notwithstanding any limitation upon the li-
6 cense rights conveyed under subsection (a), allowing
7 a covered Government support contractor access to
8 and use of any technical data delivered under a con-
9 tract for the sole purpose of furnishing independent
10 and impartial advice or technical assistance directly
11 to the Government in support of the Government’s
12 management and oversight of the program or effort
13 to which such technical data relates; or”.

14 (2) COVERED GOVERNMENT SUPPORT CON-
15 TRACTOR DEFINED.—Such section is further amend-
16 ed by adding at the end the following new sub-
17 section:

18 “(f) In this section, the term ‘covered Government
19 support contractor’ means a contractor under a contract
20 the primary purpose of which is to furnish independent
21 and impartial advice or technical assistance directly to the
22 Government in support of the Government’s management
23 and oversight of a program or effort (rather than to di-
24 rectly furnish an end item or service to accomplish a pro-
25 gram or effort), which contractor—

1 “(1) is not affiliated with the prime contractor
2 or a first-tier subcontractor on the program or ef-
3 fort, or with any direct competitor of such prime
4 contractor or any such first-tier subcontractor in
5 furnishing end items or services of the type devel-
6 oped or produced on the program or effort; and

7 “(2) executes a contract with the Government
8 agreeing to and acknowledging—

9 “(A) that proprietary or nonpublic tech-
10 nical data furnished will be accessed and used
11 only for the purposes stated in that contract;

12 “(B) that a breach of that contract by the
13 covered Government support contractor with re-
14 gard to a third party’s ownership or rights in
15 such technical data may subject the covered
16 Government support contractor—

17 “(i) to criminal, civil, administrative,
18 and contractual actions in law and equity
19 for penalties, damages, and other appro-
20 priate remedies by the United States; and

21 “(ii) to civil actions for damages and
22 other appropriate remedies by the con-
23 tractor or subcontractor whose technical
24 data is affected by the breach;

1 “(C) that such technical data provided to
2 the covered Government support contractor
3 under the authority of this section shall not be
4 used by the covered Government support con-
5 tractor to compete against the third party for
6 Government or non-Government contracts; and

7 “(D) that any breach of the nondisclosure
8 obligations under subparagraphs (A) through
9 (C) may constitute a violation of section 1905
10 of title 18.”.

11 (b) CRIMINAL PENALTY.—Section 1905 of title 18,
12 United States Code, is amended by inserting “or being
13 an officer, agent, or employee of a private sector organiza-
14 tion having a contractual nondisclosure agreement under
15 the authority of section 2320(f)(2) of title 10,” after
16 “Antitrust Civil Process Act (15 U.S.C. 1311-1314),”.

17 **SEC. 822. EXTENSION AND ENHANCEMENT OF AUTHORI-**
18 **TIES ON THE COMMISSION ON WARTIME CON-**
19 **TRACTING IN IRAQ AND AFGHANISTAN.**

20 (a) DATE OF FINAL REPORT.—Subsection (d)(3) of
21 section 841 of the National Defense Authorization Act for
22 Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230)
23 is amended by striking “two years” and inserting “three
24 years”.

1 (b) ASSISTANCE FROM FEDERAL AGENCIES.—Such
2 section is further amended—

3 (1) by redesignating subsections (f) and (g) as
4 subsections (g) and (h), respectively; and

5 (2) by inserting after subsection (e) the fol-
6 lowing new subsection (f):

7 “(f) ASSISTANCE FROM FEDERAL AGENCIES.—

8 “(1) DEPARTMENT OF DEFENSE.—The Sec-
9 retary of Defense shall provide to the Commission
10 administrative support for the performance of the
11 Commission’s functions in carrying out the require-
12 ments of this section.

13 “(2) TRAVEL AND LODGING IN COMBAT THEA-
14 TERS.—The administrative support provided the
15 Commission under paragraph (1) shall include travel
16 and lodging undertaken in combat theaters, which
17 support shall be provided on a non-reimbursable
18 basis.

19 “(3) OTHER DEPARTMENTS AND AGENCIES.—
20 In addition to the support required by paragraph
21 (1), any department or agency of the Federal Gov-
22 ernment may provide to the Commission such serv-
23 ices, funds, facilities, staff, and other support serv-
24 ices for the performance of the Commission’s func-
25 tions as the head of such department or agency con-

1 siders advisable, or as may otherwise be authorized
2 by law.”.

3 **SEC. 823. PROHIBITION ON INTERROGATION OF DETAIN-**
4 **EES BY CONTRACTOR PERSONNEL.**

5 (a) REGULATIONS REQUIRED.—Effective as of the
6 date that is one year after the date of the enactment of
7 this Act, the Department of Defense manpower mix cri-
8 teria and the Department of Defense Supplement to the
9 Federal Acquisition Regulation shall be modified to pro-
10 vide the following:

11 (1) That the interrogation of enemy prisoners
12 of war, civilian internees, retained persons, other de-
13 tainees, terrorists, and criminals when captured,
14 transferred, confined, or detained during or in the
15 aftermath of hostilities is an inherently govern-
16 mental function and cannot be transferred to con-
17 tractor personnel.

18 (2) That contractor personnel with proper
19 training and security clearances may be used as lin-
20 guists, interpreters, report writers, information tech-
21 nology technicians, and other employees filling ancil-
22 lary positions in interrogations of persons as de-
23 scribed in paragraph (1) if such personnel are sub-
24 ject to the same rules, procedures, policies, and laws
25 pertaining to detainee operations and interrogations

1 as apply to government personnel in such positions
2 in such interrogations.

3 (b) DISCHARGE BY GOVERNMENT PERSONNEL.—The
4 Secretary of Defense shall take appropriate actions to en-
5 sure that, by not later than one year after the date of
6 the enactment of this Act, the Department of Defense has
7 the resources needed to ensure that interrogations de-
8 scribed in subsection (a)(1) are conducted by appro-
9 priately qualified government personnel.

10 **SEC. 824. MODIFICATIONS TO DATABASE FOR FEDERAL**
11 **AGENCY CONTRACT AND GRANT OFFICERS**
12 **AND SUSPENSION AND DEBARMENT OFFI-**
13 **CIALS.**

14 Subsection (c) of section 872 of the Duncan Hunter
15 National Defense Authorization Act for Fiscal Year 2009
16 (Public Law 110–417; 122 Stat. 4556) is amended—

17 (1) by redesignating paragraphs (6) and (7) as
18 paragraphs (8) and (9), respectively; and

19 (2) by inserting after paragraph (5) the fol-
20 lowing new paragraphs:

21 “(6) Each audit report that, as determined by
22 an Inspector General or the head of an audit agency
23 responsible for the report, contains significant ad-
24 verse information about a contractor that should be
25 included in the database.

1 “(7) Each contract action that, as determined
2 by the head of the contracting activity responsible
3 for the contract action, reflects information about
4 contractor performance or integrity that should be
5 included in the database.”.

6 **Subtitle D—Other Matters**

7 **SEC. 831. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS** 8 **AND SERVICES PRODUCED IN CENTRAL ASIA,** 9 **PAKISTAN, AND THE SOUTH CAUCASUS.**

10 (a) IN GENERAL.—In the case of a product or service
11 to be acquired in support of military operations or stability
12 operations (including security, transition, reconstruction,
13 and humanitarian relief activities) in Afghanistan for
14 which the Secretary of Defense makes a determination de-
15 scribed in subsection (b), the Secretary may conduct a
16 procurement in which—

17 (1) competition is limited to products or serv-
18 ices that are from Central Asia, Pakistan, or the
19 South Caucasus;

20 (2) procedures other than competitive proce-
21 dures are used to award a contract to a particular
22 source or sources from Central Asia, Pakistan, or
23 the South Caucasus; or

1 (3) a preference is provided for products or
2 services that are from Central Asia, Pakistan, or the
3 South Caucasus.

4 (b) DETERMINATION.—A determination described in
5 this subsection is a determination by the Secretary that—

6 (1) the product or service concerned is to be
7 used only by military forces, police, or other security
8 personnel of Afghanistan; or

9 (2) it is in the national security interest of the
10 United States to limit competition, use procedures
11 other than competitive procedures, or provide a pref-
12 erence as described in subsection (a) because—

13 (A) such limitation, procedure, or pref-
14 erence is necessary—

15 (i) to improve local market and trans-
16 portation infrastructure in Central Asia,
17 Pakistan, or the South Caucasus in order
18 to reduce overall United States transpor-
19 tation costs and risks in shipping goods in
20 support of operations in Afghanistan; or

21 (ii) to encourage states of Central
22 Asia, Pakistan, or the South Caucasus to
23 cooperate in expanding supply routes
24 through their territory in support of oper-
25 ations in Afghanistan; and

1 (B) such limitation, procedure, or pref-
2 erence will not adversely affect—

3 (i) operations in Afghanistan; or

4 (ii) the United States industrial base.

5 (c) PRODUCTS, SERVICES, AND SOURCES FROM CEN-
6 TRAL ASIA, PAKISTAN, OR THE SOUTH CAUCASUS.—For
7 the purposes of this section:

8 (1) A product is from the Central Asia, Paki-
9 stan, or the South Caucasus if it is mined, produced,
10 or manufactured in Georgia, the Kyrgyz Republic,
11 Pakistan, the Republic of Armenia, the Republic of
12 Azerbaijan, the Republic of Kazakhstan, the Repub-
13 lic of Tajikistan, the Republic of Uzbekistan, or
14 Turkmenistan.

15 (2) A service is from Central Asia, Pakistan, or
16 the South Caucasus if it is performed in Georgia,
17 the Kyrgyz Republic, Pakistan, the Republic of Ar-
18 menia, the Republic of Azerbaijan, the Republic of
19 Kazakhstan, the Republic of Tajikistan, the Repub-
20 lic of Uzbekistan, or Turkmenistan by citizens or
21 permanent resident aliens of Georgia, the Kyrgyz
22 Republic, Pakistan, the Republic of Armenia, the
23 Republic of Azerbaijan, the Republic of Kazakhstan,
24 the Republic of Tajikistan, the Republic of Uzbek-
25 istan, or Turkmenistan.

1 (3) A source is from Central Asia, Pakistan, or
2 the South Caucasus if it—

3 (A) is located in Georgia, the Kyrgyz Re-
4 public, Pakistan, the Republic of Armenia, the
5 Republic of Azerbaijan, the Republic of
6 Kazakhstan, the Republic of Tajikistan, the Re-
7 public of Uzbekistan, or Turkmenistan; and

8 (B) offers products or services that are
9 from Georgia, the Kyrgyz Republic, Pakistan,
10 the Republic of Armenia, the Republic of Azer-
11 baijan, the Republic of Kazakhstan, the Repub-
12 lic of Tajikistan, the Republic of Uzbekistan, or
13 Turkmenistan.

14 (d) CONSTRUCTION WITH OTHER AUTHORITY.—The
15 authority in subsection (a) is in addition to the authority
16 in section 886 of the National Defense Authorization Act
17 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
18 266; 10 U.S.C. 2302 note).

19 (e) ANNUAL REPORT.—

20 (1) IN GENERAL.—Not later than December 31
21 each year, the Secretary shall submit to Congress a
22 report on the exercise of the authority in subsection
23 (a) during the preceding fiscal year.

1 (2) ELEMENTS.—Each report under this sub-
2 section shall include, for the fiscal year covered by
3 such report, the following:

4 (A) A statement of the number of occa-
5 sions on which the Secretary made a determina-
6 tion under subsection (a) with respect to the ex-
7 ercise of the authority in subsection (a), regard-
8 less of whether or not the determination re-
9 sulted in the exercise of such authority.

10 (B) The total amount of all procurements
11 pursuant to the exercise of such authority, and
12 the total amount of procurements for each
13 country with respect to which such authority
14 was exercised.

15 (C) A description and assessment of the
16 extent to which procurements pursuant to the
17 exercise of such authority furthered the na-
18 tional security interest of the United States.

19 (f) SUNSET.—The authority in subsection (a) shall
20 expire on the date that is three years after the date of
21 the enactment of this Act.

22 **SEC. 832. SMALL ARMS PRODUCTION INDUSTRIAL BASE**
23 **MATTERS.**

24 (a) AUTHORITY TO MODIFY DEFINITION OF “SMALL
25 ARMS PRODUCTION INDUSTRIAL BASE”.—Section

1 2473(c) of title 10, United States Code, is amended by
2 inserting before the period at the end the following: “, and
3 any subsequent modifications to such list of firms pursu-
4 ant to a review by the Secretary of Defense”.

5 (b) REVIEW OF SMALL ARMS PRODUCTION INDUS-
6 TRIAL BASE.—

7 (1) REVIEW.—Not later than March 31, 2010,
8 the Secretary of Defense shall review and determine,
9 based upon manufacturing capability and capacity—

10 (A) whether any firms included in the
11 small arms production industrial base (as that
12 term is defined in section 2473(c) of title 10,
13 United States Code) should be eliminated or
14 modified and whether any additional firms
15 should be included; and

16 (B) whether any of the small arms listed
17 in section 2473(d) of title 10, United States
18 Code, should be eliminated from the list or
19 modified on the list, and whether any additional
20 small arms should be included in the list.

21 (2) REPORT.—Not later than March 31, 2010,
22 the Secretary of Defense shall submit to the con-
23 gressional defense committees a report on the review
24 conducted under this subsection, including any rec-
25 ommendations for changes to the list maintained

1 pursuant to subsection (c) of section 2473(d) of title
2 10, United States Code, or the list under subsection
3 (d) of such section.

4 **SEC. 833. EXTENSION OF SBIR AND STTR PROGRAMS OF**
5 **THE DEPARTMENT OF DEFENSE.**

6 (a) **SBIR EXTENSION.**—Section 9(m) of the Small
7 Business Act (15 U.S.C. 638(m)) is amended—

8 (1) by striking “The authorization” and insert-
9 ing the following:

10 “(1) **IN GENERAL.**—Except as provided in para-
11 graph (2), the authorization”; and

12 (2) by adding at the end the following:

13 “(2) **EXCEPTION FOR DEPARTMENT OF DE-**
14 **FENSE.**—The Secretary of Defense and the Sec-
15 retary of each military department is authorized to
16 carry out the Small Business Innovation Research
17 Program of the Department of Defense until Sep-
18 tember 30, 2023.”.

19 (b) **STTR REAUTHORIZATION.**—Section 9(n)(1)(A)
20 of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is
21 amended—

22 (1) by striking “With respect” and inserting
23 the following:

1 “(i) FEDERAL AGENCIES GEN-
2 ERALLY.—Except as provided in clause (i),
3 with respect”; and

4 (2) by adding at the end the following:

5 “(ii) DEPARTMENT OF DEFENSE.—
6 The Secretary of Defense and the Sec-
7 retary of each military department shall
8 carry out clause (i) with respect to each
9 fiscal year through fiscal year 2023.”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall take effect on July 30, 2009.

12 **SEC. 834. EXPANSION AND PERMANENT AUTHORITY FOR**
13 **SMALL BUSINESS INNOVATION RESEARCH**
14 **COMMERCIALIZATION PROGRAM.**

15 (a) EXPANSION TO INCLUDE SMALL BUSINESS
16 TECHNOLOGY TRANSFER PROGRAM.—Section 9(y) of the
17 Small Business Act (15 U.S.C. 638(y)) is amended in
18 paragraphs (1), (2), and (4) by inserting “and the Small
19 Business Technology Transfer Program” after “Small
20 Business Innovation Research Program”.

21 (b) PERMANENT AUTHORITY.—

22 (1) IN GENERAL.—Such section is further
23 amended by striking paragraph (6).

24 (2) CONFORMING AMENDMENTS.—Such section
25 is further amended—

1 (A) in the subsection heading, by striking
2 “PILOT”; and

3 (B) by striking “Pilot” each place it ap-
4 pears.

5 **SEC. 835. MEASURES TO ENSURE THE SAFETY OF FACILI-**
6 **TIES, INFRASTRUCTURE, AND EQUIPMENT**
7 **FOR MILITARY OPERATIONS.**

8 (a) **POLICY.**—It shall be the policy of the Department
9 of Defense to incorporate generally accepted industry
10 standards for the safety and health of personnel, to the
11 maximum extent practicable, into requirements for facili-
12 ties, infrastructure, and equipment that are intended for
13 use by military or civilian personnel of the Department
14 in current and future contingency operations.

15 (b) **CONTRACTS.**—Not later than 120 days after the
16 date of the enactment of this Act, the Secretary of Defense
17 shall submit to the congressional defense committees a re-
18 port describing that actions that the Department of De-
19 fense has taken, or plans to take, to ensure that each con-
20 tract or task or delivery order entered into for the con-
21 struction, installation, repair, maintenance, or operation
22 of facilities for use by military or civilian personnel of the
23 Department in current and future contingency operations
24 complies with the policy established in subsection (a).

1 (c) GENERALLY ACCEPTED INDUSTRY STANDARDS
2 FOR SAFETY.—For the purposes of this section, generally
3 accepted industry standards for the safety of personnel in-
4 clude—

5 (1) appropriate standards with respect to fire
6 protection and structural integrity; and

7 (2) standards with respect to electrical systems,
8 water treatment, and telecommunications networks.

9 **SEC. 836. REPEAL OF REQUIREMENTS RELATING TO THE**
10 **MILITARY SYSTEM ESSENTIAL ITEM BREAK-**
11 **OUT LIST.**

12 Section 813 of the National Defense Authorization
13 Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat.
14 1543) is repealed.

15 **SEC. 837. DEFENSE SCIENCE BOARD REPORT ON RARE**
16 **EARTH MATERIALS IN THE DEFENSE SUPPLY**
17 **CHAIN.**

18 (a) REPORT REQUIRED.—Not later than one year
19 after the date of the enactment of this Act, the Defense
20 Science Board shall submit to the Committees on Armed
21 Services of the Senate and the House of Representatives
22 a report on the usage of rare earth materials in the supply
23 chain of the Department of Defense.

24 (b) ELEMENTS.—The report required by subsection
25 (a) shall address, at a minimum, the following:

1 (1) The current and projected domestic and
2 world-wide availability of rare earth materials for
3 use by the Department of Defense in its weapon sys-
4 tems.

5 (2) The extent to which weapon systems ac-
6 quired by the Department of Defense are currently
7 dependent on, or are projected to become dependent
8 on, rare earth materials supplied by sources that
9 could be interrupted.

10 (3) The risk to national security, if any, of de-
11 pendence on such sources for rare earth materials.

12 (4) Any steps that the Department of Defense
13 has taken or is planning to take to address any such
14 risk to national security.

15 (5) Such recommendations for further action to
16 address the matters covered by the report as the De-
17 fense Science Board considers appropriate.

18 (c) DEFINITIONS.—In this section:

19 (1) The term “rare earth” means the chemical
20 elements in the periodic table beginning with lan-
21 thanum and continuing to lutetium, and any associ-
22 ated elements.

23 (2) The term “rare earth material” includes
24 rare earth ores, semi-finished rare earth products,
25 and components containing rare earth materials.

1 **SEC. 838. SMALL BUSINESS CONTRACTING PROGRAMS PAR-**
2 **ITY.**

3 Section 31(b)(2)(B) of the Small Business Act (15
4 U.S.C. 657a(b)(2)(B)) is amended by striking “shall” and
5 inserting “may”.

6 **TITLE IX—DEPARTMENT OF DE-**
7 **FENSE ORGANIZATION AND**
8 **MANAGEMENT**

9 **Subtitle A—Department of Defense**
10 **Management**

11 **SEC. 901. DEPUTY UNDER SECRETARIES OF DEFENSE AND**
12 **ASSISTANT SECRETARIES OF DEFENSE.**

13 (a) DEPUTY UNDER SECRETARIES OF DEFENSE.—
14 Chapter 4 of title 10, United States Code, is amended by
15 adding after section 137 the following new section:

16 **“§ 137a. Deputy Under Secretaries of Defense**

17 “(a)(1) There are five Deputy Under Secretaries of
18 Defense.

19 “(2)(A) The Deputy Under Secretaries of Defense re-
20 ferred to in paragraphs (1) through (3) of subsection (c)
21 shall be appointed as provided in the applicable paragraph.

22 “(B) The Deputy Under Secretaries of Defense re-
23 ferred to in paragraphs (4) and (5) of subsection (c) shall
24 be appointed from civilian life by the President, by and
25 with the advice and consent of the Senate.

1 “(3) The five Deputy Under Secretaries of Defense
2 authorized by this section are the only Deputy Under Sec-
3 retaries of Defense.

4 “(b) Each Deputy Under Secretary of Defense shall
5 be the first assistant to an Under Secretary of Defense
6 and shall assist such Under Secretary in the performance
7 of the duties of the position of such Under Secretary and
8 shall act for, and exercise the powers of, such Under Sec-
9 retary when such Under Secretary is absent or disabled.

10 “(c)(1) One of the Deputy Under Secretaries is the
11 Principal Deputy Under Secretary of Defense for Acquisi-
12 tion, Technology, and Logistics appointed pursuant to sec-
13 tion 133a of this title.

14 “(2) One of the Deputy Under Secretaries is the
15 Principal Deputy Under Secretary of Defense for Policy
16 appointed pursuant to section 134a of this title.

17 “(3) One of the Deputy Under Secretaries is the
18 Principal Deputy Under Secretary of Defense for Per-
19 sonnel and Readiness appointed pursuant to section 136a
20 of this title.

21 “(4) One of the Deputy Under Secretaries shall be
22 the Principal Deputy Under Secretary of Defense (Comp-
23 troller).

1 “(5) One of the Deputy Under Secretaries shall be
2 the Principal Deputy Under Secretary of Defense for In-
3 telligence.

4 “(d) The Deputy Under Secretaries of Defense take
5 precedence in the Department of Defense after the Sec-
6 retary of Defense, the Deputy Secretary of Defense, the
7 Secretaries of the military departments, the Under Secre-
8 taries of Defense, and the Deputy Chief Management Offi-
9 cer of the Department of Defense.”.

10 (b) ASSISTANT SECRETARIES OF DEFENSE.—

11 (1) REDESIGNATION OF DEPUTY UNDER SEC-
12 RETARY FOR LOGISTICS AND MATERIEL READINESS
13 AS ASSISTANT SECRETARY.—Chapter 4 of such title
14 is further amended—

15 (A) by transferring section 133b to appear
16 after section 138 and redesignating such sec-
17 tion, as so transferred, as section 138a; and

18 (B) in such section, as so transferred and
19 redesignated, by striking “Deputy Under Sec-
20 retary” each place it appears and inserting “As-
21 sistant Secretary”.

22 (2) ADDITIONAL ASSISTANT SECRETARIES.—

23 Section 138 of such title is amended—

24 (A) by striking subsection (a) and insert-
25 ing the following new subsection (a):

1 “(a)(1) There are 16 Assistant Secretaries of De-
2 fense.

3 “(2)(A) The Assistant Secretary of Defense referred
4 to in subsection (b)(7) shall be appointed as provided in
5 that subsection.

6 “(B) The other Assistant Secretaries of Defense shall
7 be appointed from civilian life by the President, by and
8 with the advice and consent of the Senate.”; and

9 (B) in subsection (b), by adding the fol-
10 lowing new paragraphs:

11 “(6) One of the Assistant Secretaries shall be the As-
12 sistant Secretary of Defense for Acquisition. The Assist-
13 ant Secretary of Defense for Acquisition is the principal
14 adviser to the Secretary of Defense and the Under Sec-
15 retary of Defense for Acquisition, Technology, and Logis-
16 tics on matters relating to acquisition.

17 “(7) One of the Assistant Secretaries is the Assistant
18 Secretary of Defense for Logistics and Materiel Readiness
19 appointed pursuant to section 138a of this title. In addi-
20 tion to any duties and powers prescribed under paragraph
21 (1), the Assistant Secretary of Defense for Logistics and
22 Materiel Readiness shall have the duties specified in sec-
23 tion 138a of this title.

24 “(8) One of the Assistant Secretaries shall be the As-
25 sistant Secretary of Defense for Installations and Environ-

1 ment. The Assistant Secretary of Defense for Installations
2 and Environment is the principal adviser to the Secretary
3 of Defense and the Under Secretary of Defense for Acqui-
4 sition, Technology, and Logistics on matters relating to
5 Department of Defense installations and environmental
6 policy.

7 “(9) One of the Assistant Secretaries shall be the As-
8 sistant Secretary of Defense for Manufacturing and In-
9 dustrial Base. The Assistant Secretary of Defense for
10 Manufacturing and Industrial Base is the principal ad-
11 viser to the Secretary of Defense and the Under Secretary
12 of Defense for Acquisition, Technology, and Logistics on
13 policies relating to the defense industrial base, carrying
14 out the requirements of chapter 148 of this title, and exe-
15 cuting the authorities provided by the Defense Production
16 Act of 1950 (50 U.S.C. App. 2061 et seq.).

17 “(10) One of the Assistant Secretaries shall be the
18 Assistant Secretary of Defense for Readiness. The Assist-
19 ant Secretary of Defense for Readiness is the principal
20 adviser to the Secretary of Defense and the Under Sec-
21 retary of Defense for Personnel and Readiness on matters
22 relating to military readiness.

23 “(11) One of the Assistant Secretaries shall be the
24 Assistant Secretary of Defense for Strategy, Plans, and
25 Forces. The Assistant Secretary of Defense for Strategy,

1 Plans, and Forces is the principal adviser to the Secretary
2 of Defense and the Under Secretary of Defense for Policy
3 on matters relating to strategy, plans, and forces.”.

4 (c) CONFORMING AND CLERICAL AMENDMENTS.—

5 (1) CONFORMING AMENDMENTS.—

6 (A) Section 133a of such title is amend-
7 ed—

8 (i) by striking “Deputy Under Sec-
9 retary of Defense for Acquisition and
10 Technology” each place it appears and in-
11 sserting “Principal Deputy Under Secretary
12 of Defense for Acquisition, Technology,
13 and Logistics”; and

14 (ii) by striking “duties relating to ac-
15 quisition and technology” and inserting
16 “duties”.

17 (B) Section 134a of such title is amended
18 by striking “Deputy Under Secretary” each
19 place it appears and inserting “Principal Dep-
20 uty Under Secretary”.

21 (C) Section 134b of such title is repealed.

22 (D) Section 136a of such title is amended
23 by striking “Deputy Under Secretary” each
24 place it appears and inserting “Principal Dep-
25 uty Under Secretary”.

1 (2) SECTION HEADING AMENDMENTS.—

2 (A) The heading of section 133a of such
3 title is amended to read as follows:

4 **“§ 133a. Principal Deputy Under Secretary of Defense**
5 **for Acquisition, Technology, and Logis-**
6 **tics”.**

7 (B) The heading of section 134a of such
8 title is amended to read as follows:

9 **“§ 134a. Principal Deputy Under Secretary of Defense**
10 **for Policy”.**

11 (C) The heading of section 136a of such
12 title is amended to read as follows:

13 **“§ 136a. Principal Deputy Under Secretary of Defense**
14 **for Personnel and Readiness”.**

15 (D) The heading of section 138a of such
16 title, as transferred and redesignated by sub-
17 section (b)(1) of this section, is amended to
18 read as follows:

19 **“§ 138a. Assistant Secretary of Defense for Logistics**
20 **and Materiel Readiness”.**

21 (3) CLERICAL AMENDMENTS.—The table of sec-
22 tions at the beginning of chapter 4 of such title is
23 amended—

24 (A) by striking the item relating to section
25 133a and inserting the following new item:

“133a. Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics.”;

1 (B) by striking the items relating to sec-
2 tions 134a and 134b and inserting the following
3 new item:

“134a. Principal Deputy Under Secretary of Defense for Policy.”;

4 (C) by striking the item relating to section
5 136a and inserting the following new item:

“136a. Principal Deputy Under Secretary of Defense for Personnel and Readiness.”;

6 (D) by inserting after the item relating to
7 section 137 the following new item:

“137a. Deputy Under Secretaries of Defense.”; and

8 (E) by inserting after the item relating to
9 section 138 the following new item:

“138a. Assistant Secretary of Defense for Logistics and Materiel Readiness.”.

10 (d) EXECUTIVE SCHEDULE MATTERS.—

11 (1) LEVEL III.—Section 5314 of title 5, United
12 States Code, is amended by striking the item relat-
13 ing to the Deputy Under Secretary of Defense for
14 Acquisition and Technology and inserting the fol-
15 lowing new item:

16 “Principal Deputy Under Secretary of Defense
17 for Acquisition, Technology, and Logistics.”.

18 (2) LEVEL IV.—Section 5315 of such title is
19 amended—

1 (A) by striking the item relating to the As-
2 sistant Secretaries of Defense and inserting the
3 following new item:

4 “Assistant Secretaries of Defense (16).”; and

5 (B) by striking the items relating to the
6 Deputy Under Secretary of Defense for Policy,
7 the Deputy Under Secretary of Defense for
8 Personnel and Readiness, and the Deputy
9 Under Secretary of Defense for Logistics and
10 Materiel Readiness and inserting the following
11 new items:

12 “Principal Deputy Under Secretary of Defense
13 for Policy.

14 “Principal Deputy Under Secretary of Defense
15 for Personnel and Readiness.

16 “Principal Deputy Under Secretary of Defense
17 (Comptroller).

18 “Principal Deputy Under Secretary of Defense
19 for Intelligence.”.

1 **SEC. 902. REPEAL OF CERTAIN LIMITATIONS ON PER-**
2 **SONNEL AND CONSOLIDATION OF REPORTS**
3 **ON MAJOR DEPARTMENT OF DEFENSE HEAD-**
4 **QUARTERS ACTIVITIES.**

5 (a) REPEAL OF CERTAIN LIMITATIONS ON PER-
6 SONNEL ASSIGNED TO MAJOR HEADQUARTERS ACTIVI-
7 TIES.—

8 (1) REPEALS.—The following provisions of law
9 are repealed:

10 (A) Section 143 of title 10, United States
11 Code.

12 (B) Section 194 of such title.

13 (C) Sections 3014(f), 5014(f), and 8014(f)
14 of such title.

15 (D) Section 601 of the Goldwater-Nichols
16 Department of Defense Reorganization Act of
17 1986 (10 U.S.C. 194 note).

18 (2) CLERICAL AMENDMENTS.—

19 (A) The table of sections at the beginning
20 of chapter 4 of title 10, United States Code, is
21 amended by striking the item relating to section
22 143.

23 (B) The table of sections at the beginning
24 of subchapter I of chapter 8 of such title is
25 amended by striking the item relating to section
26 194.

1 (b) CONSOLIDATED ANNUAL REPORT.—

2 (1) INCLUSION IN ANNUAL DEFENSE MAPOWER
3 REQUIREMENTS REPORT.—Section 115a of such title
4 is amended by inserting after subsection (e) the fol-
5 lowing new subsection:

6 “(f) The Secretary shall also include in each such re-
7 port the following information with respect to personnel
8 assigned to or supporting major Department of Defense
9 headquarters activities:

10 “(1) The military end strength and civilian full-
11 time equivalents assigned to major Department of
12 Defense headquarters activities for the preceding fis-
13 cal year and estimates of such numbers for the cur-
14 rent fiscal year and the budget fiscal year.

15 “(2) A summary of the replacement during the
16 preceding fiscal year of contract workyears providing
17 support to major Department of Defense head-
18 quarters activities with military end strength or ci-
19 vilian full-time equivalents, including an estimate of
20 the number associated with the replacement of con-
21 tracts performing inherently governmental or exempt
22 functions.

23 “(3) The plan for the continued review of con-
24 tract personnel supporting major Department of De-
25 fense headquarters activities for possible conversion

1 to military or civilian performance in accordance
2 with section 2463 of this title.”.

3 (2) TECHNICAL AMENDMENTS TO REFLECT
4 NAME OF REPORT.—

5 (A) Subsection (a) of such section is
6 amended by inserting “defense” before “man-
7 power requirements report”.

8 (B)(i) The heading of such section is
9 amended to read as follows:

10 **“§ 115a. Annual defense manpower requirements re-
11 port”.**

12 (ii) The item relating to such section in the
13 table of sections at the beginning of chapter 2
14 of such title is amended to read as follows:

“115a. Annual defense manpower requirements report.”.

15 (3) CONFORMING REPEALS.—The following pro-
16 visions of law are repealed:

17 (A) Subsections (b) and (c) of section 901
18 of the National Defense Authorization Act for
19 Fiscal Year 2008 (Public Law 110–181; 122
20 Stat. 272).

21 (B) Section 1111 of the Duncan Hunter
22 National Defense Authorization Act for Fiscal
23 Year 2009 (Public Law 110–417; 122 Stat.
24 4619).

1 **SEC. 903. SENSE OF SENATE ON THE WESTERN HEMI-**
2 **SPHERE INSTITUTE FOR SECURITY CO-**
3 **OPERATION.**

4 (a) FINDINGS.—The Senate makes the following
5 findings:

6 (1) The Western Hemisphere Institute for Se-
7 curity Cooperation was established by section 911 of
8 the Floyd D. Spence National Defense Authorization
9 Act for Fiscal Year 2001 (as enacted into law by
10 Public Law 106–398; 114 Stat. 1654A–226).

11 (2) The Western Hemisphere Institute for Se-
12 curity Cooperation provides professional education
13 and training to military personnel, law enforcement
14 officials, and civilian personnel in support of the
15 democratic principles set forth in the Charter of the
16 Organization of American States. The Institute ef-
17 fectively promotes mutual knowledge, transparency,
18 confidence, and cooperation among participating na-
19 tions. It also effectively builds strategic partnerships
20 to address the great security challenges in the region
21 while encouraging democratic values, respect for
22 human rights, subordination to civilian authority,
23 and understanding of United States customs and
24 traditions.

25 (3) The Western Hemisphere Institute for Se-
26 curity Cooperation supports the Security Coopera-

1 tion Guidance of the Secretary of Defense by ad-
2 dressing the building partner capacity education and
3 training needs of the United States Southern Com-
4 mand and the United States Northern Command.

5 (4) In a joint letter, dated April 9, 2009, Gen-
6 eral Renuart, the Commander of the United States
7 Northern Command, and Admiral Stavridis, the
8 Commander of the United States Southern Com-
9 mand, write “[t]he outstanding service that
10 WHINSEC provides directly supports the United
11 States Southern Command’s and United States
12 Northern Command’s strategic objective of fostering
13 lasting partnerships that will ensure security, en-
14 hance stability, and enable prosperity throughout the
15 Americas” and notes that the Institute provides
16 “culturally-sensitive training, with a strong emphasis
17 on the values of democracy and human rights”.

18 (5) In establishing the Western Hemisphere In-
19 stitute for Security Cooperation, Congress mandates
20 that participants at the Institute receive a minimum
21 of 8 hours of instruction on human rights, due proc-
22 ess, the rule of law, the role of the Armed Forces
23 in a democratic society, and civilian control of the
24 military. Every course devotes at least 10 percent of
25 its course work to democracy, ethics, and human

1 rights issues. The Institute is also required to de-
2 velop a curriculum that includes leadership develop-
3 ment, counterdrug operations, peacekeeping, re-
4 source management, and disaster relief planning. In
5 fiscal year 2008, the Institute presented 39 courses
6 and hosted 1,196 students in residence at Fort
7 Benning, Georgia, of whom 292 were police per-
8 sonnel, and trained an additional 280 students
9 through the Mobile Training Team programs of the
10 Institute.

11 (6) Congress mandated the formation of a Fed-
12 eral advisory committee—an oversight committee
13 unique to the Western Hemisphere Institute for Se-
14 curity Cooperation. It provides recommendations and
15 an independent review of the Institute and its cur-
16 riculum to ensure the uniform adherence of the In-
17 stitute to United States law, regulations, and poli-
18 cies. The Board of Visitors of the Institute includes
19 the Chairman and Ranking Member of the Com-
20 mittee on Armed Services of the Senate, the Chair-
21 man and Ranking Member of the Committee on
22 Armed Services of the House of Representatives, the
23 Secretary of State, the Commander of the United
24 States Southern Command, the Commander of the
25 United States Northern Command, the Commander

1 of the United States Training and Doctrine Com-
2 mand, and six members designated by the Secretary
3 of Defense. The six members designated by the Sec-
4 retary of Defense include, to the extent practicable,
5 individuals from academia and the religious and
6 human rights communities. In addition to the 13
7 members of the Board of Visitors, advisors and sub-
8 ject matter experts assist the Board in areas the
9 Board considers necessary and appropriate.

10 (7) The Western Hemisphere Institute for Se-
11 curity Cooperation operates in accordance with sec-
12 tion 8130 of the Department of Defense Appropria-
13 tions Act, 1999 (Public Law 105–262; 112 Stat.
14 2335) that prohibits United States military assist-
15 ance to foreign military units that violate human
16 rights, including security assistance programs fund-
17 ed through appropriations available for foreign oper-
18 ations and training programs funded through appro-
19 priations made available for the Department of De-
20 fense.

21 (8) The Western Hemisphere Institute for Se-
22 curity Cooperation does not select students for par-
23 ticipation in its courses. A partner nation nominates
24 students to attend the Institute, and in accordance
25 with the law of the United States and the policies

1 of the Department of Defense and the Department
2 of State, the United States Embassy in such partner
3 nation screens and conducts background checks on
4 such nominees. The vetting process of nominees for
5 participation in the Institute includes a background
6 check by United States embassies in partner na-
7 tions, as well as checks by the Bureau of Western
8 Hemisphere Affairs and the Bureau of Democracy,
9 Human Rights, and Labor at the Department of
10 State. The Department of State also uses the Abuse
11 Case Evaluation System, a central database that ag-
12 gregates human rights abuse data into a single,
13 searchable location, to ensure nominees have not
14 been accused of any human rights abuses.

15 (9) The training provided by the Western
16 Hemisphere Institute for Security Cooperation is
17 transparent and the Institute is open to visitors at
18 any time. Visitors are welcome to sit in on classes,
19 talk with students and faculty, and review instruc-
20 tional materials. Every year, the Institute hosts
21 more than a thousand visiting students, faculty, ei-
22 vilian, and military officials.

23 (b) SENSE OF SENATE.—It is the sense of the Senate
24 that—

1 (1) the Western Hemisphere Institute for Secu-
2 rity Cooperation—

3 (A) offers quality professional military bi-
4 lingual instruction for military officers and non-
5 commissioned officers that promotes democracy,
6 subordination to civilian authority, and respect
7 for human rights; and

8 (B) is uniquely positioned to support the
9 modernization of Latin America security forces
10 as they work to transcend their own controver-
11 sial pasts;

12 (2) the Western Hemisphere Institute for Secu-
13 rity Cooperation is building partner capacity which
14 enhances regional and global security while encour-
15 aging respect for human rights and promoting
16 democratic principles among eligible military per-
17 sonnel, law enforcement officials, and civilians of na-
18 tions of the Western Hemisphere;

19 (3) the Western Hemisphere Institute for Secu-
20 rity Cooperation is an invaluable education and
21 training facility whose curriculum is not duplicated
22 in any of the military departments and is not re-
23 placeable by professional military education funded
24 by appropriations for International Military Edu-
25 cation and Training (IMET), which education is not

1 conducted in Spanish and does not concentrate on
2 regional challenges; and

3 (4) the Western Hemisphere Institute for Secu-
4 rity Cooperation is an essential tool to educate fu-
5 ture generations of Latin American leaders and im-
6 prove United States relationships with partner na-
7 tions that are working with the United States to
8 promote democracy, prosperity, and stability in the
9 Western Hemisphere.

10 **SEC. 904. REESTABLISHMENT OF POSITION OF VICE CHIEF**
11 **OF THE NATIONAL GUARD BUREAU.**

12 (a) REESTABLISHMENT OF POSITION.—

13 (1) IN GENERAL.—Chapter 1011 of title 10,
14 United States Code, is amended—

15 (A) by redesignating section 10505 as sec-
16 tion 10505a; and

17 (B) by inserting after section 10504 the
18 following new section 10505:

19 **“§ 10505. Vice Chief of the National Guard Bureau**

20 “(a) APPOINTMENT.—(1) There is a Vice Chief of the
21 National Guard Bureau, selected by the Secretary of De-
22 fense from officers of the Army National Guard of the
23 United States or the Air National Guard of the United
24 States who—

1 “(A) are recommended for such appointment by
2 their respective Governors or, in the case of the Dis-
3 trict of Columbia, the commanding general of the
4 District of Columbia National Guard;

5 “(B) have had at least 10 years of federally rec-
6 ognized service in an active status in the National
7 Guard; and

8 “(C) are in a grade above the grade of colonel.

9 “(2) The Chief and Vice Chief of the National Guard
10 Bureau may not both be members of the Army or of the
11 Air Force.

12 “(3)(A) Except as provided in subparagraph (B), an
13 officer appointed as Vice Chief of the National Guard Bu-
14 reau serves for a term of four years, but may be removed
15 from office at any time for cause.

16 “(B) The term of the Vice Chief of the National
17 Guard Bureau shall end within a reasonable time (as de-
18 termined by the Secretary of Defense) following the ap-
19 pointment of a Chief of the National Guard Bureau who
20 is a member of the same armed force as the Vice Chief.

21 “(b) DUTIES.—The Vice Chief of the National Guard
22 Bureau performs such duties as may be prescribed by the
23 Chief of the National Guard Bureau.

1 “(c) GRADE.—The Vice Chief of the National Guard
2 Bureau shall be appointed to serve in a grade decided by
3 the Secretary of Defense.

4 “(d) FUNCTIONS AS ACTING CHIEF.—When there is
5 a vacancy in the office of the Chief of the National Guard
6 Bureau or in the absence or disability of the Chief, the
7 Vice Chief of the National Guard Bureau acts as Chief
8 and performs the duties of the Chief until a successor is
9 appointed or the absence or disability ceases.”.

10 (2) CLERICAL AMENDMENT.—The table of sec-
11 tions at the beginning of chapter 1011 of such title
12 is amended by striking the item relating to section
13 10505 and inserting the following new items:

“10505. Vice Chief of the National Guard Bureau.

“10505a. Director of the Joint Staff of the National Guard Bureau.”.

14 (b) CONFORMING AMENDMENT.—Section
15 10506(a)(1) of such title is amended by striking “and the
16 Director of the Joint Staff of the National Guard Bureau”
17 and inserting “, the Vice Chief of the National Guard Bu-
18 reau, and the Director of the Joint Staff of the National
19 Guard Bureau”.

1 **Subtitle B—Space Matters**

2 **SEC. 911. PROVISION OF SPACE SITUATIONAL AWARENESS**
3 **SERVICES AND INFORMATION TO NON-**
4 **UNITED STATES GOVERNMENT ENTITIES.**

5 (a) IN GENERAL.—Section 2274 of title 10, United
6 States Code, is amended to read as follows:

7 **“§ 2274. Space situational awareness services and in-**
8 **formation: provision to non-United States**
9 **Government entities**

10 “(a) AUTHORITY.—The Secretary of Defense may
11 provide space situational awareness services and informa-
12 tion to, and may obtain space situational awareness data
13 and information from, non-United States Government en-
14 tities in accordance with this section. Any such action may
15 be taken only if the Secretary determines that such action
16 is consistent with the national security interests of the
17 United States.

18 “(b) ELIGIBLE ENTITIES.—The Secretary may pro-
19 vide services and information under subsection (a) to, and
20 may obtain data and information under subsection (a)
21 from, any non-United States Government entity, including
22 any of the following:

23 “(1) A State.

24 “(2) A political subdivision of a State.

25 “(3) A United States commercial entity.

1 “(4) The government of a foreign country.

2 “(5) A foreign commercial entity.

3 “(c) AGREEMENT.—The Secretary may not provide
4 space situational awareness services and information
5 under subsection (a) to a non-United States Government
6 entity unless that entity enters into an agreement with the
7 Secretary under which the entity—

8 “(1) agrees to pay an amount that may be
9 charged by the Secretary under subsection (d);

10 “(2) agrees not to transfer any data or tech-
11 nical information received under the agreement, in-
12 cluding the analysis of data, to any other entity
13 without the express approval of the Secretary; and

14 “(3) agrees to any other terms and conditions
15 considered necessary by the Secretary.

16 “(d) CHARGES.—(1) As a condition of an agreement
17 under subsection (c), the Secretary may (except as pro-
18 vided in paragraph (2)) require the non-United States
19 Government entity entering into the agreement to pay to
20 the Department of Defense such amounts as the Secretary
21 determines appropriate to reimburse the Department for
22 the costs to the Department of providing space situational
23 awareness services or information under the agreement.

1 “(2) The Secretary may not require the government
2 of a State, or of a political subdivision of a State, to pay
3 any amount under paragraph (1).

4 “(e) CREDITING OF FUNDS RECEIVED.—(1) Funds
5 received for the provision of space situational awareness
6 services or information pursuant to an agreement under
7 this section shall be credited, at the election of the Sec-
8 retary, to the following:

9 “(A) The appropriation, fund, or account used
10 in incurring the obligation.

11 “(B) An appropriate appropriation, fund, or ac-
12 count currently available for the purposes for which
13 the expenditures were made.

14 “(2) Funds credited under paragraph (1) shall be
15 merged with, and remain available for obligation with, the
16 funds in the appropriation, fund, or account to which cred-
17 ited.

18 “(f) PROCEDURES.—The Secretary shall establish
19 procedures by which the authority under this section shall
20 be carried out. As part of those procedures, the Secretary
21 may allow space situational awareness services or informa-
22 tion to be provided through a contractor of the Depart-
23 ment of Defense.

24 “(g) NONDISCLOSURE.—Any information received
25 under subsection (a), records of agreements entered into

1 under subsection (c), and analyses or data provided as a
2 part of the provision of services or information under this
3 section shall be exempt from disclosure under section
4 552(b)(3) of title 5.

5 “(h) IMMUNITY.—The United States, any agencies
6 and instrumentalities thereof, and any individuals, firms,
7 corporations, and other persons acting for the United
8 States, shall be immune from any suit in any court for
9 any cause of action arising from the provision or receipt
10 of space situational awareness services or information,
11 whether or not provided in accordance with this section,
12 or any related action or omission.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
14 at the beginning of chapter 135 of such title is amended
15 by striking the item relating to section 2274 and inserting
16 the following new item:

“2274. Space situational awareness services and information: provision to non-
United States Government entities.”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect on October 1, 2009, or the
19 date of the enactment of this Act, whichever is later.

1 **SEC. 912. PLAN FOR MANAGEMENT AND FUNDING OF NA-**
2 **TIONAL POLAR-ORBITING OPERATIONAL EN-**
3 **VIRONMENTAL SATELLITE SYSTEM PRO-**
4 **GRAM.**

5 (a) **IN GENERAL.**—The Secretary of Defense, the
6 Secretary of Commerce, and the Administrator of the Na-
7 tional Aeronautics and Space Administration shall jointly
8 develop a plan for the management and funding of the
9 National Polar-Orbiting Operational Environmental Sat-
10 ellite System Program (in this section referred to as the
11 “Program”) by the Department of Defense, the Depart-
12 ment of Commerce, and the National Aeronautics and
13 Space Administration.

14 (b) **ELEMENTS.**—The plan required under subsection
15 (a) shall include the following:

- 16 (1) Requirements for the Program.
17 (2) The management structure of the Program.
18 (3) A funding profile for the Program for each
19 year of the Program for the Department of Defense,
20 the Department of Commerce, and the National Aer-
21 onautics and Space Administration.

22 (c) **LIMITATION ON USE OF FUNDS.**—Of the
23 amounts authorized to be appropriated for fiscal year
24 2010 by section 201(a)(3) for research, development, test,
25 and evaluation for the Air Force and available for the Pro-
26 gram, not more than 50 percent of such amounts may be

1 obligated or expended before the date on which the plan
2 developed under subsection (a) is submitted to the con-
3 gressional defense committees, the Committee on Com-
4 merce, Science, and Transportation of the Senate, and the
5 Committee on Energy and Commerce of the House of
6 Representatives.

7 (d) SENSE OF SENATE.—It is the sense of the Senate
8 that—

9 (1) the National Polar-Orbiting Operational
10 Environmental Satellite System Program, including
11 the sensors, satellites, and orbits included in the
12 Program, should be maintained;

13 (2) the National Polar-Orbiting Operational
14 Environmental Satellite System preparatory project
15 should be managed and treated as an operational
16 satellite;

17 (3) the responsibility of Department of Defense
18 milestone decision authority for the Program should
19 be delegated to the Department of Defense Execu-
20 tive Agent for Space, and the Department of De-
21 fense Executive Agent for Space should become the
22 member of the Tri-Agency Executive Committee
23 from the Department of Defense;

1 (4) the Program Executive Office of the Pro-
2 gram should report directly to and take direction ex-
3 clusively from the Tri-Agency Executive Committee;

4 (5) the acquisition procedures of the Depart-
5 ment of Defense should continue to be used in the
6 Program;

7 (6) the Administrator of the National Aero-
8 nautics and Space Administration and the Secretary
9 of the Air Force should make support from the God-
10 dard Space Flight Center and the Space and Missile
11 Systems Center, respectively, available for the Pro-
12 gram, as needed;

13 (7) the budget for the Program should not be
14 less than the estimate of the Cost Analysis Improve-
15 ment Group of the Department of Defense for the
16 Program;

17 (8) the Program should continue to be managed
18 by a single program manager;

19 (9) the Program should be managed as a long-
20 term operational program; and

21 (10) once all requirements for the Program are
22 fully agreed to by the Secretary of Defense, the Sec-
23 retary of Commerce, and the Administrator of the
24 National Aeronautics and Space Administration, the
25 Program should be executed with no modifications to

1 those requirements that would increase the cost, or
 2 extend the schedule, of the Program.

3 **Subtitle C—Intelligence Matters**

4 **SEC. 921. INCLUSION OF DEFENSE INTELLIGENCE AGENCY** 5 **IN AUTHORITY TO USE PROCEEDS FROM** 6 **COUNTERINTELLIGENCE OPERATIONS.**

7 (a) IN GENERAL.—Section 423 of title 10, United
 8 States Code, is amended by inserting “and the Defense
 9 Intelligence Agency” after “the military departments”
 10 each place it appears in subsections (a) and (c).

11 (b) CONFORMING AMENDMENTS.—

12 (1) HEADING AMENDMENT.—The heading of
 13 such section is amended to read as follows:

14 **“§ 423. Authority to use proceeds from counterintel-**
 15 **ligence operations of the military depart-**
 16 **ments and the Defense Intelligence Agen-**
 17 **cy”.**

18 (2) TABLE OF SECTIONS.—The table of sections
 19 at the beginning of chapter 21 of such title is
 20 amended by striking the item relating to section 423
 21 and inserting the following new item:

“423. Authority to use proceeds from counterintelligence operations of the mili-
 tary departments and the Defense Intelligence Agency.”.

1 **Subtitle D—Other Matters**

2 **SEC. 931. UNITED STATES MILITARY CANCER INSTITUTE.**

3 (a) ESTABLISHMENT.—Chapter 104 of title 10,
4 United States Code, is amended by adding at the end the
5 following new section:

6 **“§ 2118. United States Military Cancer Institute**

7 “(a) ESTABLISHMENT.—The Secretary of Defense
8 shall establish in the University the United States Military
9 Cancer Institute. The Institute shall be established pursu-
10 ant to regulations prescribed by the Secretary.

11 “(b) PURPOSES.—The purposes of the Institute are
12 as follows:

13 “(1) To establish and maintain a clearinghouse
14 of data on the incidence and prevalence of cancer
15 among members and former members of the armed
16 forces.

17 “(2) To conduct research that contributes to
18 the detection or treatment of cancer among the
19 members and former members of the armed forces.

20 “(c) HEAD OF INSTITUTE.—The Director of the
21 United States Military Cancer Institute is the head of the
22 Institute. The Director shall report to the President of the
23 University regarding matters relating to the Institute.

24 “(d) ELEMENTS.—(1) The Institute is composed of
25 clinical and basic scientists in the Department of Defense

1 who have an expertise in research, patient care, and edu-
2 cation relating to oncology and who meet applicable cri-
3 teria for affiliation with the Institute.

4 “(2) The components of the Institute include military
5 treatment and research facilities that meet applicable cri-
6 teria and are designated as affiliates of the Institute.

7 “(e) RESEARCH.—(1) The Director of the United
8 States Military Cancer Institute shall carry out research
9 studies on the following:

10 “(A) The epidemiological features of cancer, in-
11 cluding assessments of the carcinogenic effect of ge-
12 netic and environmental factors, and of disparities in
13 health, inherent or common among populations of
14 various ethnic origins within the members of the
15 armed forces.

16 “(B) The prevention and early detection of can-
17 cer among members and former members of the
18 armed forces.

19 “(C) Basic, translational, and clinical investiga-
20 tion matters relating to the matters described in
21 subparagraphs (A) and (B).

22 “(2) The research studies under paragraph (1) shall
23 include complementary research on oncologic nursing.

24 “(f) COLLABORATIVE RESEARCH.—The Director of
25 the United States Military Cancer Institute shall carry out

1 the research studies under subsection (e) in collaboration
 2 with other cancer research organizations and entities se-
 3 lected by the Institute for purposes of the research studies.

4 “(g) ANNUAL REPORT.—(1) Not later than Novem-
 5 ber 1 each year, the Director of the United States Military
 6 Cancer Institute shall submit to the President of the Uni-
 7 versity a report on the current status of the research stud-
 8 ies being carried out by the Institute under subsection (e).

9 “(2) Not later than 60 days after receiving a report
 10 under paragraph (1), the President of the University shall
 11 transmit such report to the Secretary of Defense and to
 12 Congress.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
 14 at the beginning of chapter 104 of such title is amended
 15 by adding at the end the following new item:

“2118. United States Military Cancer Institute.”.

16 **SEC. 932. INSTRUCTION OF PRIVATE SECTOR EMPLOYEES**
 17 **IN CYBER SECURITY COURSES OF THE DE-**
 18 **FENSE CYBER INVESTIGATIONS TRAINING**
 19 **ACADEMY.**

20 (a) AUTHORITY TO RECEIVE INSTRUCTION.—

21 (1) IN GENERAL.—The Secretary of Defense
 22 may permit eligible private sector employees to en-
 23 roll in and receive instruction at the Defense Cyber
 24 Investigations Training Academy operated under the
 25 direction of the Defense Cyber Crime Center.

1 (2) LIMITATION.—Not more than the equiva-
2 lent of 200 full-time student positions at the De-
3 fense Cyber Investigations Training Academy may
4 be filled at any one time by private sector employees
5 enrolled under this section.

6 (3) CERTIFICATION.—Upon successful comple-
7 tion of a course of instruction at the Defense Cyber
8 Investigations Training Academy under this section,
9 a private sector employee may be awarded an appro-
10 priate certification or diploma.

11 (b) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—

12 (1) IN GENERAL.—For purposes of this section,
13 an eligible private sector employee is an individual
14 employed by a private entity, as determined by the
15 Secretary—

16 (A) that is engaged in providing to the De-
17 partment of Defense or other departments or
18 agencies of the Federal Government significant
19 and substantial defense-related systems, prod-
20 ucts, or services; or

21 (B) whose work product is relevant to na-
22 tional security policy or strategy.

23 (2) DURATION OF TREATMENT.—An individual
24 is eligible for treatment as a private sector employee
25 for purposes of this section only so long as the indi-

1 vidual remains employed by a private entity de-
2 scribed in paragraph (1).

3 (c) CURRICULA OPEN TO ENROLLEES.—The cur-
4 ricula of instruction for which eligible private sector em-
5 ployees may enroll at the Defense Cyber Investigations
6 Training Academy under this section may only include
7 curricula of instruction otherwise offered by the Academy
8 that, as determined by the Secretary, are not readily avail-
9 able through other educational institutions.

10 (d) TUITION.—A private sector employee enrolled at
11 the Defense Cyber Investigations Training Academy under
12 this section shall be charged tuition at a rate equal to the
13 rate charged for civilian employees of the Federal Govern-
14 ment at the Academy.

15 (e) STANDARDS OF CONDUCT.—While receiving in-
16 struction at the Defense Cyber Investigations Training
17 Academy under this section, private sector employees en-
18 rolled at the Academy under this section shall, to the ex-
19 tent practicable, be subject to the same regulations gov-
20 erning academic performance, attendance, norms of be-
21 havior, and enrollment as apply to civilian employees of
22 the Federal Government receiving instruction at the Acad-
23 emy.

24 (f) USE OF FUNDS.—Notwithstanding section 3302
25 of title 31, United States Code, or any other provision of

1 law, amounts received by the Defense Cyber Investigations
2 Training Academy for the instruction of private sector em-
3 ployees enrolled under this section shall be retained by the
4 Academy to defray the costs of such instruction. The
5 source and disposition of funds so retained and utilized
6 shall be specifically identified in records of the Academy.

7 **SEC. 933. PLAN ON ACCESS TO NATIONAL AIRSPACE FOR**
8 **UNMANNED AIRCRAFT.**

9 (a) IN GENERAL.—The Secretary of Defense and the
10 Secretary of Transportation shall, after consultation with
11 the Secretary of Homeland Security, jointly develop a plan
12 for providing access to the national airspace for unmanned
13 aircraft of the Department of Defense.

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

16 (1) A description of how the Department of De-
17 fense and the Department of Transportation will
18 communicate and cooperate, at the executive, man-
19 agement, and action levels, to provide access to the
20 national airspace for unmanned aircraft of the De-
21 partment of Defense.

22 (2) Specific milestones, aligned to operational
23 and training needs, for providing access to the na-
24 tional airspace for unmanned aircraft and a transi-
25 tion plan for sites programmed to be activated as

1 unmanned aerial system sites during fiscal years
2 2010 through 2015.

3 (3) Recommendations for policies with respect
4 to use of the national airspace, flight standards, and
5 operating procedures that should be implemented by
6 the Department of Defense and the Department of
7 Transportation to accommodate unmanned aircraft
8 assigned to any State or territory of the United
9 States.

10 (4) An identification of resources required by
11 the Department of Defense and the Department of
12 Transportation to execute the plan.

13 (c) REPORT.—Not later than 180 days after the date
14 of the enactment of this Act, the Secretary of Defense and
15 the Secretary of Transportation shall submit to the con-
16 gressional defense committees, the Committee on Com-
17 merce, Science, and Transportation of the Senate, and the
18 Committee on Transportation and Infrastructure of the
19 House of Representatives a report containing the plan re-
20 quired by subsection (a).

21 **TITLE X—GENERAL PROVISIONS**

22 **Subtitle A—Financial Matters**

23 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

24 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

1 (1) AUTHORITY.—Upon determination by the
2 Secretary of Defense that such action is necessary in
3 the national interest, the Secretary may transfer
4 amounts of authorizations made available to the De-
5 partment of Defense in this division for fiscal year
6 2010 between any such authorizations for that fiscal
7 year (or any subdivisions thereof). Amounts of au-
8 thorizations so transferred shall be merged with and
9 be available for the same purposes as the authoriza-
10 tion to which transferred.

11 (2) LIMITATION.—Except as provided in para-
12 graph (3), the total amount of authorizations that
13 the Secretary may transfer under the authority of
14 this section may not exceed \$4,000,000,000.

15 (3) EXCEPTION FOR TRANSFERS BETWEEN
16 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
17 fer of funds between military personnel authoriza-
18 tions under title IV shall not be counted toward the
19 dollar limitation in paragraph (2).

20 (b) LIMITATIONS.—The authority provided by this
21 section to transfer authorizations—

22 (1) may only be used to provide authority for
23 items that have a higher priority than the items
24 from which authority is transferred; and

1 (2) may not be used to provide authority for an
2 item that has been denied authorization by Con-
3 gress.

4 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
5 transfer made from one account to another under the au-
6 thority of this section shall be deemed to increase the
7 amount authorized for the account to which the amount
8 is transferred by an amount equal to the amount trans-
9 ferred.

10 (d) NOTICE TO CONGRESS.—The Secretary shall
11 promptly notify Congress of each transfer made under
12 subsection (a)

13 **SEC. 1002. AUDIT READINESS OF FINANCIAL STATEMENTS**
14 **OF THE DEPARTMENT OF DEFENSE.**

15 (a) AUDIT READINESS OBJECTIVES.—It shall be the
16 objective of the Department of Defense to ensure that—

17 (1) the financial statements of the Department
18 of the Army are validated as ready for audit by not
19 later than March 31, 2017;

20 (2) the financial statements of the Department
21 of the Navy are validated as ready for audit by not
22 later than March 31, 2016;

23 (3) the financial statements of the Department
24 of the Air Force are validated as ready for audit by
25 not later than September 30, 2016;

1 (4) the financial statements of the Defense Lo-
2 gistics Agency are validated as ready for audit by
3 not later than September 30, 2017; and

4 (5) the financial statements of the Department
5 of Defense are validated as ready for audit by not
6 later than September 30, 2017.

7 (b) ADJUSTMENT OF DEADLINE FOR OBJECTIVES.—

8 (1) IN GENERAL.—In the event that the appro-
9 priate chief management officer determines that the
10 Department of Defense, a military department, or
11 the Defense Logistics Agency will be unable to meet
12 the deadline for an objective as specified in sub-
13 section (a), the chief management officer may adjust
14 the deadline for meeting such objective.

15 (2) REPORT.—Not later than 30 days after ad-
16 justing the deadline for an objective pursuant to
17 paragraph (1), the chief management officer con-
18 cerned shall submit to the congressional defense
19 committees a report setting forth—

20 (A) a statement of the reasons why the
21 Department of Defense, the military depart-
22 ment, or the Defense Logistics Agency, as ap-
23 plicable, will be unable to meet the deadline for
24 such objective;

1 (B) a proposed completion date for the
2 achievement of compliance with such objective;
3 and

4 (C) a description of the actions that have
5 been taken and are planned to be taken by the
6 Department of Defense, the military depart-
7 ment, or the Defense Logistics Agency, as ap-
8 plicable, to meet such objective.

9 (3) APPROPRIATE CHIEF MANAGEMENT OFFI-
10 CER.—For the purposes of this subsection, the ap-
11 propriate chief management officer is as follows:

12 (A) For the objective in subsection (a)(1),
13 the Chief Management Officer of the Army.

14 (B) For the objective in subsection (a)(2),
15 the Chief Management Officer of the Navy.

16 (C) For the objective in subsection (a)(3),
17 the Chief Management Officer of the Air Force.

18 (D) For the objective in subsection (a)(4),
19 the Deputy Chief Management Officer of the
20 Department of Defense.

21 (E) For the objective in subsection (a)(5),
22 the Chief Management Officer of the Depart-
23 ment of Defense.

24 (c) FINANCIAL IMPROVEMENT AUDIT READINESS
25 PLAN.—

1 (1) IN GENERAL.—The Chief Management Offi-
2 cer of the Department of Defense shall, in consulta-
3 tion with the Under Secretary of Defense (Comp-
4 troller), develop and maintain a plan to be known as
5 the “Financial Improvement and Audit Readiness
6 Plan”.

7 (2) ELEMENTS.—The plan required by para-
8 graph (1) shall—

9 (A) describe specific actions to be taken
10 to—

11 (i) correct financial management defi-
12 ciencies that impair the ability of the De-
13 partment of Defense to prepare timely, re-
14 liable, and complete financial management
15 information; and

16 (ii) meet the objectives specified in
17 subsection (a); and

18 (B) systematically tie the actions described
19 under subparagraph (A) to process and control
20 improvements and business systems moderniza-
21 tion efforts described in the business enterprise
22 architecture and transition plan required by
23 section 2222 of title 10, United States Code.

24 (d) SEMI-ANNUAL REPORTS ON FINANCIAL IM-
25 PROVEMENT AND AUDIT READINESS PLAN.—

1 (1) IN GENERAL.—Not later than May 15 and
2 November 15 each year, the Under Secretary of De-
3 fense (Comptroller) shall submit to the congressional
4 defense committees a report on the status of the im-
5 plementation by the Department of Defense of the
6 Financial Improvement and Audit Readiness Plan
7 required by subsection (c).

8 (2) ELEMENTS.—Each report under paragraph
9 (1) shall include, at a minimum—

10 (A) an overview of the steps the Depart-
11 ment has taken or plans to take to meet the ob-
12 jectives specified in subsection (a), including
13 any interim objectives established by the De-
14 partment for that purpose; and

15 (B) a description of any impediments iden-
16 tified in the efforts of the Department to meet
17 such objectives, and of the actions the Depart-
18 ment has taken or plans to take to address
19 such impediments.

20 (3) ADDITIONAL ISSUES TO BE ADDRESSED IN
21 FIRST REPORT.—The first report submitted under
22 paragraph (1) after the date of the enactment of
23 this Act shall address, in addition to the elements
24 required by paragraph (2), the actions taken or to
25 be taken by the Department as follows:

1 (A) To develop standardized guidance for
2 financial improvement plans by components of
3 the Department.

4 (B) To establish a baseline of financial
5 management capabilities and weaknesses at the
6 component level of the Department.

7 (C) To provide results-oriented metrics for
8 measuring and reporting quantifiable results to-
9 ward addressing financial management defi-
10 ciencies.

11 (D) To define the oversight roles of the
12 Chief Management Officer of the Department
13 of Defense, the chief management officers of
14 the military departments, and other appropriate
15 elements of the Department to ensure that the
16 requirements of the Financial Improvement and
17 Audit Readiness Plan are carried out.

18 (E) To assign accountability for carrying
19 out specific elements of the Financial Improve-
20 ment and Audit Readiness Plan to appropriate
21 officials and organizations at the component
22 level of the Department.

23 (F) To develop mechanisms to track budg-
24 ets and expenditures for the implementation of

1 the requirements of the Financial Improvement
2 and Audit Readiness Plan.

3 (e) RELATIONSHIP TO EXISTING LAW.—The require-
4 ments of this section shall be implemented in a manner
5 that is consistent with the requirements of section 1008
6 of the National Defense Authorization Act for Fiscal Year
7 2002 (Public Law 107–107; 115 Stat. 1204; 10 U.S.C.
8 2222 note).

9 **Subtitle B—Naval Vessels and**
10 **Shipyards**

11 **SEC. 1011. TEMPORARY REDUCTION IN MINIMUM NUMBER**
12 **OF AIRCRAFT CARRIERS IN ACTIVE SERVICE.**

13 Notwithstanding section 5062(b) of title 10, United
14 States Code, during the period beginning on the date of
15 the decommissioning of the U.S.S. Enterprise (CVN 65)
16 and ending on the date of the commissioning into active
17 service of the U.S.S. Gerald R. Ford (CVN 78), the num-
18 ber of operational aircraft carriers in the naval combat
19 forces of the Navy may be 10.

20 **SEC. 1012. REPEAL OF POLICY RELATING TO THE MAJOR**
21 **COMBATANT VESSELS OF THE STRIKE**
22 **FORCES OF THE UNITED STATES NAVY.**

23 Section 1012 of the National Defense Authorization
24 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
25 303) is repealed.

1 **SEC. 1013. SENSE OF SENATE ON THE MAINTENANCE OF A**
2 **313-SHIP NAVY.**

3 (a) FINDINGS.—The Senate makes the following
4 findings:

5 (1) The Department of the Navy has a stated
6 requirement for a 313-ship fleet.

7 (2) The Navy can better meet this require-
8 ment—

9 (A) by procuring sufficient numbers of new
10 ships; and

11 (B) by ensuring the sound material condi-
12 tion of existing ships that will enable the Navy
13 to utilize them for their full planned service
14 lives.

15 (3) When procuring new classes of ships, the
16 Navy must exercise greater caution than it has ex-
17 hibited to date in proceeding from one stage of the
18 acquisition cycle to the next before a ship program
19 has achieved a level of maturity that significantly
20 lowers the risk of cost growth and schedule slippage.

21 (4) In retaining existing assets, the Navy can
22 do a much better job of achieving the full planned
23 service lives of ships and extending the service lives
24 of certain ships so as to keep their unique capabili-
25 ties in the fleet while the Navy takes the time nec-

1 essary to develop and field next-generation capabili-
2 ties under a low risk program.

3 (5) The Navy can undertake certain develop-
4 ment approaches that can help the Navy control the
5 total costs of ownership of a ship or class of ships,
6 including emphasizing common hull designs, open
7 architecture combat systems, and other common
8 ship systems in order to achieve efficiency in acquir-
9 ing and supporting various classes of ships.

10 (6) The Navy needs to continue its efforts to-
11 ward achieving an open architecture for existing
12 combat systems, as this will have great benefit in re-
13 ducing the costs and risks of fielding new classes of
14 ships, and will yield recurring savings from reducing
15 the costs of buying later ships in a program and re-
16 ducing life cycle support costs for ships and classes
17 of ships.

18 (7) The Navy can also undertake other meas-
19 ures to acquire new ships and maintain the current
20 fleet with greater efficiency, including—

21 (A) greater use of fixed-price contracts;

22 (B) maximizing competition (or the option
23 of competition) throughout the life cycle of its
24 ships;

1 (C) entering into multiyear contracts when
2 warranted; and

3 (D) employing an incremental approach to
4 developing new technologies.

5 (b) SENSE OF SENATE.—It is the sense of the Senate
6 that—

7 (1) the Navy should meet its requirement for a
8 313-ship fleet;

9 (2) the Navy should take greater care to
10 achieve the full planned service life of existing ships
11 and reduce the incidence of early ship decommis-
12 sioning;

13 (3) the Navy should exercise greater restraint
14 on the acquisition process for ships in order to
15 achieve on-time, on-cost shipbuilding programs; and

16 (4) Congress should support the Navy when it
17 is acting responsibly to undertake measures that can
18 help the Navy achieve the requirement for a 313-
19 ship fleet and maintain a fleet that is adequate to
20 meet the national security needs of the United
21 States.

22 **SEC. 1014. DESIGNATION OF U.S.S. CONSTITUTION AS**
23 **AMERICA'S SHIP OF STATE.**

24 (a) FINDINGS.—Congress makes the following find-
25 ings:

1 (1) The 3rd Congress authorized, in the Act en-
2 titled “An Act to Provide a Naval Armament”, ap-
3 proved on March 27, 1794 (1 Stat. 350, Chap. XII),
4 the construction of six frigates as the first ships to
5 be built for the United States Navy.

6 (2) One of the six frigates was built in Boston
7 between 1794 and 1797, and is the only one of the
8 original six ships to survive.

9 (3) President George Washington named this
10 frigate “Constitution” to represent the Nation’s
11 founding document.

12 (4) President Thomas Jefferson, asserting the
13 right of the United States to trade on the high seas,
14 dispatched the frigate Constitution in 1803 as the
15 flagship of the Mediterranean Squadron to end the
16 depredations of the Barbary States against United
17 States ships and shipping, which led to a treaty
18 being signed with the Bashaw of Tripoli in the Cap-
19 tain’s cabin aboard the frigate Constitution on June
20 4, 1805.

21 (5) The frigate Constitution, with her defeat of
22 HMS Guerriere, secured the first major victory by
23 the young United States Navy against the Royal
24 Navy during the War of 1812, gaining in the proc-

1 ess the nickname “Old Ironsides”, which she has
2 proudly carried since.

3 (6) Congress awarded gold medals to four of
4 the ship’s commanding officers (Preble, Hull, Stew-
5 art, and Bainbridge), a record unmatched by any
6 other United States Navy vessel.

7 (7) The frigate Constitution emerged from the
8 War of 1812 undefeated, having secured victories
9 over three additional ships of the Royal Navy.

10 (8) As early as May 1815, the frigate Constitu-
11 tion had already been adopted as a symbol of the
12 young Republic, as attested by the [Washington]
13 National Intelligencer which proclaimed, “Let us
14 keep ‘Old Ironsides’ at home. She has, literally be-
15 come the Nation’s Ship . . . and should thus be pre-
16 served . . . in honorable pomp, as a glorious Monu-
17 ment of her own, and our other Naval Victories.”.

18 (9) Rumors in 1830 that “Old Ironsides,” an
19 aging frigate, was about to be scrapped resulted in
20 a public uproar demanding that the ship be restored
21 and preserved, spurred by Oliver Wendell Holmes’
22 immortal poem “Old Ironsides”.

23 (10) “Old Ironsides” circumnavigated the world
24 between 1844 and 1846, showing the American flag
25 as she searched for future coaling stations that

1 would eventually fuel the steam-powered navy of the
2 United States.

3 (11) The first Pope to set foot on United States
4 sovereign territory was Pius IX onboard the frigate
5 Constitution in 1849.

6 (12) “Old Ironsides” helped evacuate the
7 United States Naval Academy from Annapolis,
8 Maryland, to Newport, Rhode Island, in 1860 to
9 prevent this esteemed ship from falling into Confed-
10 erate hands.

11 (13) Congressman John F. “Honey Fitz” Fitz-
12 gerald introduced legislation in 1896 to return “Old
13 Ironsides” from the Portsmouth (New Hampshire)
14 Naval Shipyard, where she was moored pier side and
15 largely forgotten, to Boston for her 100th birthday.

16 (14) Thousands of school children contributed
17 pennies between 1925 an 1927 to help fund a much
18 needed restoration for “Old Ironsides”.

19 (15) Between 1931 and 1934, more than
20 4,500,000 Americans gained inspiration, at the
21 depth of the Great Depression, by going aboard
22 “Old Ironsides” as she was towed to 76 ports on the
23 Atlantic, Gulf, and Pacific coasts.

24 (16) The 83rd Congress enacted the Act of
25 July 23, 1954 (68 Stat. 527, chapter 565), which

1 directed the Secretary of the Navy to transfer to the
2 States and appropriate commissions four other his-
3 toric ships then on the Navy inventory, and to repair
4 and equip U.S.S. Constitution, as much as prac-
5 ticable, to her original condition, but not for active
6 service.

7 (17) Queen Elizabeth II paid a formal visit to
8 U.S.S. Constitution in 1976, at the start of her
9 state visit marking the Bicentennial of the United
10 States.

11 (18) The U.S.S. Constitution, in celebration of
12 her bicentennial, returned to sea under sail on July
13 21, 1997 for the first time since 1881, proudly set-
14 ting sails purchased by the contributions of thou-
15 sands of pennies given by school children across the
16 United States.

17 (19) The U.S.S. Constitution is the oldest com-
18 missioned warship afloat in the world.

19 (20) The U.S.S. Constitution is a National His-
20 toric Landmark.

21 (21) The U.S.S. Constitution continues to per-
22 form official, ceremonial duties, including in recent
23 years hosting a congressional dinner honoring the
24 late Senator John Chafee of Rhode Island, a special
25 salute for the dedication of the John Moakley Fed-

1 eral Courthouse, a luncheon honoring British Am-
2 bassador Sir David Manning, and a special under-
3 way demonstration during which 60 Medal of Honor
4 recipients each received a personal Medal of Honor
5 flag.

6 (22) The U.S.S. Constitution celebrated on Oc-
7 tober 21, 2007, the 210th anniversary of her launch-
8 ing.

9 (23) The U.S.S. Constitution will remain a
10 commissioned ship in the United States Navy, with
11 the Navy retaining control of the ship, its material
12 condition, and its employment.

13 (24) The U.S.S. Constitution's primary mission
14 will remain education and public outreach, and any
15 Ship of State functions will be an adjunct to the
16 ship's primary mission.

17 (b) DESIGNATION AS AMERICA'S SHIP OF STATE.—

18 (1) IN GENERAL.—The U.S.S. Constitution is
19 hereby designated as “America's Ship of State”.

20 (2) REFERENCES.—The U.S.S. Constitution
21 may be known or referred to as “America's Ship of
22 State”.

23 (3) SENSE OF CONGRESS.—It is the sense of
24 Congress that the President, Vice President, execu-
25 tive branch officials, and members of Congress

1 should utilize the U.S.S. Constitution for the con-
 2 ducting of pertinent matters of state, such as
 3 hosting visiting heads of state, signing legislation re-
 4 lating to the Armed Forces, and signing maritime
 5 related treaties.

6 (4) FEE OR REIMBURSEMENT STRUCTURE FOR
 7 NON-DEPARTMENT OF THE NAVY USE.—The Sec-
 8 retary of the Navy shall determine an appropriate
 9 fee or reimbursement structure for any non-Depart-
 10 ment of the Navy entities using the U.S.S. Constitu-
 11 tion for Ship of State purposes.

12 **Subtitle C—Counter-Drug** 13 **Activities**

14 **SEC. 1021. EXTENSION AND MODIFICATION OF AUTHORITY** 15 **TO PROVIDE ADDITIONAL SUPPORT FOR** 16 **COUNTER-DRUG ACTIVITIES OF CERTAIN** 17 **FOREIGN GOVERNMENTS.**

18 (a) EXTENSION OF AUTHORITY.—Subsection (a)(2)
 19 of section 1033 of the National Defense Authorization Act
 20 for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
 21 1881), as amended by section 1021 of the National De-
 22 fense Authorization Act for Fiscal Year 2004 (Public Law
 23 108–136; 117 Stat. 1593), section 1022 of the John War-
 24 ner National Defense Authorization Act for Fiscal Year
 25 2007 (Public Law 109–364; 120 Stat. 2137), section

1 1022 of the National Defense Authorization Act for Fiscal
2 Year 2008 (Public Law 110–181; 122 Stat. 304), and sec-
3 tion 1024 of the Duncan Hunter National Defense Au-
4 thorization Act for Fiscal Year 2009 (Public Law 110–
5 417; 122 Stat. 4587), is further amended by striking
6 “2009” and inserting “2010”.

7 (b) MAXIMUM ANNUAL AMOUNT OF SUPPORT.—Sub-
8 section (e)(2) of such section is amended—

9 (1) by striking “or” before “\$75,000,000”; and

10 (2) by striking the period at the end and insert-
11 ing “, or \$100,000,000 during fiscal year 2010.”.

12 (c) CONDITIONS ON PROVISION OF SUPPORT.—Sub-
13 section (f)(2) of such section is amended in the matter
14 preceding subparagraph (A) by striking “for fiscal year
15 2009 to carry out this section and the first fiscal year in
16 which the support is to be provided” and inserting “and
17 available for support”.

18 (d) COUNTER-DRUG PLAN.—Subsection (h) of such
19 section is amended—

20 (1) in the matter preceding paragraph (1), by
21 striking “fiscal year 2009” and inserting “for each
22 fiscal year”; and

23 (2) in paragraph (7), by striking “fiscal year
24 2009, and thereafter, for the first fiscal year in
25 which support is to be provided” and inserting “each

1 fiscal year in which support is to be provided a gov-
2 ernment”.

3 **SEC. 1022. ONE-YEAR EXTENSION OF AUTHORITY FOR**
4 **JOINT TASK FORCES SUPPORT TO LAW EN-**
5 **FORCEMENT AGENCIES CONDUCTING**
6 **COUNTER-TERRORISM ACTIVITIES.**

7 (a) ONE-YEAR EXTENSION.—Subsection (b) of sec-
8 tion 1022 of the National Defense Authorization Act for
9 Fiscal Year 2004 (10 U.S.C. 371 note) is amended by
10 striking “2009” and inserting “2010”.

11 (b) ANNUAL REPORT.—Subsection (c) of such section
12 is amended to read as follows:

13 “(c) ANNUAL REPORT.—Not later than December 31
14 of each year after 2008 in which the authority in sub-
15 section (a) is in effect, the Secretary of Defense shall sub-
16 mit to the congressional defense committees a report set-
17 ting forth, for the one-year period ending on the date of
18 such report, the following:

19 “(1) An assessment of the effect on counter-
20 drug and counter-terrorism activities and objectives
21 of using counter-drug funds of a joint task force to
22 provide counterterrorism support authorized by sub-
23 section (a).

1 “(2) A description of the type of support and
2 any recipient of support provided under subsection
3 (a).

4 “(3) A list of current joint task forces con-
5 ducting counter-drug operations.”.

6 **SEC. 1023. ONE-YEAR EXTENSION OF AUTHORITY TO SUP-**
7 **PORT UNIFIED COUNTER-DRUG AND**
8 **COUNTERTERRORISM CAMPAIGN IN COLOM-**
9 **BIA.**

10 Section 1021 of the Ronald W. Reagan National De-
11 fense Authorization Act for Fiscal Year 2005 (Public Law
12 108–375; 118 Stat. 2042), as amended by section 1023
13 of the John Warner National Defense Authorization Act
14 for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
15 2382) and section 1023 of the Duncan Hunter National
16 Defense Authorization Act for Fiscal Year 2009 (Public
17 Law 110–417; 122 Stat. 4586), is further amended—

18 (1) in subsection (a)(1), by striking “2009” and
19 inserting “2010”; and

20 (2) in subsection (c), by striking “2009” and
21 inserting “2010”.

22 **Subtitle D—Military Commissions**

23 **SEC. 1031. MILITARY COMMISSIONS.**

24 (a) IN GENERAL.—Chapter 47A of title 10, United
25 States Code, is amended to read as follows:

1 **“CHAPTER 47A—MILITARY COMMISSIONS**

“SUBCHAPTER	Sec.
“I. General Provisions	948a.
“II. Composition of Military Commissions	948h.
“III. Pre-Trial Procedure	948q.
“IV. Trial Procedure	949a.
“V. Classified Information Procedures	949p–1.
“VI. Sentences	949s.
“VII. Post-Trial Procedures and Review of Military Commissions	950a.
“VIII. Punitive Matters	950p.

2 **“SUBCHAPTER I—GENERAL PROVISIONS**

“Sec.
“948a. Definitions.
“948b. Military commissions generally.
“948c. Persons subject to military commissions.
“948d. Jurisdiction of military commissions.

3 **“§ 948a. Definitions**

4 “In this chapter:

5 “(1) ALIEN.—The term ‘alien’ means an indi-
6 vidual who is not a citizen of the United States.

7 “(2) CLASSIFIED INFORMATION.—The term
8 ‘classified information’ means the following:

9 “(A) Any information or material that has
10 been determined by the United States Govern-
11 ment pursuant to statute, Executive order, or
12 regulation to require protection against unau-
13 thorized disclosure for reasons of national secu-
14 rity.

15 “(B) Any restricted data, as that term is
16 defined in section 11 y. of the Atomic Energy
17 Act of 1954 (42 U.S.C. 2014(y)).

1 “(3) COALITION PARTNER.—The term ‘coalition
2 partner’, with respect to hostilities engaged in by the
3 United States, means any State or armed force di-
4 rectly engaged along with the United States in such
5 hostilities or providing direct operational support to
6 the United States in connection with such hostilities.

7 “(4) GENEVA CONVENTION RELATIVE TO THE
8 TREATMENT OF PRISONERS OF WAR.—The term
9 ‘Geneva Convention Relative to the Treatment of
10 Prisoners of War’ means the Convention Relative to
11 the Treatment of Prisoners of War, done at Geneva
12 August 12, 1949 (6 UST 3316).

13 “(5) GENEVA CONVENTIONS.—The term ‘Gene-
14 va Conventions’ means the international conventions
15 signed at Geneva on August 12, 1949.

16 “(6) PRIVILEGED BELLIGERENT.—The term
17 ‘privileged belligerent’ means an individual belonging
18 to one of the eight categories enumerated in Article
19 4 of the Geneva Convention Relative to the Treat-
20 ment of Prisoners of War.

21 “(7) UNPRIVILEGED ENEMY BELLIGERENT.—
22 The term ‘unprivileged enemy belligerent’ means an
23 individual (other than a privileged belligerent) who—

24 “(A) has engaged in hostilities against the
25 United States or its coalition partners;

1 “(B) has purposefully and materially sup-
2 ported hostilities against the United States or
3 its coalition partners; or

4 “(C) is a member of al Qaeda.

5 “(8) NATIONAL SECURITY.—The term ‘national
6 security’ means the national defense and foreign re-
7 lations of the United States.

8 **“§ 948b. Military commissions generally**

9 “(a) PURPOSE.—This chapter establishes procedures
10 governing the use of military commissions to try alien
11 unprivileged enemy belligerents for violations of the law
12 of war and other offenses triable by military commission.

13 “(b) AUTHORITY FOR MILITARY COMMISSIONS
14 UNDER THIS CHAPTER.—The President is authorized to
15 establish military commissions under this chapter for of-
16 fenses triable by military commission as provided in this
17 chapter.

18 “(c) CONSTRUCTION OF PROVISIONS.—The proce-
19 dures for military commissions set forth in this chapter
20 are based upon the procedures for trial by general courts-
21 martial under chapter 47 of this title (the Uniform Code
22 of Military Justice). Chapter 47 of this title does not, by
23 its terms, apply to trial by military commission except as
24 specifically provided therein or in this chapter, and many
25 of the provisions of chapter 47 of this title are by their

1 terms inapplicable to military commissions. The judicial
2 construction and application of chapter 47 of this title,
3 while instructive, is therefore not of its own force binding
4 on military commissions established under this chapter.

5 “(d) INAPPLICABILITY OF CERTAIN PROVISIONS.—

6 (1) The following provisions of this title shall not apply
7 to trial by military commission under this chapter:

8 “(A) Section 810 (article 10 of the Uniform
9 Code of Military Justice), relating to speedy trial,
10 including any rule of courts-martial relating to
11 speedy trial.

12 “(B) Sections 831(a), (b), and (d) (articles
13 31(a), (b), and (d) of the Uniform Code of Military
14 Justice), relating to compulsory self-incrimination.

15 “(C) Section 832 (article 32 of the Uniform
16 Code of Military Justice), relating to pretrial inves-
17 tigation.

18 “(2) Other provisions of chapter 47 of this title shall
19 apply to trial by military commission under this chapter
20 only to the extent provided by the terms of such provisions
21 or by this chapter.

22 “(e) TREATMENT OF RULINGS AND PRECEDENTS.—

23 The findings, holdings, interpretations, and other prece-
24 dents of military commissions under this chapter may not
25 be introduced or considered in any hearing, trial, or other

1 proceeding of a court-martial convened under chapter 47
2 of this title. The findings, holdings, interpretations, and
3 other precedents of military commissions under this chap-
4 ter may not form the basis of any holding, decision, or
5 other determination of a court-martial convened under
6 that chapter.

7 “(f) GENEVA CONVENTIONS NOT ESTABLISHING
8 PRIVATE RIGHT OF ACTION.—No alien unprivileged
9 enemy belligerent subject to trial by military commission
10 under this chapter may invoke the Geneva Conventions as
11 a basis for a private right of action.

12 **“§ 948c. Persons subject to military commissions**

13 “Any alien unprivileged enemy belligerent having en-
14 gaged in hostilities or having supported hostilities against
15 the United States is subject to trial by military commis-
16 sion as set forth in this chapter.

17 **“§ 948d. Jurisdiction of military commissions**

18 “A military commission under this chapter shall have
19 jurisdiction to try persons subject to this chapter for any
20 offense made punishable by this chapter, sections 904 and
21 906 of this title (articles 104 and 106 of the Uniform Code
22 of Military Justice), or the law of war, and may, under
23 such limitations as the President may prescribe, adjudge
24 any punishment not forbidden by this chapter, including
25 the penalty of death when specifically authorized under

1 this chapter. A military commission is a competent tri-
2 bunal to make a finding sufficient for jurisdiction.

3 “SUBCHAPTER II—COMPOSITION OF MILITARY
4 COMMISSIONS

“Sec.

“948h. Who may convene military commissions.

“948i. Who may serve on military commissions.

“948j. Military judge of a military commission.

“948k. Detail of trial counsel and defense counsel.

“948l. Detail or employment of reporters and interpreters.

“948m. Number of members; excuse of members; absent and additional mem-
bers.

5 **“§ 948h. Who may convene military commissions**

6 “Military commissions under this chapter may be
7 convened by the Secretary of Defense or by any officer
8 or official of the United States designated by the Secretary
9 for that purpose.

10 **“§ 948i. Who may serve on military commissions**

11 “(a) IN GENERAL.—Any commissioned officer of the
12 armed forces on active duty is eligible to serve on a mili-
13 tary commission under this chapter, including commis-
14 sioned officers of the reserve components of the armed
15 forces on active duty, commissioned officers of the Na-
16 tional Guard on active duty in Federal service, or retired
17 commissioned officers recalled to active duty.

18 “(b) DETAIL OF MEMBERS.—When convening a mili-
19 tary commission under this chapter, the convening author-
20 ity shall detail as members thereof such members of the
21 armed forces eligible under subsection (a) who, as in the

1 opinion of the convening authority, are best qualified for
2 the duty by reason of age, education, training, experience,
3 length of service, and judicial temperament. No member
4 of an armed force is eligible to serve as a member of a
5 military commission when such member is the accuser or
6 a witness for the prosecution or has acted as an investi-
7 gator or counsel in the same case.

8 “(c) EXCUSE OF MEMBERS.—Before a military com-
9 mission under this chapter is assembled for the trial of
10 a case, the convening authority may excuse a member
11 from participating in the case.

12 **“§ 948j. Military judge of a military commission**

13 “(a) DETAIL OF MILITARY JUDGE.—A military judge
14 shall be detailed to each military commission under this
15 chapter. The Secretary of Defense shall prescribe regula-
16 tions providing for the manner in which military judges
17 are so detailed to military commissions. The military judge
18 shall preside over each military commission to which he
19 has been detailed.

20 “(b) ELIGIBILITY.—A military judge shall be a com-
21 missioned officer of the armed forces who is a member
22 of the bar of a Federal court, or a member of the bar
23 of the highest court of a State, and who is certified to
24 be qualified for duty under section 826 of this title (article
25 26 of the Uniform Code of Military Justice) as a military

1 judge in general courts-martial by the Judge Advocate
2 General of the armed force of which such military judge
3 is a member.

4 “(c) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No
5 person is eligible to act as military judge in a case of a
6 military commission under this chapter if he is the accuser
7 or a witness or has acted as investigator or a counsel in
8 the same case.

9 “(d) CONSULTATION WITH MEMBERS; INELIGI-
10 BILITY TO VOTE.—A military judge detailed to a military
11 commission under this chapter may not consult with the
12 members except in the presence of the accused (except as
13 otherwise provided in section 949d of this title), trial coun-
14 sel, and defense counsel, nor may he vote with the mem-
15 bers.

16 “(e) OTHER DUTIES.—A commissioned officer who
17 is certified to be qualified for duty as a military judge of
18 a military commission under this chapter may perform
19 such other duties as are assigned to him by or with the
20 approval of the Judge Advocate General of the armed
21 force of which such officer is a member or the designee
22 of such Judge Advocate General.

23 “(f) PROHIBITION ON EVALUATION OF FITNESS BY
24 CONVENING AUTHORITY.—The convening authority of a
25 military commission under this chapter shall not prepare

1 or review any report concerning the effectiveness, fitness,
2 or efficiency of a military judge detailed to the military
3 commission which relates to his performance of duty as
4 a military judge on the military commission.

5 **“§ 948k. Detail of trial counsel and defense counsel**

6 “(a) **DETAIL OF COUNSEL GENERALLY.**—(1) Trial
7 counsel and military defense counsel shall be detailed for
8 each military commission under this chapter.

9 “(2) Assistant trial counsel and assistant and asso-
10 ciate defense counsel may be detailed for a military com-
11 mission under this chapter.

12 “(3) Military defense counsel for a military commis-
13 sion under this chapter shall be detailed as soon as prac-
14 ticable.

15 “(4) The Secretary of Defense shall prescribe regula-
16 tions providing for the manner in which trial counsel and
17 military defense counsel are detailed for military commis-
18 sions under this chapter and for the persons who are au-
19 thorized to detail such counsel for such military commis-
20 sions.

21 “(b) **TRIAL COUNSEL.**—Subject to subsection (e),
22 trial counsel detailed for a military commission under this
23 chapter must be—

1 “(1) a judge advocate (as that term is defined
2 in section 801 of this title (article 1 of the Uniform
3 Code of Military Justice)) who is—

4 “(A) a graduate of an accredited law
5 school or is a member of the bar of a Federal
6 court or of the highest court of a State; and

7 “(B) certified as competent to perform du-
8 ties as trial counsel before general courts-mar-
9 tial by the Judge Advocate General of the
10 armed force of which he is a member; or

11 “(2) a civilian who is—

12 “(A) a member of the bar of a Federal
13 court or of the highest court of a State; and

14 “(B) otherwise qualified to practice before
15 the military commission pursuant to regulations
16 prescribed by the Secretary of Defense.

17 “(c) MILITARY DEFENSE COUNSEL.—Subject to sub-
18 section (e), military defense counsel detailed for a military
19 commission under this chapter must be a judge advocate
20 (as so defined) who is—

21 “(1) a graduate of an accredited law school or
22 is a member of the bar of a Federal court or of the
23 highest court of a State; and

24 “(2) certified as competent to perform duties as
25 defense counsel before general courts-martial by the

1 Judge Advocate General of the armed force of which
2 he is a member.

3 “(d) CHIEF PROSECUTOR; CHIEF DEFENSE COUN-
4 SEL.—(1) The Chief Prosecutor in a military commission
5 under this chapter shall meet the requirements set forth
6 in subsection (b)(1).

7 “(2) The Chief Defense Counsel in a military com-
8 mission under this chapter shall meet the requirements set
9 forth in subsection (c)(1).

10 “(e) INELIGIBILITY OF CERTAIN INDIVIDUALS.—No
11 person who has acted as an investigator, military judge,
12 or member of a military commission under this chapter
13 in any case may act later as trial counsel or military de-
14 fense counsel in the same case. No person who has acted
15 for the prosecution before a military commission under
16 this chapter may act later in the same case for the de-
17 fense, nor may any person who has acted for the defense
18 before a military commission under this chapter act later
19 in the same case for the prosecution.

20 **“§ 948l. Detail or employment of reporters and inter-
21 preters**

22 “(a) COURT REPORTERS.—Under such regulations
23 as the Secretary of Defense may prescribe, the convening
24 authority of a military commission under this chapter
25 shall detail to or employ for the military commission quali-

1 fied court reporters, who shall prepare a verbatim record
2 of the proceedings of and testimony taken before the mili-
3 tary commission.

4 “(b) INTERPRETERS.—Under such regulations as the
5 Secretary of Defense may prescribe, the convening author-
6 ity of a military commission under this chapter may detail
7 to or employ for the military commission interpreters who
8 shall interpret for the military commission, and, as nec-
9 essary, for trial counsel and defense counsel for the mili-
10 tary commission, and for the accused.

11 “(c) TRANSCRIPT; RECORD.—The transcript of a
12 military commission under this chapter shall be under the
13 control of the convening authority of the military commis-
14 sion, who shall also be responsible for preparing the record
15 of the proceedings of the military commission.

16 **“§ 948m. Number of members; excuse of members; ab-**
17 **sent and additional members**

18 “(a) NUMBER OF MEMBERS.—(1) A military com-
19 mission under this chapter shall, except as provided in
20 paragraph (2), have at least five members.

21 “(2) In a case in which the accused before a military
22 commission under this chapter may be sentenced to a pen-
23 alty of death, the military commission shall have the num-
24 ber of members prescribed by section 949m(c) of this title.

1 “(b) EXCUSE OF MEMBERS.—No member of a mili-
 2 tary commission under this chapter may be absent or ex-
 3 cused after the military commission has been assembled
 4 for the trial of a case unless excused—

5 “(1) as a result of challenge;

6 “(2) by the military judge for physical disability
 7 or other good cause; or

8 “(3) by order of the convening authority for
 9 good cause.

10 “(c) ABSENT AND ADDITIONAL MEMBERS.—When-
 11 ever a military commission under this chapter is reduced
 12 below the number of members required by subsection (a),
 13 the trial may not proceed unless the convening authority
 14 details new members sufficient to provide not less than
 15 such number. The trial may proceed with the new mem-
 16 bers present after the recorded evidence previously intro-
 17 duced before the members has been read to the military
 18 commission in the presence of the military judge, the ac-
 19 cused (except as provided in section 949d of this title),
 20 and counsel for both sides.

21 “SUBCHAPTER III—PRE-TRIAL PROCEDURE

“Sec.

“948q. Charges and specifications.

“948r. Compulsory self-incrimination prohibited; statements obtained by torture
 or cruel, inhuman, or degrading treatment.

“948s. Service of charges.

1 **“§ 948q. Charges and specifications**

2 “(a) CHARGES AND SPECIFICATIONS.—Charges and
3 specifications against an accused in a military commission
4 under this chapter shall be signed by a person subject to
5 chapter 47 of this title under oath before a commissioned
6 officer of the armed forces authorized to administer oaths
7 and shall state—

8 “(1) that the signer has personal knowledge of,
9 or reason to believe, the matters set forth therein;
10 and

11 “(2) that they are true in fact to the best of his
12 knowledge and belief.

13 “(b) NOTICE TO ACCUSED.—Upon the swearing of
14 the charges and specifications in accordance with sub-
15 section (a), the accused shall be informed of the charges
16 and specifications against him as soon as practicable.

17 **“§ 948r. Compulsory self-incrimination prohibited;**
18 **statements obtained by torture or cruel,**
19 **inhuman, or degrading treatment**

20 “(a) IN GENERAL.—No person shall be required to
21 testify against himself at a proceeding of a military com-
22 mission under this chapter.

23 “(b) STATEMENTS OBTAINED BY TORTURE.—A
24 statement obtained by use of torture, whether or not under
25 color of law, shall not be admissible in a trial by military

1 commission under this chapter, except against a person
2 accused of torture as evidence the statement was made.

3 “(c) STATEMENTS OBTAINED THROUGH CRUEL, IN-
4 HUMAN, OR DEGRADING TREATMENT.—A statement in
5 which the degree of coercion is disputed may be admissible
6 in a trial by military commission under this chapter only
7 if the military judge finds that—

8 “(1) the totality of the circumstances renders
9 the statement reliable and possessing sufficient pro-
10 bative value;

11 “(2) the interests of justice would best be
12 served by admission of the statement into evidence;
13 and

14 “(3) the interrogation methods used to obtain
15 the statement do not amount to cruel, inhuman, or
16 degrading treatment prohibited by section 1003 of
17 the Detainee Treatment Act of 2005 (42 U.S.C.
18 2000dd).

19 **“§ 948s. Service of charges**

20 “The trial counsel assigned to a case before a military
21 commission under this chapter shall cause to be served
22 upon the accused and military defense counsel a copy of
23 the charges upon which trial is to be had in English and,
24 if appropriate, in another language that the accused un-

1 derstands, sufficiently in advance of trial to prepare a de-
 2 fense.

3 “SUBCHAPTER IV—TRIAL PROCEDURE

“Sec.

“949a. Rules.

“949b. Unlawfully influencing action of military commission.

“949c. Duties of trial counsel and defense counsel.

“949d. Sessions.

“949e. Continuances.

“949f. Challenges.

“949g. Oaths.

“949h. Former jeopardy.

“949i. Pleas of the accused.

“949j. Opportunity to obtain witnesses and other evidence.

“949k. Defense of lack of mental responsibility.

“949l. Voting and rulings.

“949m. Number of votes required.

“949n. Military commission to announce action.

“949o. Record of trial.

4 “§ 949a. Rules

5 “(a) PROCEDURES AND RULES OF EVIDENCE.—Pre-
 6 trial, trial, and post-trial procedures, including elements
 7 and modes of proof, for cases triable by military commis-
 8 sion under this chapter may be prescribed by the Secretary
 9 of Defense. Such procedures may not be contrary to or
 10 inconsistent with this chapter. Except as otherwise pro-
 11 vided in this chapter or chapter 47 of this title, the proce-
 12 dures and rules of evidence applicable in trials by general
 13 courts-martial of the United States shall apply in trials
 14 by military commission under this chapter.

15 “(b) EXCEPTIONS.—(1) The Secretary of Defense, in
 16 consultation with the Attorney General, may make such
 17 exceptions in the applicability in trials by military commis-
 18 sion under this chapter from the procedures and rules of

1 evidence otherwise applicable in general courts-martial as
2 may be required by the unique circumstances of the con-
3 duct of military and intelligence operations during hos-
4 tilities or by other practical need.

5 “(2) Notwithstanding any exceptions authorized by
6 paragraph (1), the procedures and rules of evidence in
7 trials by military commission under this chapter shall in-
8 clude, at a minimum, the following rights:

9 “(A) To present evidence in his defense, to
10 cross-examine the witnesses who testify against him,
11 and to examine and respond to all evidence admitted
12 against him on the issue of guilt or innocence and
13 for sentencing, as provided for by this chapter.

14 “(B) To be present at all sessions of the mili-
15 tary commission (other than those for deliberations
16 or voting), except when excluded under section 949d
17 of this title.

18 “(C) To be represented before a military com-
19 mission by civilian counsel if provided at no expense
20 to the Government, and by either the defense coun-
21 sel detailed or by military counsel of the accused’s
22 own selection, if reasonably available.

23 “(D) To self-representation, if the accused
24 knowingly and competently waives the assistance of
25 counsel, subject to the provisions of paragraph (4).

1 “(E) To the suppression of evidence that is not
2 reliable or probative.

3 “(F) To the suppression of evidence the pro-
4 bative value of which is substantially outweighed
5 by—

6 “(i) the danger of unfair prejudice, confu-
7 sion of the issues, or misleading the members;
8 or

9 “(ii) considerations of undue delay, waste
10 of time, or needless presentation of cumulative
11 evidence.

12 “(3) In making exceptions in the applicability in
13 trials by military commission under this chapter from the
14 procedures and rules otherwise applicable in general
15 courts-martial, the Secretary of Defense may provide the
16 following:

17 “(A) Evidence seized outside the United States
18 shall not be excluded from trial by military commis-
19 sion on the grounds that the evidence was not seized
20 pursuant to a search warrant or authorization.

21 “(B) A statement of the accused that is other-
22 wise admissible shall not be excluded from trial by
23 military commission on grounds of alleged coercion
24 or compulsory self-incrimination so long as the evi-

1 dence complies with the provisions of section 948r of
2 this title.

3 “(C) Evidence shall be admitted as authentic so
4 long as—

5 “(i) the military judge of the military com-
6 mission determines that there is sufficient evi-
7 dence that the evidence is what it is claimed to
8 be; and

9 “(ii) the military judge instructs the mem-
10 bers that they may consider any issue as to au-
11 thentication or identification of evidence in de-
12 termining the weight, if any, to be given to the
13 evidence.

14 “(D) Hearsay evidence not otherwise admissible
15 under the rules of evidence applicable in trial by
16 general courts-martial may be admitted in a trial by
17 military commission only if—

18 “(i) the proponent of the evidence makes
19 known to the adverse party, sufficiently in ad-
20 vance to provide the adverse party with a fair
21 opportunity to meet the evidence, the pro-
22 ponent’s intention to offer the evidence, and the
23 particulars of the evidence (including informa-
24 tion on the circumstances under which the evi-
25 dence was obtained); and

1 “(ii) the military judge, after taking into
2 account all of the circumstances surrounding
3 the taking of the statement, the degree to which
4 the statement is corroborated, and the indicia
5 of reliability within the statement itself, deter-
6 mines that—

7 “(I) the statement is offered as evi-
8 dence of a material fact;

9 “(II) either—

10 “(aa) direct testimony from the
11 witness is not available as a practical
12 matter, taking into consideration the
13 physical location of the witness and
14 the unique circumstances of the con-
15 duct of military and intelligence oper-
16 ations during hostilities; or

17 “(bb) the production of the wit-
18 ness would have an adverse impact on
19 military or intelligence operations; and

20 “(III) the general purposes of the
21 rules of evidence and the interests of jus-
22 tice will best be served by admission of the
23 statement into evidence.

24 “(4)(A) The accused in a military commission under
25 this chapter who exercises the right to self-representation

1 under paragraph (2)(D) shall conform his deportment and
2 the conduct of the defense to the rules of evidence, proce-
3 dure, and decorum applicable to trials by military commis-
4 sion.

5 “(B) Failure of the accused to conform to the rules
6 described in subparagraph (A) may result in a partial or
7 total revocation by the military judge of the right of self-
8 representation under paragraph (2)(D). In such case, the
9 military counsel of the accused or an appropriately author-
10 ized civilian counsel shall perform the functions necessary
11 for the defense.

12 “(c) DELEGATION OF AUTHORITY TO PRESCRIBE
13 REGULATIONS.—The Secretary of Defense may delegate
14 the authority of the Secretary to prescribe regulations
15 under this chapter.

16 **“§ 949b. Unlawfully influencing action of military**
17 **commission**

18 “(a) IN GENERAL.—(1) No authority convening a
19 military commission under this chapter may censure, rep-
20 rimand, or admonish the military commission, or any
21 member, military judge, or counsel thereof, with respect
22 to the findings or sentence adjudged by the military com-
23 mission, or with respect to any other exercises of its or
24 their functions in the conduct of the proceedings.

1 “(2) No person may attempt to coerce or, by any un-
2 authorized means, influence—

3 “(A) the action of a military commission under
4 this chapter, or any member thereof, in reaching the
5 findings or sentence in any case;

6 “(B) the action of any convening, approving, or
7 reviewing authority with respect to their judicial
8 acts; or

9 “(C) the exercise of professional judgment by
10 trial counsel or defense counsel.

11 “(3) The provisions of this subsection shall not apply
12 with respect to—

13 “(A) general instructional or informational
14 courses in military justice if such courses are de-
15 signed solely for the purpose of instructing members
16 of a command in the substantive and procedural as-
17 pects of military commissions; or

18 “(B) statements and instructions given in open
19 proceedings by a military judge or counsel.

20 “(b) PROHIBITION ON CONSIDERATION OF ACTIONS
21 ON COMMISSION IN EVALUATION OF FITNESS.—In the
22 preparation of an effectiveness, fitness, or efficiency report
23 or any other report or document used in whole or in part
24 for the purpose of determining whether a commissioned
25 officer of the armed forces is qualified to be advanced in

1 grade, or in determining the assignment or transfer of any
2 such officer or whether any such officer should be retained
3 on active duty, no person may—

4 “(1) consider or evaluate the performance of
5 duty of any member of a military commission under
6 this chapter; or

7 “(2) give a less favorable rating or evaluation
8 to any commissioned officer because of the zeal with
9 which such officer, in acting as counsel, represented
10 any accused before a military commission under this
11 chapter.

12 **“§ 949c. Duties of trial counsel and defense counsel**

13 “(a) TRIAL COUNSEL.—The trial counsel of a mili-
14 tary commission under this chapter shall prosecute in the
15 name of the United States.

16 “(b) DEFENSE COUNSEL.—(1) The accused shall be
17 represented in his defense before a military commission
18 under this chapter as provided in this subsection.

19 “(2) The accused may be represented by military
20 counsel detailed under section 948k of this title or by mili-
21 tary counsel of the accused’s own selection, if reasonably
22 available.

23 “(3) The accused may be represented by civilian
24 counsel if retained by the accused, provided that such civil-
25 ian counsel—

1 “(A) is a United States citizen;

2 “(B) is admitted to the practice of law in a
3 State, district, or possession of the United States, or
4 before a Federal court;

5 “(C) has not been the subject of any sanction
6 of disciplinary action by any court, bar, or other
7 competent governmental authority for relevant mis-
8 conduct;

9 “(D) has been determined to be eligible for ac-
10 cess to information classified at the level Secret or
11 higher; and

12 “(E) has signed a written agreement to comply
13 with all applicable regulations or instructions for
14 counsel, including any rules of court for conduct
15 during the proceedings.

16 “(4) If the accused is represented by civilian counsel,
17 military counsel shall act as associate counsel.

18 “(5) The accused is not entitled to be represented by
19 more than one military counsel. However, the person au-
20 thorized under regulations prescribed under section 948k
21 of this title to detail counsel, in such person’s sole discre-
22 tion, may detail additional military counsel to represent
23 the accused.

1 “(6) Defense counsel may cross-examine each witness
2 for the prosecution who testifies before a military commis-
3 sion under this chapter.

4 “(7) Civilian defense counsel shall protect any classi-
5 fied information received during the course of representa-
6 tion of the accused in accordance with all applicable law
7 governing the protection of classified information, and
8 may not divulge such information to any person not au-
9 thorized to receive it.

10 **“§ 949d. Sessions**

11 “(a) SESSIONS WITHOUT PRESENCE OF MEM-
12 BERS.—(1) At any time after the service of charges which
13 have been referred for trial by military commission under
14 this chapter, the military judge may call the military com-
15 mission into session without the presence of the members
16 for the purpose of—

17 “(A) hearing and determining motions raising
18 defenses or objections which are capable of deter-
19 mination without trial of the issues raised by a plea
20 of not guilty;

21 “(B) hearing and ruling upon any matter which
22 may be ruled upon by the military judge under this
23 chapter, whether or not the matter is appropriate for
24 later consideration or decision by the members;

1 “(C) if permitted by regulations prescribed by
2 the Secretary of Defense, receiving the pleas of the
3 accused; and

4 “(D) performing any other procedural function
5 which may be performed by the military judge under
6 this chapter or under rules prescribed pursuant to
7 section 949a of this title and which does not require
8 the presence of the members.

9 “(2) Except as provided in subsections (b), (c), and
10 (d), any proceedings under paragraph (1) shall be con-
11 ducted in the presence of the accused, defense counsel, and
12 trial counsel, and shall be made part of the record.

13 “(b) DELIBERATION OR VOTE OF MEMBERS.—When
14 the members of a military commission under this chapter
15 deliberate or vote, only the members may be present.

16 “(c) CLOSURE OF PROCEEDINGS.—(1) The military
17 judge may close to the public all or part of the proceedings
18 of a military commission under this chapter.

19 “(2) The military judge may close to the public all
20 or a portion of the proceedings under paragraph (1) only
21 upon making a specific finding that such closure is nec-
22 essary to—

23 “(A) protect information the disclosure of which
24 could reasonably be expected to cause damage to the

1 national security, including intelligence or law en-
2 forcement sources, methods, or activities; or

3 “(B) ensure the physical safety of individuals.

4 “(3) A finding under paragraph (2) may be based
5 upon a presentation, including a presentation ex parte or
6 in camera, by either trial counsel or defense counsel.

7 “(d) EXCLUSION OF ACCUSED FROM CERTAIN PRO-
8 CEEDINGS.—The military judge may exclude the accused
9 from any portion of a proceeding upon a determination
10 that, after being warned by the military judge, the accused
11 persists in conduct that justifies exclusion from the court-
12 room—

13 “(1) to ensure the physical safety of individuals;
14 or

15 “(2) to prevent disruption of the proceedings by
16 the accused.

17 **“§ 949e. Continuances**

18 “The military judge in a military commission under
19 this chapter may, for reasonable cause, grant a continu-
20 ance to any party for such time, and as often, as may
21 appear to be just.

22 **“§ 949f. Challenges**

23 “(a) CHALLENGES AUTHORIZED.—The military
24 judge and members of a military commission under this
25 chapter may be challenged by the accused or trial counsel

1 for cause stated to the military commission. The military
2 judge shall determine the relevance and validity of chal-
3 lenges for cause, and may not receive a challenge to more
4 than one person at a time. Challenges by trial counsel
5 shall ordinarily be presented and decided before those by
6 the accused are offered.

7 “(b) PEREMPTORY CHALLENGES.—The accused and
8 trial counsel are each entitled to one peremptory challenge,
9 but the military judge may not be challenged except for
10 cause.

11 “(c) CHALLENGES AGAINST ADDITIONAL MEM-
12 BERS.—Whenever additional members are detailed to a
13 military commission under this chapter, and after any
14 challenges for cause against such additional members are
15 presented and decided, the accused and trial counsel are
16 each entitled to one peremptory challenge against mem-
17 bers not previously subject to peremptory challenge.

18 **“§ 949g. Oaths**

19 “(a) IN GENERAL.—(1) Before performing their re-
20 spective duties in a military commission under this chap-
21 ter, military judges, members, trial counsel, defense coun-
22 sel, reporters, and interpreters shall take an oath to per-
23 form their duties faithfully.

24 “(2) The form of the oath required by paragraph (1),
25 the time and place of the taking thereof, the manner of

1 recording thereof, and whether the oath shall be taken for
2 all cases in which duties are to be performed or for a par-
3 ticular case, shall be as provided in regulations prescribed
4 by the Secretary of Defense. The regulations may provide
5 that—

6 “(A) an oath to perform faithfully duties as a
7 military judge, trial counsel, or defense counsel may
8 be taken at any time by any judge advocate or other
9 person certified to be qualified or competent for the
10 duty; and

11 “(B) if such an oath is taken, such oath need
12 not again be taken at the time the judge advocate
13 or other person is detailed to that duty.

14 “(b) WITNESSES.—Each witness before a military
15 commission under this chapter shall be examined on oath.

16 “(c) OATH DEFINED.—In this section, the term
17 ‘oath’ includes an affirmation.

18 **“§ 949h. Former jeopardy**

19 “(a) IN GENERAL.—No person may, without his con-
20 sent, be tried by a military commission under this chapter
21 a second time for the same offense.

22 “(b) SCOPE OF TRIAL.—No proceeding in which the
23 accused has been found guilty by military commission
24 under this chapter upon any charge or specification is a
25 trial in the sense of this section until the finding of guilty

1 has become final after review of the case has been fully
2 completed.

3 **“§ 949i. Pleas of the accused**

4 “(a) PLEA OF NOT GUILTY.—If an accused in a mili-
5 tary commission under this chapter after a plea of guilty
6 sets up matter inconsistent with the plea, or if it appears
7 that the accused has entered the plea of guilty through
8 lack of understanding of its meaning and effect, or if the
9 accused fails or refuses to plead, a plea of not guilty shall
10 be entered in the record, and the military commission shall
11 proceed as though the accused had pleaded not guilty.

12 “(b) FINDING OF GUILT AFTER GUILTY PLEA.—
13 With respect to any charge or specification to which a plea
14 of guilty has been made by the accused in a military com-
15 mission under this chapter and accepted by the military
16 judge, a finding of guilty of the charge or specification
17 may be entered immediately without a vote. The finding
18 shall constitute the finding of the military commission un-
19 less the plea of guilty is withdrawn prior to announcement
20 of the sentence, in which event the proceedings shall con-
21 tinue as though the accused had pleaded not guilty.

22 **“§ 949j. Opportunity to obtain witnesses and other**
23 **evidence**

24 “(a) IN GENERAL.—(1) Defense counsel in a military
25 commission under this chapter shall have a reasonable op-

1 portunity to obtain witnesses and other evidence as pro-
2 vided in regulations prescribed by the Secretary of De-
3 fense.

4 “(2) Process issued in military commissions under
5 this chapter to compel witnesses to appear and testify and
6 to compel the production of other evidence—

7 “(A) shall be similar to that which courts of the
8 United States having criminal jurisdiction may law-
9 fully issue; and

10 “(B) shall run to any place where the United
11 States shall have jurisdiction thereof.

12 “(b) DISCLOSURE OF EXCULPATORY EVIDENCE.—

13 (1) As soon as practicable, trial counsel in a military com-
14 mission under this chapter shall disclose to the defense
15 the existence of any evidence that reasonably tends to—

16 “(A) negate the guilt of the accused of an of-
17 fense charged; or

18 “(B) reduce the degree of guilt of the accused
19 with respect to an offense charged.

20 “(2) The trial counsel shall, as soon as practicable,
21 disclose to the defense the existence of evidence that rea-
22 sonably tends to impeach the credibility of a witness whom
23 the government intends to call at trial.

24 “(3) The trial counsel shall, as soon as practicable
25 upon a finding of guilt, disclose to the defense the exist-

1 ence of evidence that is not subject to paragraph (1) or
2 paragraph (2) but that reasonably may be viewed as miti-
3 gation evidence at sentencing.

4 “(4) The disclosure obligations under this subsection
5 encompass evidence that is known or reasonably should
6 be known to any government officials who participated in
7 the investigation and prosecution of the case against the
8 defendant.

9 **“§ 949k. Defense of lack of mental responsibility**

10 “(a) AFFIRMATIVE DEFENSE.—It is an affirmative
11 defense in a trial by military commission under this chap-
12 ter that, at the time of the commission of the acts consti-
13 tuting the offense, the accused, as a result of a severe
14 mental disease or defect, was unable to appreciate the na-
15 ture and quality or the wrongfulness of the acts. Mental
16 disease or defect does not otherwise constitute a defense.

17 “(b) BURDEN OF PROOF.—The accused in a military
18 commission under this chapter has the burden of proving
19 the defense of lack of mental responsibility by clear and
20 convincing evidence.

21 “(c) FINDINGS FOLLOWING ASSERTION OF DE-
22 FENSE.—Whenever lack of mental responsibility of the ac-
23 cused with respect to an offense is properly at issue in
24 a military commission under this chapter, the military
25 judge shall instruct the members as to the defense of lack

1 of mental responsibility under this section and shall
2 charge the members to find the accused—

3 “(1) guilty;

4 “(2) not guilty; or

5 “(3) subject to subsection (d), not guilty by rea-
6 son of lack of mental responsibility.

7 “(d) MAJORITY VOTE REQUIRED FOR FINDING.—

8 The accused shall be found not guilty by reason of lack
9 of mental responsibility under subsection (c)(3) only if a
10 majority of the members present at the time the vote is
11 taken determines that the defense of lack of mental re-
12 sponsibility has been established.

13 **“§ 949l. Voting and rulings**

14 “(a) VOTE BY SECRET WRITTEN BALLOT.—Voting
15 by members of a military commission under this chapter
16 on the findings and on the sentence shall be by secret writ-
17 ten ballot.

18 “(b) RULINGS.—(1) The military judge in a military
19 commission under this chapter shall rule upon all ques-
20 tions of law, including the admissibility of evidence and
21 all interlocutory questions arising during the proceedings.

22 “(2) Any ruling made by the military judge upon a
23 question of law or an interlocutory question (other than
24 the factual issue of mental responsibility of the accused)
25 is conclusive and constitutes the ruling of the military

1 commission. However, a military judge may change his
2 ruling at any time during the trial.

3 “(c) INSTRUCTIONS PRIOR TO VOTE.—Before a vote
4 is taken of the findings of a military commission under
5 this chapter, the military judge shall, in the presence of
6 the accused and counsel, instruct the members as to the
7 elements of the offense and charge the members—

8 “(1) that the accused must be presumed to be
9 innocent until his guilt is established by legal and
10 competent evidence beyond a reasonable doubt;

11 “(2) that in the case being considered, if there
12 is a reasonable doubt as to the guilt of the accused,
13 the doubt must be resolved in favor of the accused
14 and he must be acquitted;

15 “(3) that, if there is reasonable doubt as to the
16 degree of guilt, the finding must be in a lower de-
17 gree as to which there is no reasonable doubt; and

18 “(4) that the burden of proof to establish the
19 guilt of the accused beyond a reasonable doubt is
20 upon the United States.

21 **“§ 949m. Number of votes required**

22 “(a) CONVICTION.—No person may be convicted by
23 a military commission under this chapter of any offense,
24 except as provided in section 949i(b) of this title or by

1 concurrence of two-thirds of the members present at the
2 time the vote is taken.

3 “(b) SENTENCES.—(1) Except as provided in para-
4 graphs (2) and (3), sentences shall be determined by a
5 military commission by the concurrence of two-thirds of
6 the members present at the time the vote is taken.

7 “(2) No person may be sentenced to death by a mili-
8 tary commission, except insofar as—

9 “(A) the penalty of death has been expressly
10 authorized under this chapter, chapter 47 of this
11 title, or the law of war for an offense of which the
12 accused has been found guilty;

13 “(B) trial counsel expressly sought the penalty
14 of death by filing an appropriate notice in advance
15 of trial;

16 “(C) the accused was convicted of the offense
17 by the concurrence of all the members present at the
18 time the vote is taken; and

19 “(D) all members present at the time the vote
20 was taken concurred in the sentence of death.

21 “(3) No person may be sentenced to life imprison-
22 ment, or to confinement for more than 10 years, by a mili-
23 tary commission under this chapter except by the concur-
24 rence of three-fourths of the members present at the time
25 the vote is taken.

1 “(c) NUMBER OF MEMBERS REQUIRED FOR PEN-
2 ALTY OF DEATH.—(1) Except as provided in paragraph
3 (2), in a case in which the penalty of death is sought, the
4 number of members of the military commission under this
5 chapter shall be not less than 12 members.

6 “(2) In any case described in paragraph (1) in which
7 12 members are not reasonably available for a military
8 commission because of physical conditions or military ex-
9 igencies, the convening authority shall specify a lesser
10 number of members for the military commission (but not
11 fewer than 5 members), and the military commission may
12 be assembled, and the trial held, with not less than the
13 number of members so specified. In any such case, the
14 convening authority shall make a detailed written state-
15 ment, to be appended to the record, stating why a greater
16 number of members were not reasonably available.

17 **“§ 949n. Military commission to announce action**

18 “A military commission under this chapter shall an-
19 nounce its findings and sentence to the parties as soon
20 as determined.

21 **“§ 949o. Record of trial**

22 “(a) RECORD; AUTHENTICATION.—Each military
23 commission under this chapter shall keep a separate, ver-
24 batim, record of the proceedings in each case brought be-
25 fore it, and the record shall be authenticated by the signa-

1 ture of the military judge. If the record cannot be authen-
2 ticated by the military judge by reason of his death, dis-
3 ability, or absence, it shall be authenticated by the signa-
4 ture of the trial counsel or by a member if the trial counsel
5 is unable to authenticate it by reason of his death, dis-
6 ability, or absence. Where appropriate, and as provided
7 in regulations prescribed by the Secretary of Defense, the
8 record of a military commission under this chapter may
9 contain a classified annex.

10 “(b) COMPLETE RECORD REQUIRED.—A complete
11 record of the proceedings and testimony shall be prepared
12 in every military commission under this chapter.

13 “(c) PROVISION OF COPY TO ACCUSED.—A copy of
14 the record of the proceedings of the military commission
15 under this chapter shall be given the accused as soon as
16 it is authenticated. If the record contains classified infor-
17 mation, or a classified annex, the accused shall receive a
18 redacted version of the record consistent with the require-
19 ments of section 949d(c)(4) of this title. Defense counsel
20 shall have access to the unredacted record, as provided
21 in regulations prescribed by the Secretary of Defense.

22 “SUBCHAPTER V—CLASSIFIED INFORMATION
23 PROCEDURES

“Sec.

“949p-1. Protection of classified information: applicability of subchapter.

“949p-2. Pretrial conference.

“949p-3. Protective orders.

“949p-4. Discovery of, and access to, classified information by the accused.

“949p-5. Notice by accused of intention to disclose classified information.

“949p-6. Procedure for cases involving classified information.

“949p-7. Introduction of classified information into evidence.

1 **“§ 949p-1. Protection of classified information: appli-**
2 **cability of subchapter**

3 “(a) PROTECTION OF CLASSIFIED INFORMATION.—

4 Classified information shall be protected and is privileged
5 from disclosure if disclosure would be detrimental to the
6 national security. Under no circumstances may a military
7 judge order the release of classified information to any
8 person not authorized to receive such information.

9 “(b) ACCESS TO EVIDENCE.—Any information ad-
10 mitted into evidence pursuant to any rule, procedure, or
11 order by the military judge shall be provided to the ac-
12 cused.

13 “(c) DECLASSIFICATION.—Trial counsel shall work
14 with the original classification authorities for evidence that
15 may be used at trial to ensure that such evidence is declas-
16 sified to the maximum extent possible, consistent with the
17 requirements of national security. A decision not to declas-
18 sify evidence under this section shall not be subject to re-
19 view by a military commission or upon appeal.

20 “(d) CONSTRUCTION OF PROVISIONS.—The judicial
21 construction of the Classified Information Procedures Act
22 (18 U.S.C. App.) shall be authoritative in the interpreta-
23 tion of this subchapter, except to the extent that such con-

1 struction is inconsistent with the specific requirements of
2 this chapter.

3 **“§ 949p-2. Pretrial conference**

4 “(a) MOTION.—At any time after service of charges,
5 any party may move for a pretrial conference to consider
6 matters relating to classified information that may arise
7 in connection with the prosecution.

8 “(b) CONFERENCE.—Following a motion under sub-
9 section (a), or sua sponte, the military judge shall prompt-
10 ly hold a pretrial conference. Upon request by either party,
11 the court shall hold such conference ex parte to the extent
12 necessary to protect classified information from disclosure,
13 in accordance with the practice of the Federal courts
14 under the Classified Information Procedures Act (18
15 U.S.C. App.).

16 “(c) MATTERS TO BE ESTABLISHED AT PRETRIAL
17 CONFERENCE.—

18 “(1) TIMING OF SUBSEQUENT ACTIONS.—At
19 the pretrial conference, the military judge shall es-
20 tablish the timing of—

21 “(A) requests for discovery;

22 “(B) the provision of notice required by
23 section 949p-5 of this title; and

24 “(C) the initiation of the procedure estab-
25 lished by section 949p-6 of this title.

1 “(2) OTHER MATTERS.—At the pretrial con-
2 ference, the military judge may also consider any
3 matter—

4 “(A) which relates to classified informa-
5 tion; or

6 “(B) which may promote a fair and expedi-
7 tious trial.

8 “(d) EFFECT OF ADMISSIONS BY ACCUSED AT PRE-
9 TRIAL CONFERENCE.—No admission made by the accused
10 or by any counsel for the accused at a pretrial conference
11 under this section may be used against the accused unless
12 the admission is in writing and is signed by the accused
13 and by the counsel for the accused.

14 **“§ 949p-3. Protective orders**

15 “Upon motion of the trial counsel, the military judge
16 shall issue an order to protect against the disclosure of
17 any classified information that has been disclosed by the
18 United States to any accused in any military commission
19 under this chapter or that has otherwise been provided
20 to, or obtained by, any such accused in any such military
21 commission.

22 **“§ 949p-4. Discovery of, and access to, classified in-**
23 **formation by the accused**

24 “(a) LIMITATIONS ON DISCOVERY OR ACCESS BY
25 THE ACCUSED.—

1 “(1) DECLARATIONS BY THE UNITED STATES
2 OF DAMAGE TO NATIONAL SECURITY.—In any case
3 before a military commission in which the United
4 States seeks to delete, withhold, or otherwise obtain
5 other relief with respect to the discovery of or access
6 to any classified information, the trial counsel shall
7 submit a declaration invoking the United States’
8 classified information privilege and setting forth the
9 damage to the national security that the discovery of
10 or access to such information reasonably could be
11 expected to cause. The declaration shall be signed by
12 a knowledgeable United States official possessing
13 authority to classify information.

14 “(2) STANDARD FOR AUTHORIZATION OF DIS-
15 COVERY OR ACCESS.—Upon the submission of a dec-
16 laration under paragraph (1), the military judge
17 shall not authorize the discovery of or access to such
18 classified information unless the military judge de-
19 termines that such classified information would be
20 noncumulative, relevant, and helpful to a legally cog-
21 nizable defense, rebuttal of the prosecution’s case, or
22 to sentencing, in accordance with standards gen-
23 erally applicable to discovery of or access to classi-
24 fied information in Federal criminal cases. If the
25 discovery of or access to such classified information

1 is authorized, it shall be addressed in accordance
2 with the requirements of subsection (b).

3 “(b) DISCOVERY OF CLASSIFIED INFORMATION.—

4 “(1) SUBSTITUTIONS AND OTHER RELIEF.—

5 The military judge, in assessing the accused’s dis-
6 covery of or access to classified information under
7 this section, may authorize the United States—

8 “(A) to delete or withhold specified items
9 of classified information;

10 “(B) to substitute a summary for classified
11 information; or

12 “(C) to substitute a statement admitting
13 relevant facts that the classified information or
14 material would tend to prove.

15 “(2) EX PARTE PRESENTATIONS.—The military
16 judge shall permit the trial counsel to make a re-
17 quest for an authorization under paragraph (1) in
18 the form of an ex parte presentation to the extent
19 necessary to protect classified information, in ac-
20 cordance with the practice of the Federal courts
21 under the Classified Information Procedures Act (18
22 U.S.C. App.). If the military judge enters an order
23 granting relief following such an ex parte showing,
24 the entire text of the written submission shall be
25 sealed and preserved in the records of the military

1 commission to be made available to the appellate
2 court in the event of an appeal.

3 “(3) ACTION BY MILITARY JUDGE.—The mili-
4 tary judge shall grant the request of the trial coun-
5 sel to substitute a summary or to substitute a state-
6 ment admitting relevant facts, or to provide other
7 relief in accordance with paragraph (1), if the mili-
8 tary judge finds that the summary, statement, or
9 other relief would provide the accused with substan-
10 tially the same ability to make a defense as would
11 discovery of or access to the specific classified infor-
12 mation.

13 “(c) RECONSIDERATION.—An order of a military
14 judge authorizing a request of the trial counsel to sub-
15 stitute, summarize, withhold, or prevent access to classi-
16 fied information under this section is not subject to a mo-
17 tion for reconsideration by the accused, if such order was
18 entered pursuant to an ex parte showing under this sec-
19 tion.

20 **“§ 949p-5. Notice by accused of intention to disclose**
21 **classified information**

22 “(a) NOTICE BY ACCUSED.—

23 “(1) NOTIFICATION OF TRIAL COUNSEL AND
24 MILITARY JUDGE.—If an accused reasonably expects
25 to disclose, or to cause the disclosure of, classified

1 information in any manner in connection with any
2 trial or pretrial proceeding involving the prosecution
3 of such accused, the accused shall, within the time
4 specified by the military judge or, where no time is
5 specified, within 30 days before trial, notify the trial
6 counsel and the military judge in writing. Such no-
7 tice shall include a brief description of the classified
8 information. Whenever the accused learns of addi-
9 tional classified information the accused reasonably
10 expects to disclose, or to cause the disclosure of, at
11 any such proceeding, the accused shall notify trial
12 counsel and the military judge in writing as soon as
13 possible thereafter and shall include a brief descrip-
14 tion of the classified information.

15 “(2) LIMITATION ON DISCLOSURE BY AC-
16 CUSED.—No accused shall disclose, or cause the dis-
17 closure of, any information known or believed to be
18 classified in connection with a trial or pretrial pro-
19 ceeding until—

20 “(A) notice has been given under para-
21 graph (1); and

22 “(B) the United States has been afforded
23 a reasonable opportunity to seek a determina-
24 tion pursuant to the procedure set forth in sec-
25 tion 949p-6 of this title and the time for the

1 United States to appeal such determination
2 under section 950d of this title has expired or
3 any appeal under that section by the United
4 States is decided.

5 “(b) FAILURE TO COMPLY.—If the accused fails to
6 comply with the requirements of subsection (a), the mili-
7 tary judge—

8 “(1) may preclude disclosure of any classified
9 information not made the subject of notification; and

10 “(2) may prohibit the examination by the ac-
11 cused of any witness with respect to any such infor-
12 mation.

13 **“§ 949p–6. Procedure for cases involving classified in-**
14 **formation**

15 “(a) MOTION FOR HEARING.—

16 “(1) REQUEST FOR HEARING.—Within the time
17 specified by the military judge for the filing of a mo-
18 tion under this section, either party may request the
19 military judge to conduct a hearing to make all de-
20 terminations concerning the use, relevance, or ad-
21 missibility of classified information that would other-
22 wise be made during the trial or pretrial proceeding.

23 “(2) CONDUCT OF HEARING.—Upon a request
24 by either party under paragraph (1), the military

1 judge shall conduct such a hearing and shall rule
2 prior to conducting any further proceedings.

3 “(3) IN CAMERA HEARING UPON DECLARATION
4 TO COURT BY APPROPRIATE OFFICIAL OF RISK OF
5 DISCLOSURE OF CLASSIFIED INFORMATION.—Any
6 hearing held pursuant to this subsection (or any por-
7 tion of such hearing specified in the request of a
8 knowledgeable United States official) shall be held in
9 camera if a knowledgeable United States official pos-
10 sessing authority to classify information submits to
11 the military judge a declaration that a public pro-
12 ceeding may result in the disclosure of classified in-
13 formation. Classified information is not subject to
14 disclosure under this section unless the information
15 is relevant and necessary to an element of the of-
16 fense or a legally cognizable defense and is otherwise
17 admissible in evidence.

18 “(4) MILITARY JUDGE TO MAKE DETERMINA-
19 TIONS IN WRITING.—As to each item of classified in-
20 formation, the military judge shall set forth in writ-
21 ing the basis for the determination.

22 “(b) NOTICE AND USE OF CLASSIFIED INFORMATION
23 BY THE GOVERNMENT.—

24 “(1) NOTICE TO ACCUSED.—Before any hearing
25 is conducted pursuant to a request by the trial coun-

1 sel under subsection (a), trial counsel shall provide
2 the accused with notice of the classified information
3 that is at issue. Such notice shall identify the spe-
4 cific classified information at issue whenever that in-
5 formation previously has been made available to the
6 accused by the United States. When the United
7 States has not previously made the information
8 available to the accused in connection with the case
9 the information may be described by generic cat-
10 egory, in such forms as the military judge may ap-
11 prove, rather than by identification of the specific in-
12 formation of concern to the United States.

13 “(2) ORDER BY MILITARY JUDGE UPON RE-
14 QUEST OF ACCUSED.—Whenever the trial counsel re-
15 quests a hearing under subsection (a), the military
16 judge, upon request of the accused, may order the
17 trial counsel to provide the accused, prior to trial,
18 such details as to the portion of the charge or speci-
19 fication at issue in the hearing as are needed to give
20 the accused fair notice to prepare for the hearing.

21 “(c) SUBSTITUTIONS.—

22 “(1) IN CAMERA PRETRIAL HEARING.—Upon
23 request of the trial counsel pursuant to the Military
24 Commission Rules of Evidence, and in accordance
25 with the security procedures established by the mili-

1 tary judge, the military judge shall conduct a classi-
2 fied in camera pretrial hearing concerning the ad-
3 missibility of classified information.

4 “(2) PROTECTION OF SOURCES, METHODS, AND
5 ACTIVITIES BY WHICH EVIDENCE ACQUIRED.—The
6 military judge shall permit the trial counsel to intro-
7 duce otherwise admissible evidence, including a sub-
8 stituted evidentiary foundation pursuant to the pro-
9 cedures described in subsection (d), before a military
10 commission while protecting from disclosure the
11 sources, methods, or activities by which the United
12 States acquired the evidence if the military judge
13 finds that the sources, methods, or activities are
14 classified, the evidence is reliable, and the redaction
15 is consistent with affording the accused a fair trial.

16 “(d) ALTERNATIVE PROCEDURE FOR DISCLOSURE
17 OF CLASSIFIED INFORMATION.—

18 “(1) MOTION BY THE UNITED STATES.—Upon
19 any determination by the military judge authorizing
20 the disclosure of specific classified information under
21 the procedures established by this section, the trial
22 counsel may move that, in lieu of the disclosure of
23 such specific classified information, the military
24 judge order—

1 “(A) the substitution for such classified in-
2 formation of a statement admitting relevant
3 facts that the specific classified information
4 would tend to prove;

5 “(B) the substitution for such classified in-
6 formation of a summary of the specific classi-
7 fied information; or

8 “(C) any other procedure or redaction lim-
9 iting the disclosure of specific classified infor-
10 mation.

11 “(2) ACTION ON MOTION.—The military judge
12 shall grant such a motion of the trial counsel if the
13 military judge finds that the statement, summary, or
14 other procedure or redaction will provide the defend-
15 ant with substantially the same ability to make his
16 defense as would disclosure of the specific classified
17 information.

18 “(3) HEARING ON MOTION.—The military judge
19 shall hold a hearing on any motion under this sub-
20 section. Any such hearing shall be held in camera at
21 the request of a knowledgeable United States official
22 possessing authority to classify information.

23 “(4) SUBMISSION OF STATEMENT OF DAMAGE
24 TO NATIONAL SECURITY IF DISCLOSURE OR-
25 DERED.—The trial counsel may, in connection with

1 a motion under paragraph (1), submit to the mili-
2 tary judge a declaration signed by a knowledgeable
3 United States official possessing authority to classify
4 information certifying that disclosure of classified in-
5 formation would cause identifiable damage to the
6 national security of the United States and explaining
7 the basis for the classification of such information.
8 If so requested by the trial counsel, the military
9 judge shall examine such declaration during an ex
10 parte presentation.

11 “(e) SEALING OF RECORDS OF IN CAMERA HEAR-
12 INGS.—If at the close of an in camera hearing under this
13 section (or any portion of a hearing under this section that
14 is held in camera), the military judge determines that the
15 classified information at issue may not be disclosed or elic-
16 ited at the trial or pretrial proceeding, the record of such
17 in camera hearing shall be sealed and preserved for use
18 in the event of an appeal. The accused may seek reconsid-
19 eration of the military judge’s determination prior to or
20 during trial.

21 “(f) PROHIBITION ON DISCLOSURE OF CLASSIFIED
22 INFORMATION BY THE ACCUSED; RELIEF FOR ACCUSED
23 WHEN THE UNITED STATES OPPOSES DISCLOSURE.—

24 “(1) ORDER TO PREVENT DISCLOSURE BY AC-
25 CUSED.—Whenever the military judge denies a mo-

1 tion by the trial counsel that the judge issue an
2 order under subsection (a), (c), or (d) and the trial
3 counsel files with the military judge a declaration
4 signed by a knowledgeable United States official
5 possessing authority to classify information objecting
6 to disclosure of the classified information at issue,
7 the military judge shall order that the accused not
8 disclose or cause the disclosure of such information.

9 “(2) RESULT OF ORDER UNDER PARAGRAPH
10 (1).—Whenever an accused is prevented by an order
11 under paragraph (1) from disclosing or causing the
12 disclosure of classified information, the military
13 judge shall dismiss the case; except that, when the
14 military judge determines that the interests of jus-
15 tice would not be served by dismissal of the case, the
16 military judge shall order such other action, in lieu
17 of dismissing the charge or specification, as the mili-
18 tary judge determines is appropriate. Such action
19 may include, but need not be limited to, the fol-
20 lowing:

21 “(A) Dismissing specified charges or speci-
22 fications.

23 “(B) Finding against the United States on
24 any issue as to which the excluded classified in-
25 formation relates.

1 “(C) Striking or precluding all or part of
2 the testimony of a witness.

3 “(3) TIME FOR THE UNITED STATES TO SEEK
4 INTERLOCUTORY APPEAL.—An order under para-
5 graph (2) shall not take effect until the military
6 judge has afforded the United States—

7 “(A) an opportunity to appeal such order
8 under section 950d of this title; and

9 “(B) an opportunity thereafter to withdraw
10 its objection to the disclosure of the classified
11 information at issue.

12 “(g) RECIPROCITY.—

13 “(1) DISCLOSURE OF REBUTTAL INFORMA-
14 TION.—Whenever the military judge determines that
15 classified information may be disclosed in connection
16 with a trial or pretrial proceeding, the military judge
17 shall, unless the interests of fairness do not so re-
18 quire, order the United States to provide the ac-
19 cused with the information it expects to use to rebut
20 the classified information. The military judge may
21 place the United States under a continuing duty to
22 disclose such rebuttal information.

23 “(2) SANCTION FOR FAILURE TO COMPLY.—If
24 the United States fails to comply with its obligation
25 under this subsection, the military judge—

1 “(A) may exclude any evidence not made
2 the subject of a required disclosure; and

3 “(B) may prohibit the examination by the
4 United States of any witness with respect to
5 such information.

6 **“§ 949p-7. Introduction of classified information into**
7 **evidence**

8 “(a) PRESERVATION OF CLASSIFICATION STATUS.—
9 Writings, recordings, and photographs containing classi-
10 fied information may be admitted into evidence in pro-
11 ceedings of military commissions under this chapter with-
12 out change in their classification status.

13 “(b) PRECAUTIONS BY MILITARY JUDGES.—

14 “(1) PRECAUTIONS IN ADMITTING CLASSIFIED
15 INFORMATION INTO EVIDENCE.—The military judge
16 in a trial by military commission, in order to prevent
17 unnecessary disclosure of classified information, may
18 order admission into evidence of only part of a writ-
19 ing, recording, or photograph, or may order admis-
20 sion into evidence of the whole writing, recording, or
21 photograph with excision of some or all of the classi-
22 fied information contained therein, unless the whole
23 ought in fairness be considered.

24 “(2) CLASSIFIED INFORMATION KEPT UNDER
25 SEAL.—The military judge shall allow classified in-

1 formation offered or accepted into evidence to re-
2 main under seal during the trial, even if such evi-
3 dence is disclosed in the military commission, and
4 may, upon motion by the Government, seal exhibits
5 containing classified information for any period after
6 trial as necessary to prevent a disclosure of classified
7 information when a knowledgeable United States of-
8 ficial possessing authority to classify information
9 submits to the military judge a declaration setting
10 forth the damage to the national security that the
11 disclosure of such information reasonably could be
12 expected to cause.

13 “(c) TAKING OF TESTIMONY.—

14 “(1) OBJECTION BY TRIAL COUNSEL.—During
15 the examination of a witness, trial counsel may ob-
16 ject to any question or line of inquiry that may re-
17 quire the witness to disclose classified information
18 not previously found to be admissible.

19 “(2) ACTION BY MILITARY JUDGE.—Following
20 an objection under paragraph (1), the military judge
21 shall take such suitable action to determine whether
22 the response is admissible as will safeguard against
23 the compromise of any classified information. Such
24 action may include requiring trial counsel to provide
25 the military judge with a proffer of the witness’ re-

1 sponse to the question or line of inquiry and requir-
2 ing the accused to provide the military judge with a
3 proffer of the nature of the information sought to be
4 elicited by the accused. Upon request, the military
5 judge may accept an ex parte proffer by trial counsel
6 to the extent necessary to protect classified informa-
7 tion from disclosure, in accordance with the practice
8 of the Federal courts under the Classified Informa-
9 tion Procedures Act (18 U.S.C. App.).

10 “(d) DISCLOSURE AT TRIAL OF CERTAIN STATE-
11 MENTS PREVIOUSLY MADE BY A WITNESS.—

12 “(1) MOTION FOR PRODUCTION OF STATE-
13 MENTS IN POSSESSION OF THE UNITED STATES.—
14 After a witness called by the trial counsel has testi-
15 fied on direct examination, the military judge, on
16 motion of the accused, may order production of
17 statements of the witness in the possession of the
18 United States which relate to the subject matter as
19 to which the witness has testified. This paragraph
20 does not preclude discovery or assertion of a privi-
21 lege otherwise authorized.

22 “(2) INVOCATION OF PRIVILEGE BY THE
23 UNITED STATES.—If the United States invokes a
24 privilege, the trial counsel may provide the prior
25 statements of the witness to the military judge dur-

1 ing an ex parte presentation to the extent necessary
2 to protect classified information from disclosure, in
3 accordance with the practice of the Federal courts
4 under the Classified Information Procedures Act (18
5 U.S.C. App.).

6 “(3) ACTION BY MILITARY JUDGE ON MO-
7 TION.—If the military judge finds that disclosure of
8 any portion of the statement identified by the
9 United States as classified would be detrimental to
10 the national security in the degree to warrant classi-
11 fication under the applicable Executive Order, stat-
12 ute, or regulation, that such portion of the state-
13 ment is consistent with the testimony of the witness,
14 and that the disclosure of such portion is not nec-
15 essary to afford the accused a fair trial, the military
16 judge shall excise that portion from the statement.
17 If the military judge finds that such portion of the
18 statement is inconsistent with the testimony of the
19 witness or that its disclosure is necessary to afford
20 the accused a fair trial, the military judge, shall,
21 upon the request of the trial counsel, review alter-
22 natives to disclosure in accordance with section
23 949p–6(d) of this title.

24 “SUBCHAPTER VI—SENTENCES

“Sec.

“949s. Cruel or unusual punishments prohibited.

“949t. Maximum limits.

“949u. Execution of confinement.

1 **“§ 949s. Cruel or unusual punishments prohibited**

2 “Punishment by flogging, or by branding, marking,
3 or tattooing on the body, or any other cruel or unusual
4 punishment, may not be adjudged by a military commis-
5 sion under this chapter or inflicted under this chapter
6 upon any person subject to this chapter. The use of irons,
7 single or double, except for the purpose of safe custody,
8 is prohibited under this chapter.

9 **“§ 949t. Maximum limits**

10 “The punishment which a military commission under
11 this chapter may direct for an offense may not exceed such
12 limits as the President or Secretary of Defense may pre-
13 scribe for that offense.

14 **“§ 949u. Execution of confinement**

15 “(a) IN GENERAL.—Under such regulations as the
16 Secretary of Defense may prescribe, a sentence of confine-
17 ment adjudged by a military commission under this chap-
18 ter may be carried into execution by confinement—

19 “(1) in any place of confinement under the con-
20 trol of any of the armed forces; or

21 “(2) in any penal or correctional institution
22 under the control of the United States or its allies,
23 or which the United States may be allowed to use.

1 “(b) TREATMENT DURING CONFINEMENT BY OTHER
 2 THAN THE ARMED FORCES.—Persons confined under
 3 subsection (a)(2) in a penal or correctional institution not
 4 under the control of an armed force are subject to the
 5 same discipline and treatment as persons confined or com-
 6 mitted by the courts of the United States or of the State,
 7 District of Columbia, or place in which the institution is
 8 situated.

9 “SUBCHAPTER VII—POST-TRIAL PROCEDURE
 10 AND REVIEW OF MILITARY COMMISSIONS

“Sec.

“950a. Error of law; lesser included offense.

“950b. Review by the convening authority.

“950c. Appellate referral; waiver or withdrawal of appeal.

“950d. Interlocutory appeals by the United States.

“950e. Rehearings.

“950f. Review by United States Court of Appeals for the Armed Forces and Su-
 preme Court.

“950g. Appellate counsel.

“950h. Execution of sentence; suspension of sentence.

“950i. Finality of proceedings, findings, and sentences.

11 “**§ 950a. Error of law; lesser included offense**

12 “(a) ERROR OF LAW.—A finding or sentence of a
 13 military commission under this chapter may not be held
 14 incorrect on the ground of an error of law unless the error
 15 materially prejudices the substantial rights of the accused.

16 “(b) LESSER INCLUDED OFFENSE.—Any reviewing
 17 authority with the power to approve or affirm a finding
 18 of guilty by a military commission under this chapter may
 19 approve or affirm, instead, so much of the finding as in-
 20 cludes a lesser included offense.

1 **“§ 950b. Review by the convening authority**

2 “(a) NOTICE TO CONVENING AUTHORITY OF FIND-
3 INGS AND SENTENCE.—The findings and sentence of a
4 military commission under this chapter shall be reported
5 in writing promptly to the convening authority after the
6 announcement of the sentence.

7 “(b) SUBMITTAL OF MATTERS BY ACCUSED TO CON-
8 VENING AUTHORITY.—(1) The accused may submit to the
9 convening authority matters for consideration by the con-
10 vening authority with respect to the findings and the sen-
11 tence of the military commission under this chapter.

12 “(2)(A) Except as provided in subparagraph (B), a
13 submittal under paragraph (1) shall be made in writing
14 within 20 days after accused has been give an authenti-
15 cated record of trial under section 949o(c) of this title.

16 “(B) If the accused shows that additional time is re-
17 quired for the accused to make a submittal under para-
18 graph (1), the convening authority may, for good cause,
19 extend the applicable period under subparagraph (A) for
20 not more than an additional 20 days.

21 “(3) The accused may waive his right to make a sub-
22 mittal to the convening authority under paragraph (1).
23 Such a waiver shall be made in writing, and may not be
24 revoked. For the purposes of subsection (c)(2), the time
25 within which the accused may make a submittal under this
26 subsection shall be deemed to have expired upon the sub-

1 mittal of a waiver under this paragraph to the convening
2 authority.

3 “(c) ACTION BY CONVENING AUTHORITY.—(1) The
4 authority under this subsection to modify the findings and
5 sentence of a military commission under this chapter is
6 a matter of the sole discretion and prerogative of the con-
7 vening authority.

8 “(2) The convening authority is not required to take
9 action on the findings of a military commission under this
10 chapter. If the convening authority takes action on the
11 findings, the convening authority may, in his sole discre-
12 tion, only—

13 “(A) dismiss any charge or specification by set-
14 ting aside a finding of guilty thereto; or

15 “(B) change a finding of guilty to a charge to
16 a finding of guilty to an offense that is a lesser in-
17 cluded offense of the offense stated in the charge.

18 “(3)(A) The convening authority shall take action on
19 the sentence of a military commission under this chapter.

20 “(B) Subject to regulations prescribed by the Sec-
21 retary of Defense, action under this paragraph may be
22 taken only after consideration of any matters submitted
23 by the accused under subsection (b) or after the time for
24 submitting such matters expires, whichever is earlier.

1 “(C) In taking action under this paragraph, the con-
2 vening authority may, in his sole discretion, approve, dis-
3 approve, commute, or suspend the sentence in whole or
4 in part. The convening authority may not increase a sen-
5 tence beyond that which is found by the military commis-
6 sion.

7 “(4) The convening authority shall serve on the ac-
8 cused or on defense counsel notice of any action taken by
9 the convening authority under this subsection.

10 “(d) ORDER OF REVISION OR REHEARING.—(1) Sub-
11 ject to paragraphs (2) and (3), the convening authority
12 of a military commission under this chapter may, in his
13 sole discretion, order a proceeding in revision or a rehear-
14 ing.

15 “(2)(A) Except as provided in subparagraph (B), a
16 proceeding in revision may be ordered by the convening
17 authority if—

18 “(i) there is an apparent error or omission in
19 the record; or

20 “(ii) the record shows improper or inconsistent
21 action by the military commission with respect to
22 the findings or sentence that can be rectified without
23 material prejudice to the substantial rights of the
24 accused.

25 “(B) In no case may a proceeding in revision—

1 “(i) reconsider a finding of not guilty of a spec-
2 ification or a ruling which amounts to a finding of
3 not guilty;

4 “(ii) reconsider a finding of not guilty of any
5 charge, unless there has been a finding of guilty
6 under a specification laid under that charge, which
7 sufficiently alleges a violation; or

8 “(iii) increase the severity of the sentence un-
9 less the sentence prescribed for the offense is man-
10 datory.

11 “(3) A rehearing may be ordered by the convening
12 authority if the convening authority disapproves the find-
13 ings and sentence and states the reasons for disapproval
14 of the findings. If the convening authority disapproves the
15 finding and sentence and does not order a rehearing, the
16 convening authority shall dismiss the charges. A rehearing
17 as to the findings may not be ordered by the convening
18 authority when there is a lack of sufficient evidence in the
19 record to support the findings. A rehearing as to the sen-
20 tence may be ordered by the convening authority if the
21 convening authority disapproves the sentence.

22 **“§ 950c. Appellate referral; waiver or withdrawal of**
23 **appeal**

24 “(a) AUTOMATIC REFERRAL FOR APPELLATE RE-
25 VIEW.—Except as provided in subsection (b), in each case

1 in which the final decision of a military commission under
2 this chapter (as approved by the convening authority) in-
3 cludes a finding of guilty, the convening authority shall
4 refer the case to the United States Court of Appeals for
5 the Armed Forces. Any such referral shall be made in ac-
6 cordance with procedures prescribed under regulations of
7 the Secretary.

8 “(b) WAIVER OF RIGHT OF REVIEW.—(1) Except in
9 a case in which the sentence as approved under section
10 950b of this title extends to death, an accused may file
11 with the convening authority a statement expressly
12 waiving the right of the accused to appellate review by
13 the United States Court of Appeals for the Armed Forces
14 under section 950f(a) of this title of the final decision of
15 the military commission under this chapter.

16 “(2) A waiver under paragraph (1) shall be signed
17 by both the accused and a defense counsel.

18 “(3) A waiver under paragraph (1) must be filed, if
19 at all, within 10 days after notice of the action is served
20 on the accused or on defense counsel under section
21 950b(c)(4) of this title. The convening authority, for good
22 cause, may extend the period for such filing by not more
23 than 30 days.

24 “(c) WITHDRAWAL OF APPEAL.—Except in a case in
25 which the sentence as approved under section 950b of this

1 title extends to death, the accused may withdraw an ap-
2 peal at any time.

3 “(d) EFFECT OF WAIVER OR WITHDRAWAL.—A
4 waiver of the right to appellate review or the withdrawal
5 of an appeal under this section bars review under section
6 950f of this title.

7 **“§ 950d. Interlocutory appeals by the United States**

8 “(a) INTERLOCUTORY APPEAL.—Except as provided
9 in subsection (b), in a trial by military commission under
10 this chapter, the United States may take an interlocutory
11 appeal to the United States Court of Appeals for the
12 Armed Forces under section 950f of this title of any order
13 or ruling of the military judge—

14 “(1) that terminates proceedings of the military
15 commission with respect to a charge or specification;

16 “(2) that excludes evidence that is substantial
17 proof of a fact material in the proceeding;

18 “(3) that relates to a matter under subsection
19 (c) or (d) of section 949d of this title; or

20 “(4) that, with respect to classified informa-
21 tion—

22 “(A) authorizes the disclosure of such in-
23 formation;

24 “(B) imposes sanctions for nondisclosure
25 of such information; or

1 “(C) refuses a protective order sought by
2 the United States to prevent the disclosure of
3 such information.

4 “(b) LIMITATION.—The United States may not ap-
5 peal under subsection (a) an order or ruling that is, or
6 amounts to, a finding of not guilty by the military commis-
7 sion with respect to a charge or specification.

8 “(c) SCOPE OF APPEAL RIGHT WITH RESPECT TO
9 CLASSIFIED INFORMATION.—The United States has the
10 right to appeal under paragraph (4) of subsection (a)
11 whenever the military judge enters an order or ruling that
12 would require the disclosure of classified information,
13 without regard to whether the order or ruling appealed
14 from was entered under this chapter, another provision of
15 law, a rule, or otherwise. Any such appeal may embrace
16 any preceding order, ruling, or reasoning constituting the
17 basis of the order or ruling that would authorize such dis-
18 closure.

19 “(d) TIMING AND ACTION ON INTERLOCUTORY AP-
20 PEALS RELATING TO CLASSIFIED INFORMATION.—

21 “(1) APPEAL TO BE EXPEDITED.—An appeal
22 taken pursuant to paragraph (4) of subsection (a)
23 shall be expedited by the United States Court of Ap-
24 peals for the Armed Forces.

1 “(2) APPEALS BEFORE TRIAL.—If such an ap-
2 peal is taken before trial, the appeal shall be taken
3 within 10 days after the order or ruling appealed
4 from and the trial shall not commence until the ap-
5 peal is decided.

6 “(3) APPEALS DURING TRIAL.—If such an ap-
7 peal is taken during trial, the military judge shall
8 adjourn the trial until the appeal is decided, and the
9 court of appeals—

10 “(A) shall hear argument on such appeal
11 within 4 days of the adjournment of the trial
12 (excluding weekends and holidays);

13 “(B) may dispense with written briefs
14 other than the supporting materials previously
15 submitted to the military judge;

16 “(C) shall render its decision within four
17 days of argument on appeal (excluding week-
18 ends and holidays); and

19 “(D) may dispense with the issuance of a
20 written opinion in rendering its decision.

21 “(e) NOTICE AND TIMING OF OTHER APPEALS.—
22 The United States shall take an appeal of an order or rul-
23 ing under subsection (a), other than an appeal under para-
24 graph (4) of that subsection, by filing a notice of appeal

1 with the military judge within 5 days after the date of
2 the order or ruling.

3 “(f) METHOD OF APPEAL.—An appeal under this
4 section shall be forwarded, by means specified in regula-
5 tions prescribed by the Secretary of Defense, directly to
6 the United States Court of Appeals for the Armed Forces.

7 “(g) APPEALS COURT TO ACT ONLY WITH RESPECT
8 TO MATTER OF LAW.—In ruling on an appeal under para-
9 graph (1), (2), or (3) of subsection (a), the appeals court
10 may act only with respect to matters of law.

11 “(h) SUBSEQUENT APPEAL RIGHTS OF ACCUSED
12 NOT AFFECTED.—An appeal under paragraph (4) of sub-
13 section (a), and a decision on such appeal, shall not affect
14 the right of the accused, in a subsequent appeal from a
15 judgment of conviction, to claim as error reversal by the
16 military judge on remand of a ruling appealed from during
17 trial.

18 **“§ 950e. Rehearings**

19 “(a) COMPOSITION OF MILITARY COMMISSION FOR
20 REHEARING.—Each rehearing under this chapter shall
21 take place before a military commission under this chapter
22 composed of members who were not members of the mili-
23 tary commission which first heard the case.

24 “(b) SCOPE OF REHEARING.—(1) Upon a rehear-
25 ing—

1 “(A) the accused may not be tried for any of-
2 fense of which he was found not guilty by the first
3 military commission; and

4 “(B) no sentence in excess of or more than the
5 original sentence may be imposed unless—

6 “(i) the sentence is based upon a finding
7 of guilty of an offense not considered upon the
8 merits in the original proceedings; or

9 “(ii) the sentence prescribed for the of-
10 fense is mandatory.

11 “(2) Upon a rehearing, if the sentence approved after
12 the first military commission was in accordance with a
13 pretrial agreement and the accused at the rehearing
14 changes his plea with respect to the charges or specifica-
15 tions upon which the pretrial agreement was based, or oth-
16 erwise does not comply with pretrial agreement, the sen-
17 tence as to those charges or specifications may include any
18 punishment not in excess of that lawfully adjudged at the
19 first military commission.

20 **“§ 950f. Review by United States Court of Appeals for**
21 **the Armed Forces and Supreme Court**

22 “(a) REVIEW BY UNITED STATES COURT OF AP-
23 PEALS FOR THE ARMED FORCES.—(1) Subject to the pro-
24 visions of this subsection, the United States Court of Ap-
25 peals for the Armed Forces shall have exclusive jurisdic-

1 tion to determine the final validity of any judgment ren-
2 dered by a military commission under this chapter.

3 “(2) In any case referred to it pursuant to section
4 950c(a) of this title, the United States Court of Appeals
5 for the Armed Forces may act only with respect to the
6 findings and sentence as approved by the convening au-
7 thority. It may affirm only such findings of guilty, and
8 the sentence or such part or amount of the sentence, as
9 it finds correct in law and fact and determines, on the
10 basis of the entire record, should be approved. In consid-
11 ering the record, it may weigh the evidence, judge the
12 credibility of witnesses, and determine controverted ques-
13 tions of fact, recognizing that the trial court saw and
14 heard the witnesses.

15 “(3) If the United States Court of Appeals for the
16 Armed Forces sets aside the findings and sentence, it may,
17 except where the setting aside is based on lack of sufficient
18 evidence in the record to support the findings, order a re-
19 hearing. If it sets aside the findings and sentence and does
20 not order a rehearing, it shall order that the charges be
21 dismissed.

22 “(b) REVIEW BY SUPREME COURT.—The Supreme
23 Court of the United States may review by writ of certiorari
24 pursuant to section 1257 of title 28 the final judgment

1 of the United States Court of Appeals for the Armed
2 Forces in a determination under subsection (a).

3 **“§ 950g. Appellate counsel**

4 “(a) APPOINTMENT.—The Secretary of Defense
5 shall, by regulation, establish procedures for the appoint-
6 ment of appellate counsel for the United States and for
7 the accused in military commissions under this chapter.
8 Appellate counsel shall meet the qualifications of counsel
9 for appearing before military commissions under this
10 chapter.

11 “(b) REPRESENTATION OF UNITED STATES.—Appel-
12 late counsel may represent the United States in any ap-
13 peal or review proceeding under this chapter. Appellate
14 Government counsel may represent the United States be-
15 fore the Supreme Court in case arising under this chapter
16 when requested to do so by the Attorney General.

17 “(c) REPRESENTATION OF ACCUSED.—The accused
18 shall be represented before the United States Court of Ap-
19 peals for the Armed Forces or the Supreme Court by mili-
20 tary appellate counsel, or by civilian counsel if retained
21 by him.

22 **“§ 950h. Execution of sentence; suspension of sen-
23 tence**

24 “(a) EXECUTION OF SENTENCE OF DEATH ONLY
25 UPON APPROVAL BY THE PRESIDENT.—If the sentence

1 of a military commission under this chapter extends to
2 death, that part of the sentence providing for death may
3 not be executed until approved by the President. In such
4 a case, the President may commute, remit, or suspend the
5 sentence, or any part thereof, as he sees fit.

6 “(b) EXECUTION OF SENTENCE OF DEATH ONLY
7 UPON FINAL JUDGMENT OF LEGALITY OF PRO-
8 CEEDINGS.—(1) If the sentence of a military commission
9 under this chapter extends to death, the sentence may not
10 be executed until there is a final judgement as to the legal-
11 ity of the proceedings (and with respect to death, approval
12 under subsection (a)).

13 “(2) A judgement as to legality of proceedings is final
14 for purposes of paragraph (1) when review is completed
15 in accordance with the judgment of the United States
16 Court of Appeals for the Armed Forces and (A) a petition
17 for a writ of certiorari is not timely filed, (B) such a peti-
18 tion is denied by the Supreme Court, or (C) review is oth-
19 erwise completed in accordance with the judgment of the
20 Supreme Court.

21 “(c) SUSPENSION OF SENTENCE.—The Secretary of
22 the Defense, or the convening authority acting on the case
23 (if other than the Secretary), may suspend the execution
24 of any sentence or part thereof in the case.

1 **“§ 950i. Finality of proceedings, findings, and sen-**
2 **tences**

3 “The appellate review of records of trial provided by
4 this chapter, and the proceedings, findings, and sentences
5 of military commissions as approved, reviewed, or affirmed
6 as required by this chapter, are final and conclusive. Or-
7 ders publishing the proceedings of military commissions
8 under this chapter are binding upon all departments,
9 courts, agencies, and officers of the United States, subject
10 only to action by the Secretary or the convening authority
11 as provided in section 950h(c) of this title and the author-
12 ity of the President.

13 “SUBCHAPTER VIII—PUNITIVE MATTERS

14 **“§ 950p. Definitions; construction of certain offenses;**
15 **common circumstances**

16 “(a) DEFINITIONS.—In this subchapter:

17 “(1) The term ‘military objective’ means com-
18 batants and those objects during an armed conflict
19 which, by their nature, location, purpose, or use, ef-
20 fectively contribute to the war-fighting or war-sus-
21 taining capability of an opposing force and whose
22 total or partial destruction, capture, or neutraliza-
23 tion would constitute a definite military advantage
24 to the attacker under the circumstances at the time
25 of an attack.

1 “(2) The term ‘protected person’ means any
2 person entitled to protection under one or more of
3 the Geneva Conventions, including civilians not tak-
4 ing an active part in hostilities, military personnel
5 placed out of combat by sickness, wounds, or deten-
6 tion, and military medical or religious personnel.

7 “(3) The term ‘protected property’ means any
8 property specifically protected by the law of war, in-
9 cluding buildings dedicated to religion, education,
10 art, science, or charitable purposes, historic monu-
11 ments, hospitals, and places where the sick and
12 wounded are collected, but only if and to the extent
13 such property is not being used for military purposes
14 or is not otherwise a military objective. The term in-
15 cludes objects properly identified by one of the dis-
16 tinctive emblems of the Geneva Conventions, but
17 does not include civilian property that is a military
18 objective.

19 “(b) CONSTRUCTION OF CERTAIN OFFENSES.—The
20 intent required for offenses under paragraphs (1), (2), (3),
21 (4), and (12) of section 950w of this title precludes their
22 applicability with regard to collateral damage or to death,
23 damage, or injury incident to a lawful attack.

24 “(c) COMMON CIRCUMSTANCES.—An offense speci-
25 fied in this subchapter is triable by military commission

1 under this chapter only if the offense is committed in the
2 context of and associated with armed conflict.

3 “(d) OFFENSES ENCOMPASSED UNDER LAW OF
4 WAR.—To the extent that the provisions of this sub-
5 chapter codify offenses that have traditionally been triable
6 under the law of war or otherwise triable by military com-
7 mission, this subchapter does not preclude trial for of-
8 fenses that occurred before the date of the enactment of
9 the National Defense Authorization Act for Fiscal Year
10 2010.

11 **“§ 950q. Principals**

12 “Any person punishable under this chapter who—

13 “(1) commits an offense punishable by this
14 chapter, or aids, abets, counsels, commands, or pro-
15 cures its commission;

16 “(2) causes an act to be done which if directly
17 performed by him would be punishable by this chap-
18 ter; or

19 “(3) is a superior commander who, with regard
20 to acts punishable by this chapter, knew, had reason
21 to know, or should have known, that a subordinate
22 was about to commit such acts or had done so and
23 who failed to take the necessary and reasonable
24 measures to prevent such acts or to punish the per-
25 petrators thereof,

1 is a principal.

2 **“§ 950r. Accessory after the fact**

3 “Any person subject to this chapter who, knowing
4 that an offense punishable by this chapter has been com-
5 mitted, receives, comforts, or assists the offender in order
6 to hinder or prevent his apprehension, trial, or punishment
7 shall be punished as a military commission under this
8 chapter may direct.

9 **“§ 950s. Conviction of lesser offenses**

10 “An accused may be found guilty of an offense nec-
11 essarily included in the offense charged or of an attempt
12 to commit either the offense charged or an attempt to
13 commit either the offense charged or an offense nec-
14 essarily included therein.

15 **“§ 950t. Attempts**

16 “(a) IN GENERAL.—Any person subject to this chap-
17 ter who attempts to commit any offense punishable by this
18 chapter shall be punished as a military commission under
19 this chapter may direct.

20 “(b) SCOPE OF OFFENSE.—An act, done with spe-
21 cific intent to commit an offense under this chapter,
22 amounting to more than mere preparation and tending,
23 even though failing, to effect its commission, is an attempt
24 to commit that offense.

1 “(c) EFFECT OF CONSUMMATION.—Any person sub-
2 ject to this chapter may be convicted of an attempt to com-
3 mit an offense although it appears on the trial that the
4 offense was consummated.

5 **“§ 950u. Conspiracy**

6 “Any person subject to this chapter who conspires to
7 commit one or more substantive offenses triable by mili-
8 tary commission under this subchapter, and who know-
9 ingly does any overt act to effect the object of the con-
10 spiracy, shall be punished, if death results to one or more
11 of the victims, by death or such other punishment as a
12 military commission under this chapter may direct, and,
13 if death does not result to any of the victims, by such pun-
14 ishment, other than death, as a military commission under
15 this chapter may direct.

16 **“§ 950v. Solicitation**

17 “Any person subject to this chapter who solicits or
18 advises another or others to commit one or more sub-
19 stantive offenses triable by military commission under this
20 chapter shall, if the offense solicited or advised is at-
21 tempted or committed, be punished with the punishment
22 provided for the commission of the offense, but, if the of-
23 fense solicited or advised is not committed or attempted,
24 he shall be punished as a military commission under this
25 chapter may direct.

1 **“§ 950w. Crimes triable by military commissions**

2 “The following offenses shall be triable by military
3 commission under this chapter at any time without limita-
4 tion:

5 “(1) MURDER OF PROTECTED PERSONS.—Any
6 person subject to this chapter who intentionally kills
7 one or more protected persons shall be punished by
8 death or such other punishment as a military com-
9 mission under this chapter may direct.

10 “(2) ATTACKING CIVILIANS.—Any person sub-
11 ject to this chapter who intentionally engages in an
12 attack upon a civilian population as such, or indi-
13 vidual civilians not taking active part in hostilities,
14 shall be punished, if death results to one or more of
15 the victims, by death or such other punishment as
16 a military commission under this chapter may direct,
17 and, if death does not result to any of the victims,
18 by such punishment, other than death, as a military
19 commission under this chapter may direct.

20 “(3) ATTACKING CIVILIAN OBJECTS.—Any per-
21 son subject to this chapter who intentionally engages
22 in an attack upon a civilian object that is not a mili-
23 tary objective shall be punished as a military com-
24 mission under this chapter may direct.

25 “(4) ATTACKING PROTECTED PROPERTY.—Any
26 person subject to this chapter who intentionally en-

1 gages in an attack upon protected property shall be
2 punished as a military commission under this chap-
3 ter may direct.

4 “(5) PILLAGING.—Any person subject to this
5 chapter who intentionally and in the absence of mili-
6 tary necessity appropriates or seizes property for
7 private or personal use, without the consent of a
8 person with authority to permit such appropriation
9 or seizure, shall be punished as a military commis-
10 sion under this chapter may direct.

11 “(6) DENYING QUARTER.—Any person subject
12 to this chapter who, with effective command or con-
13 trol over subordinate groups, declares, orders, or
14 otherwise indicates to those groups that there shall
15 be no survivors or surrender accepted, with the in-
16 tent to threaten an adversary or to conduct hos-
17 tilities such that there would be no survivors or sur-
18 render accepted, shall be punished as a military
19 commission under this chapter may direct.

20 “(7) TAKING HOSTAGES.—Any person subject
21 to this chapter who, having knowingly seized or de-
22 tained one or more persons, threatens to kill, injure,
23 or continue to detain such person or persons with
24 the intent of compelling any nation, person other
25 than the hostage, or group of persons to act or re-

1 frain from acting as an explicit or implicit condition
2 for the safety or release of such person or persons,
3 shall be punished, if death results to one or more of
4 the victims, by death or such other punishment as
5 a military commission under this chapter may direct,
6 and, if death does not result to any of the victims,
7 by such punishment, other than death, as a military
8 commission under this chapter may direct.

9 “(8) EMPLOYING POISON OR SIMILAR WEAP-
10 ONS.—Any person subject to this chapter who inten-
11 tionally, as a method of warfare, employs a sub-
12 stance or weapon that releases a substance that
13 causes death or serious and lasting damage to health
14 in the ordinary course of events, through its asphyx-
15 iating, bacteriological, or toxic properties, shall be
16 punished, if death results to one or more of the vic-
17 tims, by death or such other punishment as a mili-
18 tary commission under this chapter may direct, and,
19 if death does not result to any of the victims, by
20 such punishment, other than death, as a military
21 commission under this chapter may direct.

22 “(9) USING PROTECTED PERSONS AS A
23 SHIELD.—Any person subject to this chapter who
24 positions, or otherwise takes advantage of, a pro-
25 tected person with the intent to shield a military ob-

1 jective from attack. or to shield, favor, or impede
2 military operations, shall be punished, if death re-
3 sults to one or more of the victims, by death or such
4 other punishment as a military commission under
5 this chapter may direct, and, if death does not result
6 to any of the victims, by such punishment, other
7 than death, as a military commission under this
8 chapter may direct.

9 “(10) USING PROTECTED PROPERTY AS A
10 SHIELD.—Any person subject to this chapter who
11 positions, or otherwise takes advantage of the loca-
12 tion of, protected property with the intent to shield
13 a military objective from attack, or to shield, favor,
14 or impede military operations, shall be punished as
15 a military commission under this chapter may direct.

16 “(11) TORTURE.—

17 “(A) OFFENSE.—Any person subject to
18 this chapter who commits an act specifically in-
19 tended to inflict severe physical or mental pain
20 or suffering (other than pain or suffering inci-
21 dental to lawful sanctions) upon another person
22 within his custody or physical control for the
23 purpose of obtaining information or a confes-
24 sion, punishment, intimidation, coercion, or any
25 reason based on discrimination of any kind,

1 shall be punished, if death results to one or
2 more of the victims, by death or such other
3 punishment as a military commission under this
4 chapter may direct, and, if death does not re-
5 sult to any of the victims, by such punishment,
6 other than death, as a military commission
7 under this chapter may direct.

8 “(B) SEVERE MENTAL PAIN OR SUF-
9 FERING DEFINED.—In this paragraph, the term
10 ‘severe mental pain or suffering’ has the mean-
11 ing given that term in section 2340(2) of title
12 18.

13 “(12) CRUEL OR INHUMAN TREATMENT.—Any
14 person subject to this chapter who subjects another
15 person in their custody or under their physical con-
16 trol, regardless of nationality or physical location, to
17 cruel or inhuman treatment that constitutes a grave
18 breach of common Article 3 of the Geneva Conven-
19 tions shall be punished, if death results to the vic-
20 tim, by death or such other punishment as a mili-
21 tary commission under this chapter may direct, and,
22 if death does not result to the victim, by such pun-
23 ishment, other than death, as a military commission
24 under this chapter may direct.

1 “(13) INTENTIONALLY CAUSING SERIOUS BOD-
2 ILY INJURY.—

3 “(A) OFFENSE.—Any person subject to
4 this chapter who intentionally causes serious
5 bodily injury to one or more persons, including
6 privileged belligerents, in violation of the law of
7 war shall be punished, if death results to one or
8 more of the victims, by death or such other
9 punishment as a military commission under this
10 chapter may direct, and, if death does not re-
11 sult to any of the victims, by such punishment,
12 other than death, as a military commission
13 under this chapter may direct.

14 “(B) SERIOUS BODILY INJURY DEFINED.—
15 In this paragraph, the term ‘serious bodily in-
16 jury’ means bodily injury which involves—

17 “(i) a substantial risk of death;

18 “(ii) extreme physical pain;

19 “(iii) protracted and obvious dis-
20 figurement; or

21 “(iv) protracted loss or impairment of
22 the function of a bodily member, organ, or
23 mental faculty.

24 “(14) MUTILATING OR MAIMING.—Any person
25 subject to this chapter who intentionally injures one

1 or more protected persons by disfiguring the person
2 or persons by any mutilation of the person or persons,
3 sons, or by permanently disabling any member, limb,
4 or organ of the body of the person or persons, with-
5 out any legitimate medical or dental purpose, shall
6 be punished, if death results to one or more of the
7 victims, by death or such other punishment as a
8 military commission under this chapter may direct,
9 and, if death does not result to any of the victims,
10 by such punishment, other than death, as a military
11 commission under this chapter may direct.

12 “(15) MURDER IN VIOLATION OF THE LAW OF
13 WAR.—Any person subject to this chapter who inten-
14 tionally kills one or more persons, including privi-
15 leged belligerents, in violation of the law of war shall
16 be punished by death or such other punishment as
17 a military commission under this chapter may direct.

18 “(16) DESTRUCTION OF PROPERTY IN VIOLA-
19 TION OF THE LAW OF WAR.—Any person subject to
20 this chapter who intentionally destroys property be-
21 longing to another person in violation of the law of
22 war shall punished as a military commission under
23 this chapter may direct.

24 “(17) USING TREACHERY OR PERFIDY.—Any
25 person subject to this chapter who, after inviting the

1 confidence or belief of one or more persons that they
2 were entitled to, or obliged to accord, protection
3 under the law of war, intentionally makes use of
4 that confidence or belief in killing, injuring, or cap-
5 turing such person or persons shall be punished, if
6 death results to one or more of the victims, by death
7 or such other punishment as a military commission
8 under this chapter may direct, and, if death does not
9 result to any of the victims, by such punishment,
10 other than death, as a military commission under
11 this chapter may direct.

12 “(18) IMPROPERLY USING A FLAG OF TRUCE.—
13 Any person subject to this chapter who uses a flag
14 of truce to feign an intention to negotiate, sur-
15 render, or otherwise suspend hostilities when there is
16 no such intention shall be punished as a military
17 commission under this chapter may direct.

18 “(19) IMPROPERLY USING A DISTINCTIVE EM-
19 BLEM.—Any person subject to this chapter who in-
20 tentionally uses a distinctive emblem recognized by
21 the law of war for combatant purposes in a manner
22 prohibited by the law of war shall be punished as a
23 military commission under this chapter may direct.

24 “(20) INTENTIONALLY MISTREATING A DEAD
25 BODY.—Any person subject to this chapter who in-

1 intentionally mistreats the body of a dead person,
2 without justification by legitimate military necessary,
3 shall be punished as a military commission under
4 this chapter may direct.

5 “(21) RAPE.—Any person subject to this chap-
6 ter who forcibly or with coercion or threat of force
7 wrongfully invades the body of a person by pene-
8 trating, however slightly, the anal or genital opening
9 of the victim with any part of the body of the ac-
10 cused, or with any foreign object, shall be punished
11 as a military commission under this chapter may di-
12 rect.

13 “(22) SEXUAL ASSAULT OR ABUSE.—Any per-
14 son subject to this chapter who forcibly or with coer-
15 cion or threat of force engages in sexual contact
16 with one or more persons, or causes one or more
17 persons to engage in sexual contact, shall be pun-
18 ished as a military commission under this chapter
19 may direct

20 “(23) HIJACKING OR HAZARDING A VESSEL OR
21 AIRCRAFT.—Any person subject to this chapter who
22 intentionally seizes, exercises unauthorized control
23 over, or endangers the safe navigation of a vessel or
24 aircraft that is not a legitimate military objective
25 shall be punished, if death results to one or more of

1 the victims, by death or such other punishment as
2 a military commission under this chapter may direct,
3 and, if death does not result to any of the victims,
4 by such punishment, other than death, as a military
5 commission under this chapter may direct.

6 “(24) **TERRORISM.**—Any person subject to this
7 chapter who intentionally kills or inflicts great bodily
8 harm on one or more protected persons, or inten-
9 tionally engages in an act that evinces a wanton dis-
10 regard for human life, in a manner calculated to in-
11 fluence or affect the conduct of government or civil-
12 ian population by intimidation or coercion, or to re-
13 taliate against government conduct, shall be pun-
14 ished, if death results to one or more of the victims,
15 by death or such other punishment as a military
16 commission under this chapter may direct, and, if
17 death does not result to any of the victims, by such
18 punishment, other than death, as a military commis-
19 sion under this chapter may direct.

20 “(25) **PROVIDING MATERIAL SUPPORT FOR**
21 **TERRORISM.**—

22 “(A) **OFFENSE.**—Any person subject to
23 this chapter who provides material support or
24 resources, knowing or intending that they are to
25 be used in preparation for, or in carrying out,

1 an act of terrorism (as set forth in paragraph
2 (23) of this section), or who intentionally pro-
3 vides material support or resources to an inter-
4 national terrorist organization engaged in hos-
5 tilities against the United States, knowing that
6 such organization has engaged or engages in
7 terrorism (as so set forth), shall be punished as
8 a military commission under this chapter may
9 direct.

10 “(B) MATERIAL SUPPORT OR RESOURCES
11 DEFINED.—In this paragraph, the term ‘mate-
12 rial support or resources’ has the meaning
13 given that term in section 2339A(b) of title 18.

14 “(26) WRONGFULLY AIDING THE ENEMY.—Any
15 person subject to this chapter who, in breach of an
16 allegiance or duty to the United States, knowingly
17 and intentionally aids an enemy of the United
18 States, or one of the co-belligerents of the enemy,
19 shall be punished as a military commission under
20 this chapter may direct.

21 “(27) SPYING.—Any person subject to this
22 chapter who, in violation of the law of war and with
23 intent or reason to believe that it is to be used to
24 the injury of the United States or to the advantage
25 of a foreign power, collects or attempts to collect in-

1 formation by clandestine means or while acting
2 under false pretenses, for the purpose of conveying
3 such information to an enemy of the United States,
4 or one of the co-belligerents of the enemy, shall be
5 punished by death or such other punishment as a
6 military commission under this chapter may direct.

7 “(28) CONTEMPT.—A military commission
8 under this chapter may punish for contempt any
9 person who uses any menacing word, sign, or ges-
10 ture in its presence, or who disturbs its proceedings
11 by any riot or disorder.

12 “(29) PERJURY AND OBSTRUCTION OF JUS-
13 TICE.—A military commission under this chapter
14 may try offenses and impose such punishment as the
15 military commission may direct for perjury, false
16 testimony, or obstruction of justice related to the
17 military commission.”.

18 (b) CONFORMING AMENDMENT.—Paragraph (13) of
19 section 802 of title 10, United States Code (article 2 of
20 the Uniform Code of Military Justice), is amended to read
21 as follows:

22 “(13) Privileged belligerents (as that term is
23 defined section 948a(3) of this title) who violate the
24 law of war.”.

25 (c) PROCEEDINGS UNDER PRIOR STATUTE.—

1 (1) PRIOR CONVICTIONS.—The amendments
2 made by subsection (a) shall have no effect on the
3 validity of any conviction pursuant to chapter 47A
4 of title 10, United States Code, as such chapter was
5 in effect on the day before the date of the enactment
6 of this Act.

7 (2) COMPOSITION OF MILITARY COMMIS-
8 SIONS.—Notwithstanding the amendments made by
9 subsection (a)—

10 (A) any commission convened pursuant to
11 chapter 47A of title 10, United States Code, as
12 such chapter was in effect on the day before the
13 date of the enactment of this Act, shall be
14 deemed to have been convened pursuant to
15 chapter 47A of title 10, United States Code, as
16 amended by subsection (a);

17 (B) any member of the Armed Forces de-
18 tailed to serve on a commission pursuant to
19 chapter 47A of title 10, United States Code, as
20 in effect on the day before the date of the en-
21 actment of this Act, shall be deemed to have
22 been detailed pursuant to chapter 47A of title
23 10, United States Code, as so amended;

24 (C) any military judge detailed to a com-
25 mission pursuant to chapter 47A of title 10,

1 United States Code, as in effect on the day be-
2 fore the date of the enactment of this Act, shall
3 be deemed to have been detailed pursuant to
4 chapter 47A of title 10, United States Code, as
5 so amended;

6 (D) any trial counsel or defense counsel
7 detailed for a commission pursuant to chapter
8 47A of title 10, United States Code, as in effect
9 on the day before the date of the enactment of
10 this Act, shall be deemed to have been detailed
11 pursuant to chapter 47A of title 10, United
12 States Code, as so amended; and

13 (E) any court reporters detailed to or em-
14 ployed by a commission pursuant to chapter
15 47A of title 10, United States Code, as in effect
16 on the day before the date of the enactment of
17 this Act, shall be deemed to have been detailed
18 or employed pursuant to chapter 47A of title
19 10, United States Code, as so amended.

20 (3) CHARGES AND SPECIFICATIONS.—Notwith-
21 standing the amendments made by subsection (a)—

22 (A) any charges or specifications sworn or
23 referred pursuant to chapter 47A of title 10,
24 United States Code, as such chapter was in ef-
25 fect on the day before the date of the enact-

1 ment of this Act, shall be deemed to have been
2 sworn or referred pursuant to chapter 47A of
3 title 10, United States Code, as amended by
4 subsection (a); and

5 (B) any charges or specifications described
6 in subparagraph (A) may be amended, without
7 prejudice, as needed to properly allege jurisdic-
8 tion under chapter 47A of title 10, United
9 States Code, as so amended, and crimes triable
10 under such chapter.

11 (4) PROCEDURES AND REQUIREMENTS.—Ex-
12 cept as provided in paragraphs (1) through (3), any
13 commission convened pursuant to chapter 47A of
14 title 10, United States Code, as such chapter was in
15 effect on the day before the date of the enactment
16 of this Act, shall be conducted after the date of the
17 enactment of this Act in accordance with the proce-
18 dures and requirements of chapter 47A of title 10,
19 United States Code, as amended by subsection (a).

20 (d) NOTICE TO CONGRESS.—

21 (1) INITIAL RULES.—Not later than 90 days
22 after the date of the enactment of this Act, the Sec-
23 retary of Defense shall submit to the Committees on
24 Armed Services of the Senate and the House of Rep-
25 resentatives a report setting for the procedures for

1 military commissions prescribed under chapter 47A
2 of title 10, United States Code, as amended by sub-
3 section (a).

4 (2) CHANGES TO PROCEDURES.—Not later than
5 60 days before the date on which any proposed
6 modification of the regulations in effect for military
7 commissions under Chapter 47A of title 10, United
8 States Code, as so amended, goes into effect, the
9 Secretary of Defense shall submit to the Committees
10 on Armed Services of the Senate and the House of
11 Representatives a report describing the modification.

12 **SEC. 1032. TRIAL BY MILITARY COMMISSION OF ALIEN**
13 **UNPRIVILEGED BELLIGERENTS FOR VIOLA-**
14 **TIONS OF THE LAW OF WAR.**

15 (a) IN GENERAL.—Subchapter I of chapter 47A of
16 title 10, United States Code, as amended by section
17 1031(a), is further amended by adding at the end the fol-
18 lowing new section:

19 **“§ 948e. Trial by military commission of alien**
20 **unprivileged belligerents for violations of**
21 **the law of war**

22 “(a) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that the preferred forum for the trial of alien
24 unprivileged enemy belligerents subject to this chapter for
25 violations of the law of war and other offenses made pun-

1 ishable by this chapter is trial by military commission
2 under this chapter.”

3 (b) CLERICAL AMENDMENT.—The table of sections
4 of the beginning of such subchapter, as amended by sec-
5 tion 1031(a), is further amended by adding after the item
6 relating to section 948d the following new item:

“948e. Trial by military commission of alien unprivileged belligerents for viola-
tions of the law of war.”.

7 **SEC. 1033. NO MIRANDA WARNINGS FOR AL QAEDA TER-**
8 **RORISTS.**

9 (a) DEFINITIONS.—In this section—

10 (1) the term “foreign national” means an indi-
11 vidual who is not a citizen or national of the United
12 States; and

13 (2) the term “enemy combatant” includes a
14 privileged belligerent and an unprivileged enemy bel-
15 ligerent, as those terms are defined in section 948a
16 of title 10, United States Code, as amended by sec-
17 tion 1031 of this Act.

18 (b) NO MIRANDA WARNINGS.—Absent an
19 unappealable court order requiring the reading of such
20 statements, no military or intelligence agency or depart-
21 ment of the United States shall read to a foreign national
22 who is captured or detained as an enemy combatant by
23 the United States the statement required by *Miranda v.*
24 *Arizona*, 384 U.S. 436 (1966), or otherwise inform such

1 a prisoner of any rights that the prisoner may or may not
2 have to counsel or to remain silent consistent with Mi-
3 randa v. Arizona, 384 U.S. 436 (1966). No Federal stat-
4 ute, regulation, or treaty shall be construed to require that
5 a foreign national who is captured or detained as an
6 enemy combatant by the United States be informed of any
7 rights to counsel or remain silent consistent with Miranda
8 v. Arizona, 384 U.S. 436 (1966) that the prisoner may
9 or may not have, except as required by the United States
10 Constitution. No statement that is made by a foreign na-
11 tional who is captured or detained as an enemy combatant
12 by the United States may be excluded from any proceeding
13 on the basis that the prisoner was not informed of a right
14 to counsel or to remain silent, that the prisoner may or
15 may not have, unless required by the United States Con-
16 stitution.

17 (e) IN GENERAL.—This section shall not apply to the
18 Department of Justice.

19 **Subtitle E—Medical Facility**
20 **Matters**

21 **SEC. 1041. SHORT TITLE.**

22 This subtitle may be cited as the “Captain James A.
23 Lovell Federal Health Care Center Act of 2009”.

1 **SEC. 1042. EXECUTIVE AGREEMENT.**

2 (a) EXECUTIVE AGREEMENT REQUIRED.—Not later
3 than 180 days after the date of the enactment of this Act,
4 the Secretary of Defense, in consultation with the Sec-
5 retary of the Navy, and the Secretary of Veterans Affairs
6 shall execute a signed executive agreement for the joint
7 use by the Department of Defense and the Department
8 of Veterans Affairs of the following:

9 (1) A new Navy ambulatory care center (on
10 which construction commenced in July 2008), park-
11 ing structure, and supporting structures and facili-
12 ties in North Chicago, Illinois, and Great Lakes, Illi-
13 nois.

14 (2) Medical personal property and equipment
15 relating to the center, structures, and facilities de-
16 scribed in paragraph (1).

17 (b) SCOPE.—The agreement required by subsection
18 (a) shall—

19 (1) be a binding operational agreement on mat-
20 ters under the areas specified in section 706 of the
21 Duncan Hunter National Defense Authorization Act
22 for Fiscal Year 2009 (Public Law 110–417; 122
23 Stat. 4500); and

24 (2) contain additional terms and conditions as
25 required by the provisions of this title.

1 **SEC. 1043. TRANSFER OF PROPERTY.**

2 (a) TRANSFER.—

3 (1) TRANSFER AUTHORIZED.—The Secretary of
4 Defense, acting through the Administrator of Gen-
5 eral Services, may transfer, without reimbursement,
6 to the Secretary of Veterans Affairs jurisdiction over
7 the center, structures, facilities, and property and
8 equipment covered by the executive agreement under
9 section 1042.

10 (2) DATE OF TRANSFER.—The transfer author-
11 ized by paragraph (1) may not occur before the ear-
12 lier of—

13 (A) the date that is five years after the
14 date of the execution under section 1042 of the
15 executive agreement required by that section; or

16 (B) the date of the completion of such spe-
17 cific benchmarks relating to the joint use by the
18 Department of Defense and the Department of
19 Veterans Affairs of the Navy ambulatory care
20 center described in section 1042(a)(1) as the
21 Secretary of Defense (in consultation with the
22 Secretary of the Navy) and Secretary of the
23 Department of Veterans Affairs shall jointly es-
24 tablish for purposes of this section not later
25 than 180 days after the date of the enactment
26 of this Act.

1 (3) DELAY OF TRANSFER FOR COMPLETION OF
2 CONSTRUCTION.—If construction on the center,
3 structures, and facilities described in paragraph (1)
4 is not complete as of the date specified in subpara-
5 graph (A) or (B) of that paragraph, as applicable,
6 the transfer of the center, structures, and facilities
7 under that paragraph may occur thereafter upon
8 completion of the construction.

9 (4) DISCHARGE OF TRANSFER.—The Adminis-
10 trator of General Services shall effectualize and me-
11 morialize the transfer as authorized by this sub-
12 section not later than 30 days after receipt of the re-
13 quest for the transfer.

14 (5) DESIGNATION OF FACILITY.—The center,
15 structures, facilities transferred under this sub-
16 section shall be designated and known after transfer
17 under this subsection as the “Captain James A.
18 Lovell Federal Health Care Center”.

19 (b) REVERSION.—

20 (1) IN GENERAL.—If any of the real and re-
21 lated personal property transferred pursuant to sub-
22 section (a) is subsequently used for purposes other
23 than those specified in the executive agreement re-
24 quired by section 1042, or is otherwise jointly deter-
25 mined by the Secretary of Defense and the Secretary

1 of Veterans Affairs to be excess to the needs of the
2 Captain James A. Lovell Federal Health Care Cen-
3 ter, the Secretary of Veterans Affairs shall offer to
4 transfer jurisdiction over such property, without re-
5 imbursement, to the Secretary of Defense. Any such
6 transfer shall be carried out by the Administrator of
7 General Services not later than one year after the
8 acceptance of the offer of such transfer, plus such
9 additional time as the Administrator may require to
10 effectuate and memorialize such transfer.

11 (2) REVERSION IN EVENT OF LACK OF FACILI-
12 TIES INTEGRATION.—

13 (A) WITHIN INITIAL PERIOD.—During the
14 five-year period beginning on the date of the
15 transfer of real and related personal property
16 pursuant to subsection (a), if the Secretary of
17 Veterans Affairs, the Secretary of Defense, and
18 the Secretary of Navy jointly determine that
19 the integration of the facilities transferred pur-
20 suant to that subsection should not continue,
21 jurisdiction over such real and related personal
22 property shall be transferred, without reim-
23 bursement, to the Secretary of Defense. The
24 transfer under this subparagraph shall be car-
25 ried out by the Administrator of General Serv-

1 ices not later than 180 days after the date of
2 the determination by the Secretaries, plus such
3 additional time as the Administrator may re-
4 quire to effectuate and memorialize such trans-
5 fer.

6 (B) AFTER INITIAL PERIOD.—After the
7 end of the five-year period described in sub-
8 paragraph (A), if the Secretary of Veterans Af-
9 fairs or the Secretary of Defense determines
10 that the integration of the facilities transferred
11 pursuant to subsection (a) should not continue,
12 the Secretary of Veterans Affairs shall transfer,
13 without reimbursement, to the Secretary of De-
14 fense jurisdiction over the real and related per-
15 sonal property described in subparagraph (A).
16 Any transfer under this subparagraph shall be
17 carried out by the Administrator of General
18 Services not later than one year after the date
19 of the determination by the applicable Sec-
20 retary, plus such additional time as the Admin-
21 istrator may require to effectuate and memori-
22 alize such transfer.

23 (C) REVERSION PROCEDURES.—The exec-
24 utive agreement required by section 1042 shall
25 provide the following:

1 (i) Specific procedures for the rever-
2 sion of real and related personal property,
3 as appropriate, transferred pursuant to
4 subsection (a) to ensure the continuing ac-
5 complishment by the Department of De-
6 fense and the Department of Veterans Af-
7 fairs of their missions in the event that the
8 integration of facilities described trans-
9 ferred pursuant to that subsection (a) is
10 not completed or a reversion of property
11 occurs under subparagraph (A) or (B).

12 (ii) In the event of a reversion under
13 this paragraph, the transfer from the De-
14 partment of Veterans Affairs to the De-
15 partment of Defense of associated func-
16 tions including appropriate resources, civil-
17 ian positions, and personnel, in a manner
18 that will not result in adverse impact to
19 the missions of Department of Defense or
20 the Department of Veterans Affairs.

21 **SEC. 1044. TRANSFER OF CIVILIAN PERSONNEL OF THE DE-**
22 **PARTMENT OF DEFENSE.**

23 (a) **TRANSFER OF FUNCTIONS.**—The Secretary of
24 Defense and the Secretary of the Navy may transfer to
25 the Secretary of Veterans Affairs functions necessary for

1 the effective operation of the Captain James A. Lovell
2 Federal Health Care Center. The Secretary of Veterans
3 Affairs may accept any functions so transferred.

4 (b) TERMS.—

5 (1) EXECUTIVE AGREEMENT.—Any transfer of
6 functions under subsection (a) shall be carried out
7 as provided in the executive agreement required by
8 section 1042. The functions to be so transferred
9 shall be identified utilizing the provisions of section
10 3503 of title 5, United States Code.

11 (2) ELEMENTS.—In providing for the transfer
12 of functions under subsection (a), the executive
13 agreement required by section 1042 shall provide for
14 the following:

15 (A) The transfer of civilian employee posi-
16 tions of the Department of Defense identified in
17 the executive agreement to the Department of
18 Veterans Affairs, and of the incumbent civilian
19 employees in such positions, and the transition
20 of the employees so transferred to the pay, ben-
21 efits, and personnel systems that apply to em-
22 ployees of the Department of Veterans Affairs
23 (to the extent that different systems apply).

24 (B) The transition of employees so trans-
25 ferred to the pay systems of the Department of

1 Veterans Affairs in a manner which will not re-
2 sult in any reduction in an employee's regular
3 rate of compensation (including basic pay, local-
4 ity pay, any physician comparability allowance,
5 and any other fixed and recurring pay supple-
6 ment) at the time of transition.

7 (C) The continuation after transfer of the
8 same employment status for employees so
9 transferred who have already successfully com-
10 pleted or are in the process of completing a
11 one-year probationary period under title 5,
12 United States Code, notwithstanding the provi-
13 sions of section 7403(b)(1) of title 38, United
14 States Code.

15 (D) The extension of collective bargaining
16 rights under title 5, United States Code, to em-
17 ployees so transferred in positions listed in sub-
18 section 7421(b) of title 38, United States Code,
19 notwithstanding the provisions of section 7422
20 of title 38, United States Code, for a two-year
21 period beginning on the effective date of the ex-
22 ecutive agreement.

23 (E) At the end of the two-year period be-
24 ginning on the effective date of the executive
25 agreement, for the following actions by the Sec-

1 retary of Veterans Affairs with respect to the
2 extension of collective bargaining rights under
3 subparagraph (D):

4 (i) Consideration of the impact of the
5 extension of such rights.

6 (ii) Consultation with exclusive em-
7 ployee representatives of the transferred
8 employees about such impact.

9 (iii) Determination, after consultation
10 with the Secretary of Defense and the Sec-
11 retary of the Navy, whether the extension
12 of such rights should be terminated, modi-
13 fied, or kept in effect.

14 (iv) Submittal to Congress of a notice
15 regarding the determination made under
16 clause (iii).

17 (F) The recognition after transfer of each
18 transferred physician's and dentist's total num-
19 ber of years of service as a physician or dentist
20 in the Department of Defense for purposes of
21 calculating such employee's rate of base pay,
22 notwithstanding the provisions of section
23 7431(b)(3) of title 38, United States Code.

24 (G) The preservation of the seniority of the
25 employees so transferred for all pay purposes.

1 (c) RETENTION OF DEPARTMENT OF DEFENSE EM-
2 PLOYMENT AUTHORITY.—Notwithstanding subsections
3 (a) and (b), the Department of Defense may employ civil-
4 ian personnel at the Captain James Lovell Federal Health
5 Care Center if the Secretary of the Navy, or a designee
6 of the Secretary, determines it is necessary and appro-
7 priate to meet mission requirements of the Department
8 of the Navy.

9 **SEC. 1045. JOINT FUNDING AUTHORITY FOR THE CAPTAIN**
10 **JAMES A. LOVELL FEDERAL HEALTH CARE**
11 **CENTER.**

12 (a) IN GENERAL.—The Department of Veterans Af-
13 fairs/Department of Defense Health-Care Resources Shar-
14 ing Committee under section 8111(b) of title 38, United
15 States Code, may provide for the joint funding of the Cap-
16 tain James A. Lovell Federal Health Care Center in ac-
17 cordance with the provisions of this section.

18 (b) HEALTH CARE CENTER FUND.—

19 (1) ESTABLISHMENT.—There is established on
20 the books of the Treasury under the Department of
21 Veterans Affairs a fund to be known as the “Cap-
22 tain James A. Lovell Federal Health Care Center
23 Fund” (in this section referred to as the “Fund”).

24 (2) ELEMENTS.—The Fund shall consist of the
25 following:

1 (A) Amounts transferred to the Fund by
2 the Secretary of Defense, in consultation with
3 the Secretary of the Navy, from amounts au-
4 thorized to be appropriated for the Department
5 of Defense.

6 (B) Amounts transferred to the Fund by
7 the Secretary of Veterans Affairs from amounts
8 authorized to be appropriated for the Depart-
9 ment of Veterans Affairs.

10 (C) Amounts transferred to the Fund from
11 medical care collections under paragraph (4).

12 (3) DETERMINATION OF AMOUNTS TRANS-
13 FERRED GENERALLY.—The amount transferred to
14 the Fund by each of the Secretary of Defense and
15 the Secretary of Veterans Affairs under subpara-
16 graphs (A) and (B), as applicable, of paragraph (2)
17 each fiscal year shall be such amount, as determined
18 by a methodology jointly established by the Sec-
19 retary of Defense and the Secretary of Veterans Af-
20 fairs for purposes of this subsection, that reflects the
21 mission-specific activities, workload, and costs of
22 provision of health care at the Captain James A.
23 Lovell Federal Health Care Center of the Depart-
24 ment of Defense and the Department of Veterans
25 Affairs, respectively.

1 (4) TRANSFERS FROM MEDICAL CARE COLLEC-
2 TIONS.—

3 (A) IN GENERAL.—Amounts collected
4 under the authorities specified in subparagraph
5 (B) for health care provided at the Captain
6 James A. Lovell Federal Health Care Center
7 may be transferred to the Fund under para-
8 graph (2)(C).

9 (B) AUTHORITIES.—The authorities speci-
10 fied in this subparagraph are the following:

11 (i) Section 1095 of title 10, United
12 States Code.

13 (ii) Section 1729 of title 38, United
14 States Code.

15 (iii) Public Law 87–693, popularly
16 known as the “Federal Medical Care Re-
17 recovery Act” (42 U.S.C. 2651 et seq.).

18 (5) ADMINISTRATION.—The Fund shall be ad-
19 ministered in accordance with such provisions of the
20 executive agreement required by section 1042 as the
21 Secretary of Defense and the Secretary of Veterans
22 Affairs shall jointly include in the executive agree-
23 ment. Such provisions shall provide for an inde-
24 pendent review of the methodology established under
25 paragraph (3).

1 (c) AVAILABILITY.—

2 (1) IN GENERAL.—Funds transferred to the
3 Fund under subsection (b) shall be available to fund
4 the operations of the Captain James A. Lovell Fed-
5 eral Health Care Center, including capital equip-
6 ment, real property maintenance, and minor con-
7 struction projects that are not required to be specifi-
8 cally authorized by law under section 2805 of title
9 10, United States Code, or section 8104 of title 38,
10 United States Code.

11 (2) LIMITATION.—The availability of funds
12 transferred to the Fund under subsection (b)(2)(C)
13 shall be subject to the provisions of section 1729A
14 of title 38, United States Code.

15 (3) PERIOD OF AVAILABILITY.—

16 (A) IN GENERAL.—Except as provided in
17 subparagraph (B), funds transferred to the
18 Fund under subsection (b) shall be available
19 under paragraph (1) for one fiscal year after
20 transfer.

21 (B) EXCEPTION.—Of an amount trans-
22 ferred to the Fund under subsection (b), an
23 amount not to exceed two percent of such
24 amount shall be available under paragraph (1)
25 for two fiscal years after transfer.

1 (d) FINANCIAL RECONCILIATION.—The executive
2 agreement required by section 1042 shall provide for the
3 development and implementation of an integrated finan-
4 cial reconciliation process that meets the fiscal reconcili-
5 ation requirements of the Department of Defense, the De-
6 partment of the Navy, and the Department of Veterans
7 Affairs. The process shall permit each of the Department
8 of Defense, the Department of Navy, and the Department
9 of Veterans Affairs to identify their fiscal contributions
10 to the Fund, taking into consideration accounting, work-
11 load, and financial management differences.

12 (e) ANNUAL REPORT.—The Secretary of Defense, in
13 consultation with the Secretary of the Navy, and the Sec-
14 retary of Veterans Affairs shall jointly provide for an an-
15 nual independent review of the Fund for at least three
16 years after the date of the enactment of this Act. Such
17 review shall include detailed statements of the uses of
18 amounts of the Fund and an evaluation of the adequacy
19 of the proportional share contributed to the Fund by each
20 of the Secretary of Defense and the Secretary of Veterans
21 Affairs.

22 (f) TERMINATION.—The authorities in this section
23 shall terminate on September 30, 2015.

1 **SEC. 1046. ELIGIBILITY OF MEMBERS OF THE UNIFORMED**
2 **SERVICES FOR CARE AND SERVICES AT THE**
3 **CAPTAIN JAMES A. LOVELL FEDERAL**
4 **HEALTH CARE CENTER.**

5 (a) IN GENERAL.—For purposes of eligibility for
6 health care under chapter 55 of title 10, United States
7 Code, the Captain James A. Lovell Federal Health Care
8 Center may be treated as a facility of the uniformed serv-
9 ices to the extent provided under subsection (b) in the ex-
10 ecutive agreement required by section 1042.

11 (b) ADDITIONAL ELEMENTS.—The executive agree-
12 ment required by section 1042 may include provisions as
13 follows:

14 (1) To establish an integrated priority list for
15 access to health care at the Captain James A. Lovell
16 Federal Health Care Center, which list shall—

17 (A) integrate the respective health care
18 priority lists of the Secretary of Defense and
19 the Secretary of Veterans Affairs; and

20 (B) take into account categories of bene-
21 ficiaries, enrollment program status, and such
22 other matters as the Secretary of Defense and
23 the Secretary of Veterans Affairs jointly con-
24 sider appropriate.

25 (2) To incorporate any resource-related limita-
26 tions for access to health care at the Captain James

1 A. Lovell Federal Health Care Center that the Sec-
2 retary of Defense may establish for purposes of ad-
3 ministering space-available eligibility for care in fa-
4 cilities of the uniformed services under chapter 55 of
5 title 10, United States Code.

6 (3) To allocate financial responsibility for care
7 provided at the Captain James A. Lovell Federal
8 Health Care Center for individuals who are eligible
9 for care under both chapter 55 of title 10, United
10 States Code, and title 38, United States Code.

11 (4) To waive the applicability to the Captain
12 James A. Lovell Federal Health Care Center of any
13 provision of section 8111(e) of title 38, United
14 States Code, that the Secretary of Defense and the
15 Secretary of Veterans Affairs shall jointly specify.

16 **SEC. 1047. EXTENSION OF DOD-VA HEALTH CARE SHARING**
17 **INCENTIVE FUND.**

18 Section 8111(d)(3) of title 38, United States Code,
19 is amended by striking “September 30, 2010” and insert-
20 ing “September 30, 2015”.

1 **Subtitle F—Miscellaneous Require-**
2 **ments, Authorities, and Limita-**
3 **tions**

4 **SEC. 1051. CONGRESSIONAL EARMARKS RELATING TO THE**
5 **DEPARTMENT OF DEFENSE.**

6 (a) REPORT ON RECURRING EARMARKS.—

7 (1) REPORT REQUIRED.—Not later than 180
8 days after the date of the enactment of this Act, the
9 Secretary of Defense shall submit to the congress-
10 sional defense committees a report setting forth a
11 list of each congressional earmark that has been in-
12 cluded in a national defense authorization Act for
13 three or more consecutive fiscal years as of the na-
14 tional defense authorization Act for fiscal year 2010.

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

17 (A) A description of the extent to which
18 competitive or merit-based procedures were
19 used to award funding, or to enter into a con-
20 tract, grant, or other agreement, pursuant to
21 each congressional earmark listed in the report.

22 (B) An identification of the specific con-
23 tracting vehicle used for each such earmark.

24 (C) In the case of any congressional ear-
25 mark listed in the report for which competitive

1 or merit-based procedures were not used to
2 award funding, or to enter the contract, grant,
3 or other agreement, a statement of the reasons
4 competitive or merit-based procedures were not
5 used.

6 (b) DOD INSPECTOR GENERAL AUDIT OF EAR-
7 MARKS.—The Inspector General of the Department of De-
8 fense shall conduct an audit of contracts, grants, or other
9 agreements pursuant to congressional earmarks of De-
10 partment of Defense funds to determine whether or not
11 the recipients of such earmarks are complying with re-
12 quirements of Federal law on the use of appropriated
13 funds to influence, whether directly or indirectly, congres-
14 sional action on any legislation or appropriation matter
15 pending before Congress.

16 (c) DEFINITIONS.—In this section:

17 (1) The term “congressional earmark” means
18 any congressionally directed spending item (Senate)
19 or congressional earmark (House of Representatives)
20 on the list published in compliance with rule XLIV
21 of the Standing Rules of the Senate or rule XXI of
22 the Rules of the House of Representatives.

23 (2) The term “national defense authorization
24 Act” means an Act authorizing funds for a fiscal

1 year for the military activities of the Department of
2 Defense, and for other purposes.

3 **SEC. 1052. NATIONAL STRATEGIC FIVE-YEAR PLAN FOR IM-**
4 **PROVING THE NUCLEAR FORENSIC AND AT-**
5 **TRIBUTION CAPABILITIES OF THE UNITED**
6 **STATES.**

7 (a) IN GENERAL.—The President, with the participa-
8 tion of the officials specified in subsection (c), shall de-
9 velop a national strategic plan for improving over a five-
10 year period the nuclear forensic and attribution capabili-
11 ties of the United States and the methods, capabilities,
12 and capacity for nuclear materials forensics and attribu-
13 tion.

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

16 (1) An investment plan to support nuclear ma-
17 terials forensics and attribution.

18 (2) Recommendations with respect to—

19 (A) the allocation of roles and responsibil-
20 ities for pre-detonation, detonation, and post-
21 detonation activities; and

22 (B) methods for the attribution of nuclear
23 or radiological material to the source when such
24 material is intercepted by the United States,
25 foreign governments, or international bodies or

1 is dispersed in the course of a terrorist attack
2 or other nuclear or radiological explosion.

3 (c) OFFICIALS.—The officials specified in this sub-
4 section are the following:

5 (1) The Secretary of Homeland Security.

6 (2) The Secretary of Defense.

7 (3) The Secretary of Energy.

8 (4) The Attorney General.

9 (5) The Secretary of State.

10 (6) The Director of National Intelligence.

11 (7) Such other officials as the President con-
12 sider appropriate.

13 (d) SUBMITTAL TO CONGRESS.—Not later than 180
14 days after the date of the enactment of this Act, the Presi-
15 dent shall submit to Congress the plan required under
16 subsection (a).

17 **SEC. 1053. ONE-YEAR EXTENSION OF AUTHORITY TO OFFER**
18 **AND MAKE REWARDS FOR ASSISTANCE IN**
19 **COMBATING TERRORISM THROUGH GOVERN-**
20 **MENT PERSONNEL OF ALLIED FORCES.**

21 Section 127b(e)(3)(C) of title 10, United States
22 Code, is amended by striking “September, 30, 2009” and
23 inserting “September, 30, 2010”.

1 **SEC. 1054. BUSINESS PROCESS REENGINEERING.**

2 (a) NEW PROGRAMS.—Section 2222 of title 10,
3 United States Code, is amended—

4 (1) in subsection (a)—

5 (A) by redesignating paragraphs (1) and
6 (2) as paragraphs (2) and (3), respectively;

7 (B) by inserting before paragraph (2), as
8 redesignated by subparagraph (A) of this sub-
9 section, the following new paragraph (1):

10 “(1) the appropriate chief management officer
11 for the defense business system modernization has
12 determined whether or not—

13 “(A) the defense business system mod-
14 ernization is in compliance with the enterprise
15 architecture developed under subsection (c); and

16 “(B) appropriate business process re-
17 engineering efforts have been undertaken to en-
18 sure that—

19 “(i) the business process to be sup-
20 ported by the defense business system
21 modernization will be as streamlined and
22 efficient as practicable; and

23 “(ii) the need to tailor commercial-off-
24 the-shelf systems to meet unique require-
25 ments or incorporate unique interfaces has

1 been eliminated or reduced to the max-
2 imum extent practicable;”;

3 (C) in paragraph (2), as redesignated by
4 subparagraph (A) of this subsection, by striking
5 subparagraph (A) and inserting the following
6 new subparagraph (A):

7 “(A) has been determined by the appro-
8 priate chief management officer to be in compli-
9 ance with the requirements of paragraph (1);”;
10 and

11 (D) in paragraph (3), as redesignated by
12 subparagraph (A) of this paragraph, by striking
13 “the certification by the approval authority is”
14 and inserting “the certification by the approval
15 authority and the determination by the chief
16 management officer are”; and

17 (2) in subsection (f)—

18 (A) by redesignating paragraphs (1)
19 through (5) as subparagraphs (A) through (E),
20 respectively;

21 (B) by inserting “(1)” before “The Sec-
22 retary of Defense”;

23 (C) in subparagraph (E) of paragraph (1),
24 as designated by this paragraph, by striking

1 “paragraphs (1) through (4)” and inserting
2 “subparagraphs (A) through (D)”; and

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

5 “(2) For purposes of subsection (a), the appropriate
6 chief management officer for a defense business system
7 modernization is as follows:

8 “(A) In the case of an Army program, the Chief
9 Management Officer of the Army.

10 “(B) In the case of a Navy program, the Chief
11 Management Officer of the Navy.

12 “(C) In the case of an Air Force program, the
13 Chief Management Officer of the Air Force.

14 “(D) In the case of a program of a Defense
15 Agency, the Deputy Chief Management Officer of
16 the Department of Defense.

17 “(E) In the case of a program that will support
18 the business processes of more than one military de-
19 partment or Defense Agency, the Deputy Chief
20 Management Officer of the Department of De-
21 fense.”.

22 (b) ONGOING PROGRAMS.—

23 (1) IN GENERAL.—Not later than one year
24 after the date of the enactment of this Act, the ap-
25 propriate chief management officer for each defense

1 business system modernization approved by the De-
2 fense Business Systems Management Committee be-
3 fore the date of the enactment of this Act that will
4 have a total cost in excess of \$100,000,000 shall re-
5 view such defense business system modernization to
6 determine whether or not appropriate business proc-
7 ess reengineering efforts have been undertaken to
8 ensure that—

9 (A) the business process to be supported
10 by such defense business system modernization
11 will be as streamlined and efficient as prac-
12 ticable; and

13 (B) the need to tailor commercial-off-the-
14 shelf systems to meet unique requirements or
15 incorporate unique interfaces has been elimi-
16 nated or reduced to the maximum extent prac-
17 ticable.

18 (2) ACTION ON FINDING OF LACK OF RE-
19 ENGINEERING EFFORTS.—If the appropriate chief
20 management officer determines that appropriate
21 business process reengineering efforts have not been
22 undertaken with regard to a defense business system
23 modernization as described in paragraph (1), that
24 chief management officer—

1 (A) shall develop a plan to undertake busi-
2 ness process reengineering efforts with respect
3 to the defense business system modernization;
4 and

5 (B) may direct that the defense business
6 system modernization be restructured or termi-
7 nated, if necessary to meet the requirements of
8 paragraph (1).

9 (3) DEFINITIONS.—In this subsection:

10 (A) The term “appropriate chief manage-
11 ment officer”, with respect to a defense busi-
12 ness system modernization, has the meaning
13 given that term in paragraph (2) of subsection
14 (f) of section 2222 of title 10, United States
15 Code (as amended by subsection (a)(2) of this
16 section).

17 (B) The term “defense business system
18 modernization” has the meaning given that
19 term in subsection (j)(3) of section 2222 of title
20 10, United States Code.

21 **SEC. 1055. RESPONSIBILITY FOR PREPARATION OF BIEN-**
22 **NIAL GLOBAL POSITIONING SYSTEM REPORT.**

23 (a) IN GENERAL.—Section 2281(d) of title 10,
24 United States Code, is amended—

25 (1) in paragraph (1)—

1 (A) by striking “the Secretary of Defense”
2 and inserting “the Deputy Secretary of Defense
3 and the Deputy Secretary of Transportation, in
4 their capacity as co-chairs of the National Ex-
5 ecutive Committee for Space-Based Positioning,
6 Navigation, and Timing,”; and

7 (B) by striking “the Committee on Armed
8 Services of the Senate and the Committee on
9 Armed Services of the House of Representa-
10 tives” and inserting “the Committees on Armed
11 Services and Commerce, Science, and Transpor-
12 tation of the Senate and the Committees on
13 Armed Services, Energy and Commerce, and
14 Transportation and Infrastructure of the House
15 of Representatives”; and

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

18 “(2) In preparing each report required under para-
19 graph (1), the Deputy Secretary of Defense and the Dep-
20 uty Secretary of Transportation, in their capacity as co-
21 chairs of the National Executive Committee for Space-
22 Based Positioning, Navigation, and Timing, shall consult
23 with the Secretary of Defense, the Secretary of State, the
24 Secretary of Transportation, and the Secretary of Home-
25 land Security.”.

1 (b) TECHNICAL AMENDMENTS.—Paragraph
2 (1)(B)(ii) of such section is amended—

3 (1) by inserting “validated” before “perform-
4 ance requirements”; and

5 (2) by inserting “in accordance with Office of
6 Management and Budget Circular A–109” after
7 “Plan”.

8 **SEC. 1056. ADDITIONAL SUBPOENA AUTHORITY FOR THE**
9 **INSPECTOR GENERAL OF THE DEPARTMENT**
10 **OF DEFENSE.**

11 Section 8 of the Inspector General Act of 1978 (5
12 U.S.C. App. 8) is amended by adding at the end the fol-
13 lowing new subsection:

14 “(i)(1) The Inspector General of the Department of
15 Defense is authorized to require by subpoena the attend-
16 ance and testimony of witnesses necessary to carry out
17 an audit or investigation pursuant to the authorities of
18 this Act.

19 “(2) A subpoena issued under this subsection, in the
20 case of contumacy or refusal to obey, shall be enforceable
21 by order of any appropriate United States district court.

22 “(3) The Inspector General shall consult with the At-
23 torney General before issuing any subpoena under this
24 section, and shall not proceed with the issuance of such
25 a subpoena if the Attorney General objects.”.

1 **SEC. 1057. REPORTS ON BANDWIDTH REQUIREMENTS FOR**
2 **MAJOR DEFENSE ACQUISITION PROGRAMS**
3 **AND MAJOR SYSTEM ACQUISITION PRO-**
4 **GRAMS.**

5 Section 1047(d) of the Duncan Hunter National De-
6 fense Authorization Act for Fiscal Year 2009 (Public Law
7 110–417; 122 Stat. 4603; 10 U.S.C. 2366b note) is
8 amended—

9 (1) by redesignating paragraphs (1) and (2) as
10 subparagraphs (A) and (B), respectively, and by in-
11 denting such subparagraphs, as so redesignated,
12 four ems from the left margin;

13 (2) by striking “The Secretary” and inserting
14 the following:

15 “(1) IN GENERAL.—The Secretary”; and

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

17 “(2) REPORTS.—Not later than January 1 each
18 year, the Secretary of Defense and the Director of
19 National Intelligence shall each submit to the con-
20 gressional defense committees, the Select Committee
21 on Intelligence of the Senate, and the Permanent
22 Select Committee on Intelligence of the House of
23 Representatives a report on any determinations
24 made under paragraph (1) with respect to meeting
25 the bandwidth requirements for major defense acqui-

1 sition programs and major system acquisition pro-
2 grams during the preceding fiscal year.”.

3 **SEC. 1058. MULTIYEAR CONTRACTS UNDER PILOT PRO-**
4 **GRAM ON COMMERCIAL FEE-FOR-SERVICE**
5 **AIR REFUELING SUPPORT FOR THE AIR**
6 **FORCE.**

7 (a) MULTIYEAR CONTRACTS AUTHORIZED.—The
8 Secretary of the Air Force may enter into one or more
9 multiyear contracts, beginning with the fiscal year 2011
10 program year, for purposes of conducting the pilot pro-
11 gram on utilizing commercial fee-for-service air refueling
12 tanker aircraft for Air Force operations required by sec-
13 tion 1081 of the National Defense Authorization Act for
14 Fiscal Year 2008 (Public Law 110–181; 122 Stat. 335).

15 (b) COMPLIANCE WITH LAW APPLICABLE TO
16 MULTIYEAR CONTRACTS.—Any contract entered into
17 under subsection (a) shall be entered into in accordance
18 with the provisions of section 2306c of title 10, United
19 States Code, except that—

20 (1) the term of the contract may not be more
21 than 8 years;

22 (2) notwithstanding subsection 2306c(b) of title
23 10, United States Code, the authority under sub-
24 section 2306c(a) of title 10, United States Code,

1 shall apply to the fee-for-service air refueling pilot
2 program;

3 (3) the contract may contain a clause setting
4 forth a cancellation ceiling in excess of
5 \$100,000,000; and

6 (4) the contract may provide for an unfunded
7 contingent liability in excess of \$20,000,000.

8 (c) COMPLIANCE WITH LAW APPLICABLE TO SERV-
9 ICE CONTRACTS.—A contract entered into under sub-
10 section (a) shall be entered into in accordance with the
11 provisions of section 2401 of title 10, United States Code,
12 except that—

13 (1) the Secretary shall not be required to cer-
14 tify to the congressional defense committees that the
15 contract is the most cost-effective means of obtain-
16 ing commercial fee-for-service air refueling tanker
17 aircraft for Air Force operations; and

18 (2) the Secretary shall not be required to cer-
19 tify to the congressional defense committees that
20 there is no alternative for meeting urgent oper-
21 ational requirements other than making the con-
22 tract.

23 (d) LIMITATION ON AMOUNT.—The amount of a con-
24 tract under subsection (a) may not exceed \$999,999,999.

1 (e) PROVISION OF GOVERNMENT INSURANCE.—A
2 commercial air operator contracting with the Department
3 of Defense under the pilot program referred to in sub-
4 section (a) shall be eligible to receive government provided
5 insurance pursuant to chapter 443 of title 49, United
6 States Code, if commercial insurance is unavailable on
7 reasonable terms and conditions.

8 **SEC. 1059. ADDITIONAL DUTY FOR ADVISORY PANEL ON**
9 **DEPARTMENT OF DEFENSE CAPABILITIES**
10 **FOR SUPPORT OF CIVIL AUTHORITIES AFTER**
11 **CERTAIN INCIDENTS.**

12 Section 1082(d) of the National Defense Authoriza-
13 tion Act for Fiscal Year 2008 (Public Law 110–181; 122
14 Stat. 337) is amended by—

15 (1) redesignating paragraphs (7) and (8) as
16 paragraphs (9) and (10), respectively;

17 (2) in paragraph (4), by striking “other depart-
18 ment” and inserting “other departments”; and

19 (3) by inserting after paragraph (6) the fol-
20 lowing new paragraphs:

21 “(7) assess the adequacy of the process and
22 methodology by which the Department of Defense
23 establishes, maintains, and resources dedicated, spe-
24 cial, and general purpose forces for conducting oper-
25 ations described in paragraph (1);

1 “(8) assess the adequacy of the resources
2 planned and programmed by the Department of De-
3 fense to ensure the preparedness and capability of
4 dedicated, special, and general purpose forces for
5 conducting operations described in paragraph (1);”.

6 **Subtitle G—Reports**

7 **SEC. 1071. NATIONAL INTELLIGENCE ESTIMATE ON NU-** 8 **CLEAR ASPIRATIONS OF NON-STATE ENTI-** 9 **TIES AND NUCLEAR WEAPONS AND RELATED** 10 **PROGRAMS IN NON-NUCLEAR-WEAPONS** 11 **STATES AND COUNTRIES NOT PARTIES TO** 12 **THE NUCLEAR NON-PROLIFERATION TREATY.**

13 (a) IN GENERAL.—The Director of National Intel-
14 ligence shall prepare a national intelligence estimate
15 (NIE) on the following:

16 (1) The nuclear weapons programs and any re-
17 lated programs of countries that are non-nuclear-
18 weapons state parties to the Treaty on Non-Pro-
19 liferation of Nuclear Weapons, done at Washington,
20 London, and Moscow July 1, 1968, and entered into
21 force March 5, 1970 (commonly known as the “Nu-
22 clear Non-Proliferation Treaty”) and countries that
23 are not parties to the Treaty.

1 (2) The nuclear weapons aspirations of such
2 non-state entities as the Director considers appro-
3 priate to include in the estimate.

4 (b) ELEMENTS.—The national intelligence estimate
5 required under subsection (a) shall include, with respect
6 to each country described in subsection (a)(1) and each
7 non-state entity referred to in subsection (a)(2), the fol-
8 lowing:

9 (1) A statement of the number of nuclear weap-
10 ons possessed by such country or non-state entity.

11 (2) An estimate of the total number of nuclear
12 weapons that such country or non-state entity seeks
13 to obtain and, in the case of such non-state entity,
14 an assessment of the extent to which such non-state
15 entity is seeking to develop a nuclear weapon or de-
16 vice or radiological dispersion device.

17 (3) A description of the technical characteristics
18 of any nuclear weapons possessed by such country or
19 non-state entity.

20 (4) A description of nuclear weapons designs
21 available to such country or non-state entity.

22 (5) A description of any sources of assistance
23 with respect to nuclear weapons design provided to
24 such country or non-state entity.

1 (6) An assessment of the annual capability of
2 such country and non-state entity to produce new or
3 newly designed nuclear weapons.

4 (7) A description of the type of fissile materials
5 used in any nuclear weapons possessed by such
6 country or non-state entity.

7 (8) An description of the location and produc-
8 tion capability of any fissile materials production fa-
9 cilities in such country or controlled by such non-
10 state entity, the current status of any such facilities,
11 and any plans by such country or non-state entity to
12 develop such facilities.

13 (9) An identification of the source of any fissile
14 materials used by such country or non-state entity,
15 if such materials are not produced in facilities re-
16 ferred to in paragraph (8).

17 (10) A description of any delivery systems avail-
18 able to such country or non-state entity and an as-
19 sessment of whether nuclear warheads have been
20 mated to any such delivery system.

21 (11) An assessment of the physical security of
22 the storage facilities for nuclear weapons in such
23 country or controlled by such non-state entity.

24 (12) An assessment of whether such country or
25 non-state entity is modernizing or otherwise improv-

1 ing the safety, security, and reliability of the nuclear
2 weapons stockpile of such country or non-state enti-
3 ty.

4 (13) In the case of a country, an assessment of
5 the policy of such country on the employment and
6 use of nuclear weapons.

7 (c) SUBMITTAL TO CONGRESS.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), the Director of National Intelligence shall
10 submit to the congressional defense committees, the
11 Select Committee on Intelligence of the Senate, and
12 the Permanent Select Committee on Intelligence of
13 the House of Representatives the national intel-
14 ligence estimate required under subsection (a) by
15 not later than September 1, 2010.

16 (2) NOTIFICATION OF DELAY IN SUBMITTAL.—
17 If the Director of National Intelligence determines
18 that it will not be possible for the Director to submit
19 the national intelligence estimate by September 1,
20 2010, the Director shall, not later than August 1,
21 2010, submit to the committees specified in para-
22 graph (1) a notice—

23 (A) that the national intelligence estimate
24 will not be submitted by September 1, 2010;
25 and

1 (B) setting forth the date by which the Di-
2 rector will submit the national intelligence esti-
3 mate.

4 **SEC. 1072. COMPTROLLER GENERAL OF THE UNITED**
5 **STATES ASSESSMENT OF MILITARY WHISTLE-**
6 **BLOWER PROTECTIONS.**

7 (a) REVIEW.—The Comptroller General of the United
8 States shall conduct a review of military whistleblower
9 protections afforded to members of the Armed Services by
10 the Department of Defense. The review shall include an
11 analysis of the following:

12 (1) A sample of military whistleblower cases at
13 the Office of the Inspector General of the Depart-
14 ment of Defense, as well as one or more Offices of
15 the Inspector General of a military department (as
16 selected by the Comptroller General for the purposes
17 of this section).

18 (2) Department-wide efforts to educate and in-
19 form members of the Armed Forces about the pro-
20 tections provided to them under section 1034 of title
21 10, United States Code.

22 (3) A sample of military whistleblower reprisal
23 appeals (as selected by the Comptroller General for
24 the purposes of this section) heard by the Boards for
25 the Correction of Military Records referred to in sec-

1 tion 1552 of title 10, United States Code, of each
2 military department.

3 (b) REPORT.—Not later than December 1, 2009, the
4 Comptroller General shall submit a report on the review
5 and analysis conducted under subsection (a) to the Chair-
6 man and Ranking Minority Member of each of the fol-
7 lowing:

8 (1) The Committees on Armed Services, Home-
9 land Security and Governmental Affairs, and the Ju-
10 diciary of the Senate.

11 (2) The Committees on Armed Services, Home-
12 land Security, and the Judiciary of the House of
13 Representatives.

14 **SEC. 1073. REPORT ON RE-DETERMINATION PROCESS FOR**
15 **PERMANENTLY INCAPACITATED DEPEND-**
16 **ENTS OF RETIRED AND DECEASED MEMBERS**
17 **OF THE ARMED FORCES.**

18 Not later than 180 days after the date of the enact-
19 ment of this Act, the Secretary of Defense shall submit
20 to Congress a report on the re-determination process of
21 the Department of Defense used to determine the eligi-
22 bility of permanently incapacitated dependents of retired
23 and deceased members of the Armed Forces for benefits
24 provided under laws administered by the Secretary. The
25 report shall include the following:

1 (1) An assessment of the re-determination proc-
2 ess, including the following:

3 (A) The rationale for requiring a quadren-
4 nial recertification of financial support after
5 issuance of a permanent identification card to a
6 permanently incapacitated dependent.

7 (B) The administrative and other burdens
8 the quadrennial recertification imposes on the
9 affected sponsor and dependents, especially
10 after the sponsor becomes ill, incapacitated, or
11 deceased.

12 (C) The extent to which the quadrennial
13 recertification undermines the utility of issuing
14 a permanent identification card.

15 (D) The extent of the consequences en-
16 tailed in eliminating the requirement for quad-
17 rennial recertification.

18 (2) Specific recommendations for the following:

19 (A) Improving the efficiency of the recer-
20 tification process.

21 (B) Minimizing the burden of such process
22 on the sponsors of such dependents.

23 (C) Eliminating the requirement for quad-
24 rennial recertification.

1 **SEC. 1074. COMPTROLLER GENERAL REVIEW OF SPENDING**
2 **IN THE FINAL QUARTER OF FISCAL YEAR 2009**
3 **BY THE DEPARTMENT OF DEFENSE.**

4 (a) REVIEW OF SPENDING BY THE COMPTROLLER
5 GENERAL.—The Comptroller General of the United
6 States shall conduct a review of the obligations and ex-
7 penditures of the Department of Defense in the final quar-
8 ter of fiscal year 2009, as compared to the obligations and
9 expenditures of the Department in the first three quarters
10 of that fiscal year, to determine if policies with respect
11 to spending by the Department contribute to hastened
12 year-end spending and poor use or waste of taxpayer dol-
13 lars.

14 (b) REPORT.—Not later than the earlier of March 30,
15 2010, or the date that is 180 days after the date of the
16 enactment of this Act, the Comptroller General shall sub-
17 mit to Congress a report containing—

18 (1) the results of the review conducted under
19 subsection (a); and

20 (2) any recommendations of the Comptroller
21 General with respect to improving the policies pursu-
22 ant to which amounts appropriated to the Depart-
23 ment of Defense are obligated and expended in the
24 final quarter of the fiscal year.

25 **SEC. 1075. REPORT ON AIR AMERICA.**

26 (a) DEFINITIONS.—In this section:

1 (1) AIR AMERICA.—The term “Air America”
2 means Air America, Incorporated.

3 (2) ASSOCIATED COMPANY.—The term “associ-
4 ated company” means any entity associated with,
5 predecessor to, or subsidiary to Air America, includ-
6 ing Air Asia Company Limited, CAT Incorporated,
7 Civil Air Transport Company Limited, and the Pa-
8 cific Division of Southern Air Transport during the
9 period when such an entity was owned and con-
10 trolled by the United States Government.

11 (b) REPORT ON RETIREMENT BENEFITS FOR
12 FORMER EMPLOYEES OF AIR AMERICA.—

13 (1) IN GENERAL.—Not later than 180 days
14 after the date of the enactment of this Act, the Di-
15 rector of National Intelligence shall submit to Con-
16 gress a report on the advisability of providing Fed-
17 eral retirement benefits to United States citizens for
18 the service of such citizens prior to 1977 as employ-
19 ees of Air America or an associated company during
20 a period when Air America or the associated com-
21 pany was owned or controlled by the United States
22 Government and operated or managed by the Cen-
23 tral Intelligence Agency.

24 (2) REPORT ELEMENTS.—The report required
25 by paragraph (1) shall include the following:

1 (A) The history of Air America and the as-
2 sociated companies prior to 1977, including a
3 description of—

4 (i) the relationship between Air Amer-
5 ican and the associated companies and the
6 Central Intelligence Agency or any other
7 element of the United States Government;

8 (ii) the workforce of Air America and
9 the associated companies;

10 (iii) the missions performed by Air
11 America, the associated companies, and
12 their employees for the United States; and

13 (iv) the casualties suffered by employ-
14 ees of Air America and the associated com-
15 panies in the course of their employment.

16 (B) A description of—

17 (i) the retirement benefits contracted
18 for or promised to the employees of Air
19 America and the associated companies
20 prior to 1977;

21 (ii) the contributions made by such
22 employees for such benefits;

23 (iii) the retirement benefits actually
24 paid such employees;

1 (iv) the entitlement of such employees
2 to the payment of future retirement bene-
3 fits; and

4 (v) the likelihood that such employees
5 will receive any future retirement benefits.

6 (C) An assessment of the difference be-
7 tween—

8 (i) the retirement benefits that former
9 employees of Air America and the associ-
10 ated companies have received or will re-
11 ceive by virtue of their employment with
12 Air America and the associated companies;
13 and

14 (ii) the retirement benefits that such
15 employees would have received or be eligi-
16 ble to receive if such employment was
17 deemed to be employment by the United
18 States Government and their service dur-
19 ing such employment was credited as Fed-
20 eral service for the purpose of Federal re-
21 tirement benefits.

22 (D)(i) Any recommendations regarding the
23 advisability of legislative action to treat such
24 employment as Federal service for the purpose
25 of Federal retirement benefits in light of the re-

1 relationship between Air America and the associ-
2 ated companies and the United States Govern-
3 ment and the services and sacrifices of such
4 employees to and for the United States.

5 (ii) If legislative action is considered advis-
6 able under clause (i), a proposal for such action
7 and an assessment of its costs.

8 (E) The opinions of the Director of the
9 Central Intelligence Agency, if any, on any mat-
10 ters covered by the report that the Director of
11 the Central Intelligence Agency considers ap-
12 propriate.

13 (3) ASSISTANCE OF COMPTROLLER GENERAL.—
14 The Comptroller General of the United States shall,
15 upon the request of the Director of National Intel-
16 ligence and in a manner consistent with the protec-
17 tion of classified information, assist the Director in
18 the preparation of the report required by paragraph
19 (1).

20 (4) FORM.—The report required by paragraph
21 (1) shall be submitted in unclassified form, but may
22 include a classified annex.

1 **SEC. 1076. REPORT ON CRITERIA FOR SELECTION OF STRA-**
2 **TEGIC EMBARKATION PORTS AND SHIP**
3 **LAYBERTHING LOCATIONS.**

4 (a) **REPORT REQUIRED.**—Not later than 180 days
5 after the date of the enactment of this Act, the Com-
6 mander of the United States Transportation Command
7 shall submit to the congressional defense committees a re-
8 port with criteria for the selection of strategic embarkation
9 ports and ship layberth locations.

10 (b) **DEVELOPMENT OF CRITERIA.**—The criteria in-
11 cluded in the report required under subsection (a) shall—

12 (1) prioritize the facilitation of strategic deploy-
13 ment and reduction of combatant commander force
14 closure timelines;

15 (2) take into account—

16 (A) time required to crew, activate, and
17 sail sealift vessels to embarkation ports;

18 (B) distance and travel times for the forces
19 from assigned installation to embarkation ports;

20 (C) availability of adequate infrastructure
21 to transport forces from assigned installation to
22 embarkation ports; and

23 (D) time required to move forces from em-
24 barkation ports to likely areas of force deploy-
25 ment around the world; and

1 (3) inform the selection of strategic embar-
2 kation ports and the procurement of ship
3 layberthing services.

4 **SEC. 1077. REPORT ON DEFENSE TRAVEL SIMPLIFICATION.**

5 (a) **REPORT REQUIRED.**—Not later than 180 days
6 after the date of the enactment of this Act, the Secretary
7 of Defense shall submit to the Committees on Armed Serv-
8 ices of the Senate and the House of Representatives a re-
9 port setting forth a comprehensive plan to simplify defense
10 travel.

11 (b) **ELEMENTS.**—The report required under sub-
12 section (a) shall include the following:

13 (1) A comprehensive discussion of aspects of
14 the Department of Defense travel system that are
15 most confusing, inefficient, and in need of revision.

16 (2) Critical review of opportunities to stream-
17 line and simplify defense travel policies and to re-
18 duce travel-related costs to the Department of De-
19 fense.

20 (3) Options to leverage industry capabilities
21 that could enhance management responsiveness to
22 changing markets.

23 (4) A discussion of pilot programs that could be
24 undertaken to prove the merit of improvements iden-
25 tified in accomplishing actions specified in para-

1 graphs (1) and (2), including recommendations for
2 legislative authority.

3 (5) Such recommendations and an implementa-
4 tion plan for legislative or administrative action as
5 the Secretary of Defense considers appropriate to
6 improve defense travel.

7 **SEC. 1078. REPORT ON MODELING AND SIMULATION AC-**
8 **TIVITIES OF UNITED STATES JOINT FORCES**
9 **COMMAND.**

10 (a) REPORT REQUIRED.—Not later than 180 days
11 after the date of the enactment of this Act, the Secretary
12 of Defense, working through the Director for Defense Re-
13 search and Engineering, the Assistant Secretary of De-
14 fense for Manufacturing and Industrial Base, and the
15 Commander of the United States Joint Forces Command,
16 shall submit to the congressional defense committees a re-
17 port that describes current and planned efforts to support
18 and enhance the defense modeling and simulation techno-
19 logical and industrial base, including in academia, indus-
20 try, and government.

21 (b) ELEMENTS.—The report required under sub-
22 section (a) shall include the following:

23 (1) An assessment of the current and future do-
24 mestic defense modeling and simulation techno-

1 logical and industrial base and its ability to meet
2 current and future defense requirements.

3 (2) A description of current and planned pro-
4 grams and activities of the Department of Defense
5 to enhance the ability of the domestic defense mod-
6 eling and simulation industrial base to meet current
7 and future defense requirements.

8 (3) A description of current and planned De-
9 partment of Defense activities in cooperation with
10 Federal, State, and local government organizations
11 that promote the enhancement of the ability of the
12 domestic defense modeling and simulation industrial
13 base to meet current and future defense require-
14 ments.

15 (4) A comparative assessment of current and
16 future global modeling and simulation capabilities
17 relative to those of the United States in areas re-
18 lated to defense applications of modeling and simula-
19 tion.

20 (5) An identification of additional authorities or
21 resources related to technology transfer, establish-
22 ment of public-private partnerships, coordination
23 with regional, State, or local initiatives, or other ac-
24 tivities that would be required to enhance efforts to

1 support the domestic defense modeling and simula-
2 tion industrial base.

3 (6) Other matters as determined appropriate by
4 the Secretary.

5 **SEC. 1079. REPORT ON ENABLING CAPABILITIES FOR SPE-**
6 **CIAL OPERATIONS FORCES.**

7 (a) REPORT REQUIRED.—Not later than 270 days
8 after the date of the enactment of this Act, the Com-
9 mander of the United States Special Operations Com-
10 mand, jointly with the commanders of the combatant com-
11 mands and the chiefs of the services, shall submit to the
12 Secretary of Defense and the Chairman of the Joint
13 Chiefs of Staff a report on the availability of enabling ca-
14 pabilities to support special operations forces require-
15 ments.

16 (b) MATTERS TO BE INCLUDED.—The report re-
17 quired under subsection (a) shall include the following:

18 (1) An identification of the requirements for en-
19 abling capabilities for conventional forces and special
20 operations forces globally, including current and pro-
21 jected needs in Iraq, Afghanistan, and other theaters
22 of operation.

23 (2) A description of the processes used to
24 prioritize and allocate enabling capabilities to meet

1 the mission requirements of conventional forces and
2 special operations forces.

3 (3) An identification and description of any
4 shortfalls in enabling capabilities for special oper-
5 ations forces by function, region, and quantity, as
6 determined by the Commander of the United States
7 Special Operations Command and the commanders
8 of the geographic combatant commands.

9 (4) An assessment of the current inventory of
10 these enabling capabilities within the military de-
11 partments and components and the United States
12 Special Operations Command.

13 (5) An assessment of whether there is a need
14 to create additional enabling capabilities by function
15 and quantity.

16 (6) An assessment of the merits of creating ad-
17 ditional enabling units, by type and quantity—

18 (A) within the military departments; and

19 (B) within the United States Special Oper-
20 ations Command.

21 (7) Recommendations for meeting the current
22 and future enabling force requirements of the
23 United States Special Operations Command, includ-
24 ing an assessment of the increases in endstrength,
25 equipment, funding, and military construction that

1 would be required to support these recommenda-
2 tions.

3 (8) Any other matters the Commander of the
4 United States Special Operations Command, the
5 commanders of the combatant commands, and the
6 chiefs of the services consider useful and relevant.

7 (c) REPORT TO CONGRESS.—Not later than 30 days
8 after receiving the report required under subsection (a),
9 the Secretary of Defense shall forward the report to the
10 congressional defense committees with any additional com-
11 ments the Secretary considers appropriate.

12 **Subtitle H—Other Matters**

13 **SEC. 1081. TRANSFER OF NAVY AIRCRAFT N40VT.**

14 (a) AUTHORITY TO TRANSFER.—

15 (1) AUTHORITY.—Subject to all applicable Fed-
16 eral laws and regulations controlling the disposition
17 of Federal property, the Secretary of the Navy may
18 transfer to Piasecki Aircraft Corporation of
19 Essington, Pennsylvania (in this section referred to
20 as the “transferee”), Navy aircraft N40VT (Bureau
21 Number 163283) and associated components, test
22 equipment, and engines, previously specified as Gov-
23 ernment-furnished equipment in contract N00019-
24 00-C-0284.

1 (2) WRITTEN AGREEMENT.—The transfer
2 under this subsection shall be made by means of a
3 written agreement.

4 (3) APPLICABLE LAW.—The transfer or use of
5 military equipment is subject to all applicable United
6 State laws and regulations, including, but not lim-
7 ited to, the Arms Export Control Act, the Export
8 Administration Act of 1979, continued under Execu-
9 tive Order 12924, International Traffic in Arms
10 Regulations (22 C.F.R. 120 et seq.), Export Admin-
11 istration Regulations (15 C.F.R. 730 et seq.), For-
12 eign Assets Control Regulations (31 C.F.R. 500 et
13 seq.), and the Espionage Act.

14 (b) CERTIFICATION REQUIRED FOR DISPOSAL OF
15 COMBATANT MILITARY EQUIPMENT.—No military equip-
16 ment described by subsection (a) that is military equip-
17 ment of a combatant command may be transferred under
18 subsection (a) unless the Chief of Staff of the Army, the
19 Chief of Naval Operations, the Chief of Staff of the Air
20 Force, or the Commandant of the Marine Corps, as appli-
21 cable, certifies that such equipment is not essential to the
22 defense of the United States.

23 (c) CONDITION OF EQUIPMENT TO BE TRANS-
24 FERRED.—The military equipment transferred under sub-
25 section (a) shall be transferred in its current “as is” condi-

1 tion. The Secretary is not required to repair or alter the
2 condition of any military equipment before transferring
3 any interest in such equipment under subsection (a).

4 (d) TRANSFER AT NO COST TO THE UNITED
5 STATES.—The transfer of military equipment under sub-
6 section (a) shall be made at no cost to the United States.
7 Any costs associated with the transfer shall be borne by
8 the transferee.

9 (e) GOVERNMENT RIGHTS.—The Secretary shall in-
10 clude in the written agreement under subsection (a)(2)
11 such terms and conditions as the Secretary considers ap-
12 propriate—

13 (1) to permit the United States to use any fu-
14 ture technologies derived from testing of military
15 equipment transferred under subsection (a), includ-
16 ing upon the transfer of such military equipment to
17 a successor in interest of the transferee; and

18 (2) to retain for the Government all technical
19 data rights associated with military equipment
20 transferred under subsection (a).

21 (f) CONSIDERATION.—As consideration for the trans-
22 fer of military equipment under subsection (a), the trans-
23 feree shall provide compensation to the United States, the
24 value of which is equal to the fair market value of such
25 military equipment, as determined by the Secretary. The

1 Secretary may not delegate the authority to make the de-
2 termination required by the preceding sentence.

3 (g) NO LIABILITY FOR THE UNITED STATES.—Upon
4 the transfer of military equipment under subsection (a),
5 the United States shall not be liable for any death, injury,
6 loss, or damage that results from the use of such military
7 equipment by any person other than the United States.

8 (h) REVERTER UPON BREACH OF CONDITIONS.—
9 The Secretary shall include in the written agreement
10 under subsection (a)(2) the following:

11 (1) A condition that the transferee not transfer
12 any interest in, or transfer possession of, the mili-
13 tary equipment transferred under subsection (a) to
14 any other party without the prior written approval
15 of the Secretary.

16 (2) A condition that the transferee operate or
17 maintain, as applicable, the military equipment
18 transferred under subsection (a) in compliance with
19 all applicable limitations and maintenance require-
20 ments under law.

21 (3) A condition that if the Secretary determines
22 at any time that the transferee has failed to comply
23 with a condition set forth in paragraph (1) or (2),
24 all right, title, and interest in and to the military
25 equipment transferred under subsection (a), includ-

1 ing any repair or alteration of the military equip-
2 ment by the transferee or otherwise, shall revert to
3 the United States, and the United States shall have
4 the right of immediate possession of the military
5 equipment.

6 (i) LIMITATION ON TRANSFER PENDING NOTICE TO
7 CONGRESS.—

8 (1) LIMITATION.—A transfer of military equip-
9 ment under subsection (a) may not occur until—

10 (A) notice of the proposal to make the
11 transfer is sent to Congress; and

12 (B) 60 days of continuous session of Con-
13 gress have expired following the date on which
14 such notice is sent to Congress.

15 (2) CALCULATION OF CONTINUOUS SESSION.—

16 For purposes of paragraph (1)(B), the continuity of
17 a session of Congress is broken only by an adjourn-
18 ment of the Congress sine die, and the days on
19 which the either House is not in session because of
20 adjournment of more than 3 days to a day certain
21 are excluded in the computation of such 60-day pe-
22 riod.

23 (j) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
24 retary may require such additional terms and conditions
25 in connection with a transfer under subsection (a) as the

1 Secretary considers appropriate to protect the interests of
2 the United States.

3 **SEC. 1082. TRANSFER OF BIG CROW AIRCRAFT.**

4 (a) IN GENERAL.—The Secretary of the Air Force
5 may convey to an appropriate private entity the right,
6 title, and interest of the United States in and to the Big
7 Crow aircraft referred to in subsection (b) in order to per-
8 mit the continuation of the purpose of such aircraft at
9 the time of their retirement in and through such private
10 entity after conveyance if the Secretary and the Under
11 Secretary of Defense for Acquisition, Technology, and Lo-
12 gistics jointly determine that it is in the interests of the
13 Department of Defense to do so.

14 (b) COVERED BIG CROW AIRCRAFT.—The Big Crow
15 aircraft referred to in this subsection are the recently-re-
16 tired aircraft as follows:

17 (1) Big Crow aircraft NC-135E, tail number
18 55-3132.

19 (2) Big Crow aircraft NC-135B, tail number
20 63-8050.

21 (c) CONDITIONS OF CONVEYANCE.—

22 (1) IN GENERAL.—Any conveyance of Big Crow
23 aircraft under subsection (a) shall be for such con-
24 sideration as the Secretary considers appropriate.

25 The Secretary shall provide for any aircraft so con-

1 veyed to be conveyed in “as-is” condition at the time
2 of conveyance, with all classified and other sensitive
3 equipment removed from such aircraft before con-
4 veyance.

5 (2) NO LIABILITY FOR THE UNITED STATES.—

6 Notwithstanding any other provision of law, upon
7 the conveyance of a Big Crow aircraft under sub-
8 section (a), the United States shall not be liable for
9 any death, injury, loss, or damage that results from
10 the use of the aircraft by any person other than the
11 United States.

12 (d) ADDITIONAL TERMS AND CONDITIONS.—The

13 Secretary may require such additional terms and condi-
14 tions in connection with a conveyance under this section
15 as the Secretary considers appropriate to protect the inter-
16 ests of the United States.

17 **SEC. 1083. PLAN FOR SUSTAINMENT OF LAND-BASED SOLID**
18 **ROCKET MOTOR INDUSTRIAL BASE.**

19 (a) IN GENERAL.—The Secretary of Defense shall re-
20 view and establish a plan to sustain the solid rocket motor
21 industrial base, including the ability to maintain and sus-
22 tain currently deployed strategic and missile defense sys-
23 tems and to maintain an intellectual and engineering ca-
24 pacity to support next generation rocket motors, as need-
25 ed.

1 (b) SUBMISSION OF PLAN.—Not later than March 1,
2 2010, the Secretary of Defense shall submit to the con-
3 gressional defense committees the plan required under
4 subsection (a), together with an explanation of how fiscal
5 year 2010 funds will be used to sustain and support the
6 plan and a description of the funding in the future years
7 defense program plan to support the plan.

8 **SEC. 1084. PILOT PROGRAM ON USE OF SERVICE DOGS FOR**
9 **THE TREATMENT OR REHABILITATION OF**
10 **VETERANS WITH PHYSICAL OR MENTAL INJU-**
11 **RIES OR DISABILITIES.**

12 (a) FINDINGS.—Congress makes the following find-
13 ings:

14 (1) The United States owes a profound debt to
15 those who have served the United States honorably
16 in the Armed Forces.

17 (2) Disabled veterans suffer from a range of
18 physical and mental injuries and disabilities.

19 (3) In 2008, the Army reported the highest
20 level of suicides among its soldiers since it began
21 tracking the rate 28 years before 2009.

22 (4) A scientific study documented in the 2008
23 Rand Report entitled “Invisible Wounds of War” es-
24 timated that 300,000 veterans of Operation Endur-

1 ing Freedom and Operation Iraqi Freedom currently
2 suffer from post-traumatic stress disorder.

3 (5) Veterans have benefitted in multiple ways
4 from the provision of service dogs.

5 (6) The Department of Veterans Affairs has
6 been successfully placing guide dogs with the blind
7 since 1961.

8 (7) Thousands of dogs around the country
9 await adoption.

10 (b) PROGRAM REQUIRED.—Not later than 120 days
11 after the date of the enactment of this Act, the Secretary
12 of Veterans Affairs shall commence a three-year pilot pro-
13 gram to assess the benefits, feasibility, and advisability of
14 using service dogs for the treatment or rehabilitation of
15 veterans with physical or mental injuries or disabilities,
16 including post-traumatic stress disorder.

17 (c) PARTNERSHIPS.—

18 (1) IN GENERAL.—The Secretary shall carry
19 out the pilot program by partnering with nonprofit
20 organizations that—

21 (A) have experience providing service dogs
22 to individuals with injuries or disabilities;

23 (B) do not charge fees for the dogs, serv-
24 ices, or lodging that they provide; and

1 (C) are accredited by a generally accepted
2 industry-standard accrediting institution.

3 (2) REIMBURSEMENT OF COSTS.—The Sec-
4 retary shall reimburse partners for costs relating to
5 the pilot program as follows:

6 (A) For the first 50 dogs provided under
7 the pilot program, all costs relating to the pro-
8 vision of such dogs.

9 (B) For dogs provided under the pilot pro-
10 gram after the first 50 dogs provided, all costs
11 relating to the provision of every other dog.

12 (d) PARTICIPATION.—

13 (1) IN GENERAL.—As part of the pilot pro-
14 gram, the Secretary shall provide a service dog to a
15 number of veterans with physical or mental injuries
16 or disabilities that is greater than or equal to the
17 greater of—

18 (A) 200; and

19 (B) the minimum number of such veterans
20 required to produce scientifically valid results
21 with respect to assessing the benefits and costs
22 of the use of such dogs for the treatment or re-
23 habilitation of such veterans.

24 (2) COMPOSITION.—The Secretary shall ensure
25 that—

1 (A) half of the participants in the pilot
2 program are veterans who suffer primarily from
3 a mental health injury or disability; and

4 (B) half of the participants in the pilot
5 program are veterans who suffer primarily from
6 a physical injury or disability.

7 (e) STUDY.—In carrying out the pilot program, the
8 Secretary shall conduct a scientifically valid research
9 study of the costs and benefits associated with the use of
10 service dogs for the treatment or rehabilitation of veterans
11 with physical or mental injuries or disabilities. The mat-
12 ters studied shall include the following:

13 (1) The therapeutic benefits to such veterans,
14 including the quality of life benefits reported by the
15 veterans partaking in the pilot program.

16 (2) The economic benefits of using service dogs
17 for the treatment or rehabilitation of such veterans,
18 including—

19 (A) savings on health care costs, including
20 savings relating to reductions in hospitalization
21 and reductions in the use of prescription drugs;
22 and

23 (B) productivity and employment gains for
24 the veterans.

1 (3) The effectiveness of using service dogs to
2 prevent suicide.

3 (f) REPORTS.—

4 (1) ANNUAL REPORT OF THE SECRETARY.—
5 After each year of the pilot program, the Secretary
6 shall submit to Congress a report on the findings of
7 the Secretary with respect to the pilot program.

8 (2) FINAL REPORT BY THE NATIONAL ACADEMY
9 OF SCIENCES.—Not later than 180 days after the
10 date of the completion of the pilot program, the Na-
11 tional Academy of Sciences shall submit to Congress
12 a report on the results of the pilot program.

13 **SEC. 1085. EXPANSION OF STATE HOME CARE FOR PAR-**
14 **ENTS OF VETERANS WHO DIED WHILE SERV-**
15 **ING IN ARMED FORCES.**

16 In administering section 51.210(d) of title 38, Code
17 of Federal Regulations, the Secretary of Veterans Affairs
18 shall permit a State home to provide services to, in addi-
19 tion to non-veterans described in such subsection, a non-
20 veteran any of whose children died while serving in the
21 Armed Forces.

1 **SEC. 1086. FEDERAL EMPLOYEES RETIREMENT SYSTEM**
2 **AGE AND RETIREMENT TREATMENT FOR**
3 **CERTAIN RETIREES OF THE ARMED FORCES.**

4 (a) INCREASE IN MAXIMUM AGE LIMIT FOR POSI-
5 TIONS SUBJECT TO FERS.—

6 (1) LAW ENFORCEMENT OFFICERS AND FIRE-
7 FIGHTERS.—Section 3307(e) of title 5, United
8 States Code, is amended—

9 (A) by striking “(e) The” and inserting
10 “(e)(1) Except as provided in paragraph (2),
11 the”; and

12 (B) by adding at the end the following:

13 “(2) The maximum age limit for an original appoint-
14 ment to a position as a firefighter or law enforcement offi-
15 cer (as defined by section 8401(14) or (17), respectively)
16 shall be 47 years of age, in the case of an individual who
17 on the effective date of such appointment is eligible to re-
18 ceive retired pay or retainer pay for military service, or
19 pension or compensation from the Department of Veterans
20 Affairs instead of such retired or retainer pay.”.

21 (2) OTHER POSITIONS.—The maximum age
22 limit for an original appointment to a position as a
23 member of the Capitol Police or Supreme Court Po-
24 lice, nuclear materials courier (as defined under sec-
25 tion 8401(33) of title 5, United States Code), or
26 customs and border protection officer (as defined in

1 section 8401(36) of title 5, United States Code)
2 shall be 47 years of age, in the case of an individual
3 who on the effective date of such appointment is eli-
4 gible to receive retired pay or retainer pay for mili-
5 tary service, or pension or compensation from the
6 Department of Veterans Affairs instead of such re-
7 tired or retainer pay.

8 (b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of
9 title 5, United States Code, is amended—

10 (1) in paragraph (1), by striking “or” at the
11 end;

12 (2) in paragraph (2), by adding “or” at the
13 end; and

14 (3) by inserting after paragraph (2) the fol-
15 lowing:

16 “(3) after becoming 57 years of age and com-
17 pleting 10 years of service as a law enforcement offi-
18 cer, member of the Capitol Police or Supreme Court
19 Police, firefighter, nuclear materials courier, customs
20 or border protection officer, or any combination of
21 such service totaling 10 years, if such employee—

22 “(A) is originally appointed to a position
23 as a law enforcement officer, member of the
24 Capitol Police or Supreme Court Police, fire-
25 fighter, nuclear materials courier, or customs

1 and border protection officer on or after the ef-
2 fective date of this paragraph under section
3 1083(e) of the National Defense Authorization
4 Act for Fiscal Year 2010;

5 “(B) on the date that original appointment
6 met the requirements of section 3307(e)(2) of
7 this title or section 1083(a)(2) of the National
8 Defense Authorization Act for Fiscal Year
9 2010.”.

10 (c) MANDATORY SEPARATION.—Section 8425 of title
11 5, United States Code, is amended—

12 (1) in subsection (b)(1), in the first sentence,
13 by inserting “, except that a law enforcement officer,
14 firefighter, nuclear materials courier, or customs and
15 border protection officer eligible for retirement
16 under 8412(d)(3) shall be separated from service on
17 the last day of the month in which that employee be-
18 comes 57 years of age” before the period;

19 (2) in subsection (c), in the first sentence, by
20 inserting “, except that a member of the Capitol Po-
21 lice eligible for retirement under 8412(d)(3) shall be
22 separated from service on the last day of the month
23 in which that employee becomes 57 years of age” be-
24 fore the period; and

1 (3) in subsection (d), in the first sentence, by
2 inserting “, except that a member of the Supreme
3 Court Police eligible for retirement under 8412(d)(3)
4 shall be separated from service on the last day of the
5 month in which that employee becomes 57 years of
6 age” before the period.

7 (d) COMPUTATION OF BASIC ANNUITY.—Section
8 8415(d) of title 5, United States Code, is amended—

9 (1) in paragraph (1), by striking “total service
10 as” and inserting “civilian service as a law enforce-
11 ment officer, member of the Capitol Police or Su-
12 preme Court Police, firefighter, nuclear materials
13 courier, customs and border protection officer, or air
14 traffic controller that, in the aggregate,”; and

15 (2) in paragraph (2), by striking “so much of
16 such individual’s total service as exceeds 20 years”
17 and inserting “the remainder of such individual’s
18 total service”.

19 (e) EFFECTIVE DATE.—This section (including the
20 amendments made by this section) shall take effect 60
21 days after the date of the enactment of this Act and shall
22 apply to appointments made on or after that effective
23 date.

1 **SEC. 1087. SENSE OF CONGRESS ON MANNED AIRBORNE IR-**
2 **REGULAR WARFARE PLATFORMS.**

3 It is the sense of Congress that the Secretary of De-
4 fense should, with regard to the development of manned
5 airborne irregular warfare platforms, coordinate require-
6 ments for such weapons systems with the military services,
7 including the reserve components.

8 **SEC. 1088. EXTENSION OF SUNSET FOR CONGRESSIONAL**
9 **COMMISSION ON THE STRATEGIC POSTURE**
10 **OF THE UNITED STATES.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) Congress is grateful for the service and
14 leadership of the members of the bipartisan Con-
15 gressional Commission on the Strategic Posture of
16 the United States, who, pursuant to section 1062 of
17 the National Defense Authorization Act for Fiscal
18 Year 2008 (Public Law 110–181; 122 Stat. 319),
19 spent more than one year examining the strategic
20 posture of the United States in all of its aspects: de-
21 terrence strategy, missile defense, arms control ini-
22 tiatives, and nonproliferation strategies.

23 (2) The Commission, comprised of some of the
24 most preeminent scholars and technical experts in
25 the United States in the subject matter, found a bi-

1 partisan consensus on these issues in its Final Re-
2 port made public on May 6, 2009.

3 (3) Congress appreciates the service of former
4 Secretary of Defense William Perry, former Sec-
5 retary of Defense and Energy James Schlesinger,
6 former Senator John Glenn, former Congressman
7 Lee Hamilton, Ambassador James Woolsey, Doctors
8 John Foster, Fred Ikle, Keith Payne, Morton
9 Halperin, Ellen Williams, Bruce Tarter, and Harry
10 Cartland, and the United States Institute of Peace.

11 (4) Congress values the work of the Commis-
12 sion and pledges to work with President Barack
13 Obama to address the findings and review and con-
14 sider the recommendations of the Commission.

15 (b) EXTENSION OF SUNSET.—Section 1062 of the
16 National Defense Authorization Act for Fiscal Year 2008
17 (Public Law 110–181; 122 Stat. 319) is amended—

18 (1) by redesignating subsections (f) and (g) as
19 subsections (g) and (h), respectively;

20 (2) in subsection (h), as redesignated by para-
21 graph (1), by striking “September 30, 2009” and in-
22 serting “September 30, 2010”; and

23 (3) by inserting after subsection (e) the fol-
24 lowing new subsection:

1 “(f) FOLLOW-ON REPORT.—Following submittal of
2 the report required in subsection (e), the Commission may
3 conduct public outreach and discussion of the matters con-
4 tained in the report.”.

5 **SEC. 1089. ADDITIONAL MEMBERS AND DUTIES FOR INDE-**
6 **PENDENT PANEL TO ASSESS THE QUADREN-**
7 **NIAL DEFENSE REVIEW.**

8 (a) FINDING.—Congress understands that the inde-
9 pendent panel appointed by the Secretary of Defense pur-
10 suant to section 118(f) of title 10, United States Code,
11 will be comprised of twelve members equally divided on
12 a bipartisan basis.

13 (b) SENSE OF CONGRESS ON INDEPENDENT
14 PANEL.—It is the sense of Congress that the independent
15 panel appointed by the Secretary of Defense pursuant to
16 section 118(f) of title 10, United States Code, should be
17 comprised of members equally divided on a bipartisan
18 basis.

19 (c) ADDITIONAL MEMBERS.—

20 (1) IN GENERAL.—For purposes of conducting
21 the assessment of the 2009 quadrennial defense re-
22 view under section 118 of title 10, United States
23 Code (in this section referred to as the “2009
24 QDR”), the independent panel established under
25 subsection (f) of such section (in this section re-

1 ferred to as the “Panel”) shall include eight addi-
2 tional members to be appointed as follows:

3 (A) Two by the chairman of the Committee
4 on Armed Services of the House of Representa-
5 tives.

6 (B) Two by the chairman of the Com-
7 mittee on Armed Services of the Senate.

8 (C) Two by the ranking member of the
9 Committee on Armed Services of the House of
10 Representatives.

11 (D) Two by the ranking member of the
12 Committee on Armed Services of the Senate.

13 (2) PERIOD OF APPOINTMENT; VACANCIES.—
14 Any vacancy in an appointment to the Panel under
15 paragraph (1) shall be filled in the same manner as
16 the original appointment.

17 (d) ADDITIONAL DUTIES OF PANEL FOR 2009
18 QDR.—In addition to the duties of the Panel under sec-
19 tion 118(f) of title 10, United States Code, the Panel
20 shall, with respect to the 2009 QDR—

21 (1) conduct an independent assessment of a va-
22 riety of possible force structures of the Armed
23 Forces, including the force structure identified in
24 the report of the 2009 QDR; and

1 (2) make any recommendations it considers ap-
2 propriate for consideration.

3 (e) REPORT OF SECRETARY OF DEFENSE.—Not later
4 than 30 days after the Panel submits its report with re-
5 spect to the 2009 QDR under section 118(f)(2) of title
6 10, United States Code, the Secretary of Defense, after
7 consultation with the Chairman of the Joint Chiefs of
8 Staff, shall submit to the congressional defense commit-
9 tees any comments of the Secretary on the report of the
10 Panel.

11 (f) TERMINATION.—The provisions of this section
12 shall terminate on the day that is 45 days after the date
13 on which the Panel submits its report with respect to the
14 2009 QDR under section 118(f)(2) of title 10, United
15 States Code.

16 **SEC. 1090. CONTRACTING IMPROVEMENTS.**

17 (a) DEFINITIONS.—In this section—

18 (1) the terms “Administration” and “Adminis-
19 trator” mean the Small Business Administration
20 and the Administrator thereof, respectively; and

21 (2) the terms “HUBZone small business con-
22 cern”, “small business concern”, “small business
23 concern owned and controlled by service-disabled
24 veterans”, and “small business concern owned and
25 controlled by women” have the same meanings as in

1 section 3 of the Small Business Act (15 U.S.C.
2 632).

3 (b) CONTRACTING OPPORTUNITIES.—Section
4 31(b)(2)(B) of the Small Business Act (15 U.S.C.
5 657a(b)(2)(B)) is amended by striking “shall” and insert-
6 ing “may”.

7 (c) CONTRACTING GOALS.—Section 15(g)(1) of the
8 Small Business Act (15 U.S.C. 644(g)(1)) is amended in
9 the fourth sentence by inserting “and subcontract” after
10 “not less than 3 percent of the total value of all prime
11 contract”.

12 (d) MENTOR-PROTEGE PROGRAMS.—The Adminis-
13 trator may establish mentor-protege programs for small
14 business concerns owned and controlled by service-disabled
15 veterans, small business concerns owned and controlled by
16 women, and HUBZone small business concerns modeled
17 on the mentor-protege program of the Administration for
18 small business concerns participating in programs under
19 section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

20 **SEC. 1091. NATIONAL D-DAY MEMORIAL STUDY.**

21 (a) DEFINITIONS.—In this section:

22 (1) AREA.—The term “Area” means in the Na-
23 tional D-Day Memorial in Bedford, Virginia.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior, acting through the Di-
3 rector of the National Park Service.

4 (b) STUDY.—

5 (1) IN GENERAL.—The Secretary shall conduct
6 a study of the Area to evaluate the national signifi-
7 cance of the Area and suitability and feasibility of
8 designating the Area as a unit of the National Park
9 System.

10 (2) CRITERIA.—In conducting the study re-
11 quired by paragraph (1), the Secretary shall use the
12 criteria for the study of areas for potential inclusion
13 in the National Park System in section 8(c) of Pub-
14 lic Law 91–383 (16 U.S.C. 1a–5(c)).

15 (3) CONTENTS.—The study required by para-
16 graph (1) shall—

17 (A) determine the suitability and feasibility
18 of designating the Area as a unit of the Na-
19 tional Park System;

20 (B) include cost estimates for any nec-
21 essary acquisition, development, operation, and
22 maintenance of the Area; and

23 (C) identify alternatives for the manage-
24 ment, administration, and protection of the
25 Area.

1 (c) REPORT.—Section 8(c) of Public Law 91–383 (16
2 U.S.C. 1a–5(c)) shall apply to the conduct of the study
3 required by this section, except that the study shall be sub-
4 mitted to the Committee on Natural Resources of the
5 House of Representatives and the Committee on Energy
6 and Natural Resources of the Senate not later than 3
7 years after the date on which funds are first made avail-
8 able for the study.

9 **TITLE XI—CIVILIAN PERSONNEL** 10 **MATTERS**

11 **Subtitle A—Personnel**

12 **SEC. 1101. REPEAL OF NATIONAL SECURITY PERSONNEL** 13 **SYSTEM; DEPARTMENT OF DEFENSE PER-** 14 **SONNEL AUTHORITIES.**

15 (a) REPEAL OF AUTHORITY TO ESTABLISH NA-
16 TIONAL SECURITY PERSONNEL SYSTEM.—Section 9902
17 of title 5, United States Code, is amended—

18 (1) by striking subsections (a), (b), (c), (d), (e),

19 (i), and (j); and

20 (2) by redesignating subsections (f), (g), and

21 (h) as subsections (d), (e), and (f) respectively.

22 (b) PERIOD FOR TERMINATION OF NATIONAL SEC-
23 RITY PERSONNEL SYSTEM.—

24 (1) APPLICABILITY OF PRIOR LAW TO UNITS IN

25 NSPS.—Notwithstanding the amendments made by

1 this section, the provisions of section 9902 of title 5,
2 United States Code, as in effect on the day before
3 the date of the enactment of this Act, shall apply to
4 organizational and functional units included in the
5 National Security Personnel System as of January
6 20, 2009, for a period of one year after the date of
7 the enactment of this Act.

8 (2) TRANSITION OF UNITS FROM NSPS.—The
9 Secretary of Defense shall ensure the orderly transi-
10 tion of all organizational and functional units cov-
11 ered by paragraph (1) from the National Security
12 Personnel System by not later than one year after
13 the date of the enactment of this Act. The Secretary
14 shall ensure that no employee is subject to a reduc-
15 tion in pay as a result of such transition.

16 (3) REMOVAL OF LIMITATION ON PAY ADJUST-
17 MENT.—Notwithstanding section 9902(e)(7) of title
18 5, United States Code (as in effect on the day before
19 the date of the enactment of this Act), at the time
20 of any annual adjustment to pay schedules pursuant
21 to section 5303 of such title during the transitional
22 period provided in paragraph (1), the rate of basic
23 pay for each employee described in section
24 9902(e)(7), as so in effect, shall be adjusted by 100
25 percent of the amount of such adjustment.

1 (4) CURRENT RULES INVALID.—Any rule or im-
2 plementing issuance adopted before the date of the
3 enactment of this Act to implement any provision of
4 section 9902 of title 5, United States Code (other
5 than subsections (d), (e), and (f) of such section (as
6 redesignated by subsection (a)(2))), shall cease to be
7 effective on the date that is one year after the date
8 of the enactment of this Act.

9 (c) AUTHORITY RELATING TO PERSONNEL MANAGE-
10 MENT AND WORKFORCE INCENTIVES.—Section 9902 of
11 such title is further amended by inserting before sub-
12 section (d), as redesignated by subsection (a)(2) of this
13 section, the following new subsections:

14 “(a) PERSONNEL MANAGEMENT.—(1) The Secretary
15 may waive the requirements of chapter 33, and the regula-
16 tions implementing such chapter, to the extent the Sec-
17 retary considers appropriate to establish and implement
18 regulations providing for the following:

19 “(A) Fair, credible, and transparent methods of
20 establishing qualification requirements for, recruit-
21 ment for, and appointments to employment posi-
22 tions.

23 “(B) Fair, credible, and transparent methods of
24 assigning, reassigning, detailing, transferring, or
25 promoting employees.

1 “(2) In implementing this subsection, the Secretary
2 shall comply with the provisions of section 2302(b)(11),
3 regarding veterans’ preference requirements, in a manner
4 comparable to that in which such provisions are applied
5 under chapter 33.

6 “(3) Any action taken by the Secretary under this
7 subsection, or to implement this subsection, shall be sub-
8 ject to the requirements subsection (c) and chapter 71.

9 “(b) PERFORMANCE MANAGEMENT AND WORK-
10 FORCE INCENTIVES.—(1) The Secretary may waive the re-
11 quirements of chapters 43 (other than sections 4302 and
12 4303(e)) and 45, and the regulations implementing such
13 chapters, to the extent the Secretary considers appropriate
14 to establish and implement regulations providing for the
15 following:

16 “(A) A fair, credible, and transparent perform-
17 ance appraisal system for employees.

18 “(B) A fair, credible, and transparent system
19 for linking employee bonuses and other performance-
20 based actions to performance appraisals of employ-
21 ees.

22 “(C) A process for ensuring ongoing perform-
23 ance feedback and dialogue among supervisors, man-
24 agers, and employees throughout the appraisal pe-
25 riod and setting timetables for review.

1 “(2)(A) The Secretary may establish a fund to be
2 known as the ‘Department of Defense Civilian Workforce
3 Incentive Fund’ (in this paragraph referred to as the
4 ‘Fund’).

5 “(B) The Fund shall consist of the following:

6 “(i) Amounts appropriated to the Fund.

7 “(ii) Amounts available for compensation of em-
8 ployees that are transferred to the Fund.

9 “(C) Amounts in the Fund shall be available as fol-
10 lows:

11 “(i) For incentive payments to employees based
12 on individual or team performance.

13 “(ii) For incentive payments to employees for
14 purposes of the employment and retention as em-
15 ployees of qualified individuals with particular com-
16 petencies or qualifications.

17 “(3) Any action taken by the Secretary under this
18 subsection, or to implement this subsection, shall be sub-
19 ject to the requirements of subsection (c) and chapter 71.

20 “(c) CRITERIA FOR USE OF NEW PERSONNEL AU-
21 THORITIES.—In establishing any new personnel manage-
22 ment system under subsection (a) or new performance
23 management and workforce incentive system under sub-
24 section (b), the Secretary shall—

1 “(1) adhere to merit principles set forth in sec-
2 tion 2301;

3 “(2) include a means for ensuring employee in-
4 volvement in the design and implementation of such
5 system;

6 “(3) provide for adequate training and retrain-
7 ing for supervisors, managers, and employees in the
8 implementation and operation of such system;

9 “(4) include effective transparency and account-
10 ability measures and safeguards to ensure that the
11 management of such system is fair, credible, and eq-
12 uitable, including appropriate independent reason-
13 ableness reviews, internal assessments, and employee
14 surveys; and

15 “(5) ensure that adequate agency resources are
16 allocated for the design, implementation, and admin-
17 istration of such system.”.

18 (d) CONFORMING CLERICAL AMENDMENTS.—

19 (1) HEADING AMENDMENT.—The heading of
20 such section is amended to read as follows:

21 **“§ 9902. Department of Defense personnel authori-
22 ties”.**

23 (2) CLERICAL AMENDMENT.—The table of sec-
24 tions at the beginning of chapter 99 of such title is

1 amended by striking the item relating to section
2 9902 and inserting the following new item:

“9902. Department of Defense personnel authorities.”.

3 (e) MODIFICATION OF IMPLEMENTATION AUTHORI-
4 TIES AND LIMITATIONS.—Section 1106 of the National
5 Defense Authorization Act for Fiscal Year 2008 (Public
6 Law 110–181; 122 Stat. 349) is amended—

7 (1) by striking subsection (b);

8 (2) by redesignating subsection (c) as sub-
9 section (b); and

10 (3) in subsection (b), as redesignated by para-
11 graph (2)—

12 (A) by striking paragraph (1) and insert-
13 ing the following new paragraph (1):

14 “(1) The Comptroller General shall conduct an-
15 nual reviews in calendar years 2010, 2011, and
16 2012 of—

17 “(A) employee satisfaction with any proc-
18 esses established pursuant to regulations pro-
19 mulgated by the Secretary of Defense pursuant
20 to section 9902 of title 5, United States Code;
21 and

22 “(B) the extent to which any processes so
23 established are fair, credible, and transparent,
24 as required by such section 9902.”; and

1 (B) in paragraph (2), by striking “the Na-
2 tional Security Personnel System” and insert-
3 ing “any processes established pursuant to such
4 regulations”.

5 (f) ADDITIONAL CONFORMING AMENDMENT.—Sec-
6 tion 1108(b) of the Duncan Hunter National Defense Au-
7 thorization Act for Fiscal Year 2009 (Public Law 110-
8 417; 122 Stat. 4618; 10 U.S.C. 1580 note) is amended
9 by striking “identified in section 9902(c)(2) of title 5,
10 United States Code.” and inserting “as follows:

11 “(1) The Aviation and Missile Research Devel-
12 opment and Engineering Center.

13 “(2) The Army Research Laboratory.

14 “(3) The Medical Research and Materiel Com-
15 mand.

16 “(4) The Engineer Research and Development
17 Command.

18 “(5) The Communications–Electronics Com-
19 mand.

20 “(6) The Soldier and Biological Chemical Com-
21 mand.

22 “(7) The Naval Sea Systems Command Cen-
23 ters.

24 “(8) The Naval Research Laboratory.

25 “(9) The Office of Naval Research.

1 “(10) The Air Force Research Laboratory.”.

2 (g) WAIVER.—Subsection (a) through (f) of this sec-
3 tion and the amendments made by such subsections shall
4 not take effect if, not later than 60 days after the date
5 of the enactment of this Act, the Secretary of Defense sub-
6 mits to the Committees on Armed Services of the Senate
7 and the House of Representatives, the Committee on
8 Homeland Security and Governmental Affairs of the Sen-
9 ate, and the Committee on Oversight and Government Re-
10 form of the House of Representatives a report that in-
11 cludes—

12 (1) a certification that—

13 (A) the termination of the National Secu-
14 rity Personnel System would not be in the best
15 interest of the Department of Defense;

16 (B) the Secretary intends to implement
17 changes during fiscal year 2010 to improve the
18 fairness, credibility, and transparency of the
19 National Security Personnel System; and

20 (C) the Secretary has determined that the
21 changes to be made pursuant to subparagraph
22 (B) will result in improved employee acceptance
23 of the National Security Personnel System; and

1 (2) a description of the changes that the Sec-
2 retary intends to implement and the schedule for im-
3 plementing such changes.

4 (h) **EXPANSION PROHIBITED.**—If the Secretary of
5 Defense submits a report and certification under sub-
6 section (g) and the National Security Personnel System
7 is not terminated, the National Security Personnel System
8 may not be extended to organizational and functional
9 units of the Department of Defense not included in such
10 system as of June 1, 2009, unless specifically authorized
11 by statute enacted after the date of the enactment of this
12 Act.

13 **SEC. 1102. EXTENSION AND MODIFICATION OF EXPERI-**
14 **MENTAL PERSONNEL MANAGEMENT PRO-**
15 **GRAM FOR SCIENTIFIC AND TECHNICAL PER-**
16 **SONNEL.**

17 (a) **THREE-YEAR EXTENSION.**—Subsection (e)(1) of
18 section 1101 of the Strom Thurmond National Defense
19 Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104
20 note) is amended by striking “September 30, 2011” and
21 inserting “September 30, 2014”.

22 (b) **LIMITATIONS ON ADDITIONAL PAYMENTS.**—Such
23 section is further amended—

1 (1) in subsection (b)(3), by striking “under sub-
2 section (d)(1)” and inserting “under subsection
3 (d)”;

4 (2) by striking subsection (d) and inserting the
5 following new subsection (d):

6 “(d) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1)
7 Subject to paragraph (3), the total amount of additional
8 payments paid to an employee under subsection (b)(3) for
9 any 12-month period may not exceed the lesser of the
10 amounts as follows:

11 “(A) \$50,000 in fiscal year 2010, which may be
12 adjusted annually thereafter by the Secretary, with
13 a percentage increase equal to one-half of 1 percent-
14 age point less than the percentage by which the Em-
15 ployment Cost Index, published quarterly by the Bu-
16 reau of Labor Statistics, for the base quarter of the
17 year before the preceding calendar year exceeds the
18 Employment Cost Index for the base quarter of the
19 second year before the preceding calendar year.

20 “(B) The amount equal to 50 percent of the
21 employee’s annual rate of basic pay.

22 “(2) In paragraph (1), the term ‘base quarter’ has
23 the meaning given that term in section 5302(3) of title
24 5, United States Code.

1 “(3) Notwithstanding any other provision of this sec-
2 tion or section 5307 of title 5, United States Code, no
3 additional payments may be paid to an employee under
4 subsection (b)(3) in any calendar year if, or to the extent
5 that, the employee’s total annual compensation in such
6 calendar year will exceed the maximum amount of total
7 annual compensation payable at the salary set in accord-
8 ance with section 104 of title 3, United States Code.

9 “(4) An employee appointed under the program is not
10 eligible for any bonus, monetary award, or other monetary
11 incentive for service under the appointment other than
12 payments authorized by this section.”.

13 (c) REPORTING REQUIREMENTS.—Paragraph (1) of
14 subsection (g) of such section is amended to read as fol-
15 lows:

16 “(1)(A) Not later than December 31 each year in
17 which the authority under this section is in effect, the Sec-
18 retary of Defense shall submit to the committees of Con-
19 gress specified in subparagraph (B) a report on the pro-
20 gram. Each report shall cover the 12-month period pre-
21 ceding the date of the submittal of such report.

22 “(B) The committees of Congress specified in this
23 subparagraph are—

24 “(i) the Committee on Armed Services, the
25 Committee on Homeland Security and Governmental

1 Affairs, and the Committee on Appropriations of the
2 Senate; and

3 “(ii) the Committee on Armed Services, the
4 Committee on Oversight and Government Reform,
5 and the Committee on Appropriations of the House
6 of Representatives”.

7 **SEC. 1103. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
8 **ANNUAL LIMITATION ON PREMIUM PAY AND**
9 **AGGREGATE LIMITATION ON PAY FOR FED-**
10 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**
11 **SEAS.**

12 (a) **EXTENSION OF AUTHORITY.**—Subsection (a) of
13 section 1101 of the Duncan Hunter National Defense Au-
14 thorization Act for Fiscal Year 2009 (Public Law 110-
15 417; 122 Stat. 4615) is amended by striking “calendar
16 year 2009” and inserting “calendar years 2009 and
17 2010”.

18 (b) **CLARIFICATION OF EXEMPTION FROM AGGRE-**
19 **GATE LIMITATIONS ON PAY.**—Subsection (b) of such sec-
20 tion is amended by striking “Section 5307 of title 5,
21 United States Code” and inserting “Aggregate limitations
22 on pay, whether established by law or regulation”.

1 **SEC. 1104. AVAILABILITY OF FUNDS FOR COMPENSATION**
2 **OF CERTAIN CIVILIAN EMPLOYEES OF THE**
3 **DEPARTMENT OF DEFENSE.**

4 (a) AVAILABILITY OF FUNDS.—Notwithstanding any
5 other provision of law, funds authorized to be appropriated
6 for the Department of Defense that are available for the
7 purchase of contract services to meet a requirement that
8 is anticipated to continue for five years or more shall be
9 available to provide compensation for civilian employees of
10 the Department to meet the same requirement.

11 (b) REGULATIONS.—Not later than 120 days after
12 the date of the enactment of this Act, the Secretary shall
13 prescribe regulations implementing the authority in sub-
14 section (a). Such regulations—

15 (1) shall ensure that the authority in subsection
16 (a) is utilized to build government capabilities that
17 are needed to perform inherently governmental func-
18 tions, functions closely associated with inherently
19 governmental functions, and other critical functions;

20 (2) shall include a mechanism to ensure that
21 follow-on funding to provide compensation for civil-
22 ian employees of the Department to perform func-
23 tions described in paragraph (1) is provided from
24 appropriate accounts; and

25 (3) may establish additional criteria and levels
26 of approval within the Department for the utilization

1 of funds to provide compensation for civilian employ-
2 ees of the Department pursuant to subsection (a).

3 (c) ANNUAL REPORT.—Not later than 60 days after
4 the end of each fiscal year for which the authority in sub-
5 section (a) is in effect, the Secretary shall submit to the
6 congressional defense committees a report on the use of
7 such authority. Each report shall cover the preceding fis-
8 cal year and shall identify, at a minimum, the following:

9 (1) The amount of funds used under the au-
10 thority in subsection (a) to provide compensation for
11 civilian employees.

12 (2) The source or sources of the funds so used.

13 (3) The number of civilian employees employed
14 through the use of such funds.

15 (4) The actions taken by the Secretary to en-
16 sure that follow-on funding for such civilian employ-
17 ees is provided through appropriate accounts.

18 (d) TEMPORARY AUTHORITY.—The authority in sub-
19 section (a) shall apply to funds authorized to be appro-
20 priated for the Department of Defense fiscal years 2010
21 through 2019.

22 **SEC. 1105. DEPARTMENT OF DEFENSE CIVILIAN LEADER-**
23 **SHIP PROGRAM.**

24 (a) LEADERSHIP PROGRAM REQUIRED.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of the enactment of this Act, the Sec-
3 retary of Defense shall establish a program of lead-
4 ership recruitment and development for civilian em-
5 ployees of the Department of Defense, to be known
6 as the “Department of Defense Civilian Leadership
7 Program” (in this section referred to as the “pro-
8 gram”).

9 (2) OBJECTIVES.—The objectives of the pro-
10 gram shall be as follows:

11 (A) To develop a new generation of civilian
12 leaders for the Department of Defense.

13 (B) To recruit individuals with the aca-
14 demic merit, work experience, and dem-
15 onstrated leadership skills to meet the future
16 needs of the Department.

17 (C) To offer rapid advancement, competi-
18 tive compensation, and leadership opportunities
19 to highly-qualified civilian employees of the De-
20 partment.

21 (3) AVAILABLE AUTHORITIES.—In carrying out
22 the program, the Secretary may exercise any author-
23 ity available to the Office of Personnel Management
24 under section 4703 of title 5, United States Code,
25 except that the Secretary shall not be bound by the

1 limitations in subsection (d) of such section. Nothing
2 in this section shall be construed to authorize the
3 waiver of any part of chapter 71 of title 5, United
4 States Code, or any regulation implementing such
5 chapter, in the carrying out of the program.

6 (b) ELIGIBLE INDIVIDUALS.—

7 (1) IN GENERAL.—The following individuals
8 shall be eligible to participate in the program:

9 (A) Current employees of the Department
10 of Defense.

11 (B) Appropriate individuals in the private
12 sector.

13 (2) LIMITATION ON NUMBER OF ENTRANTS
14 INTO PROGRAM.—The total number of individuals
15 who may enter into the program in any fiscal year
16 may not exceed 5,000.

17 (c) ELEMENTS OF PROGRAM.—

18 (1) COMPETITIVE ENTRY.—The selection of in-
19 dividuals for entry into the program shall be made
20 on the basis of a competition conducted at least
21 twice each year. In each competition, participants in
22 the program shall be selected from among applicants
23 determined by the Secretary to be the most highly
24 qualified in terms of academic merit, work experi-
25 ence, and demonstrated leadership skills. Each com-

1 petition shall provide for entry-level participants and
2 midcareer participants in the program.

3 (2) ALLOCATION OF POSITIONS.—The Secretary
4 shall allocate positions in the program among the
5 components of the Department of Defense that—

6 (A) offer the most challenging assign-
7 ments;

8 (B) provide the greatest level of responsi-
9 bility; and

10 (C) demonstrate the greatest need for par-
11 ticipants in the program.

12 (3) ASSIGNMENTS TO POSITIONS.—Participants
13 in the program shall be assigned to components of
14 the Department that best match their skills and
15 qualifications. Participants in the program may be
16 rotated among components of the Department of
17 Defense at the discretion of the Secretary.

18 (4) INITIAL COMPENSATION.—The initial com-
19 pensation of participants in the program shall be de-
20 termined by the Secretary based on the qualifica-
21 tions of such participants and applicable market
22 conditions.

23 (5) EDUCATION AND TRAINING.—The Secretary
24 shall provide participants in the program with train-
25 ing, mentoring, and educational opportunities that

1 are appropriate to facilitate the development of such
2 participants into effective civilian leaders for the De-
3 partment of Defense.

4 (6) OBJECTIVE, MERIT-BASED PRINCIPLES FOR
5 PERSONNEL DECISIONS.—The Secretary shall make
6 personnel decisions under the program in accordance
7 with such objective, merit-based criteria as the Sec-
8 retary shall prescribe in regulations for purposes of
9 the program. Such criteria shall include, but not be
10 limited to, criteria applicable to the following:

11 (A) The selection of individuals for entry
12 into the program.

13 (B) The assignment of participants in the
14 program to positions in the Department of De-
15 fense.

16 (C) The initial compensation of partici-
17 pants in the program.

18 (D) The access of participants in the pro-
19 gram to training, mentoring, and educational
20 opportunities under the program.

21 (E) The consideration of participants in
22 the program for selection into the senior man-
23 agement, functional, and technical workforce of
24 the Department.

1 (7) CONSIDERATION FOR SENIOR MANAGE-
2 MENT, FUNCTIONAL, AND TECHNICAL WORK-
3 FORCE.—Any participant in the program who, as de-
4 termined by the Secretary, demonstrates outstanding
5 performance shall be afforded priority in consider-
6 ation for selection into the appropriate element of
7 the senior management, functional, and technical
8 workforce of the Department of Defense (as set
9 forth in section 1102(b) of the John Warner Na-
10 tional Defense Authorization Act for Fiscal Year
11 2007 (Public Law 109–364; 120 Stat. 2407)).

12 **SEC. 1106. REVIEW OF DEFENSE LABORATORIES FOR PAR-**
13 **TICIPATION IN DEFENSE LABORATORY PER-**
14 **SONNEL DEMONSTRATION PROJECTS.**

15 (a) REVIEW REQUIRED.—The Secretary of Defense
16 shall undertake a review of defense laboratories not cur-
17 rently included in personnel demonstration projects au-
18 thorized by section 342(b) of the National Defense Au-
19 thorization Act for Fiscal Year 1995 (Public Law 103–
20 337; 108 Stat. 2721), as amended by section 1114 of the
21 Floyd D. Spence National Defense Authorization Act for
22 Fiscal Year 2001 (as enacted into law by Public Law 106–
23 398; 114 Stat. 1654A–315), to determine whether or not
24 any laboratory so reviewed would benefit from the exten-
25 sion to such laboratory of the personnel management flexi-

1 bilities available under such section 342(b), as so amend-
2 ed.

3 (b) COVERED LABORATORIES.—The laboratories cov-
4 ered by the review required by subsection (a) shall include,
5 but not be limited to, the following:

6 (1) Laboratories within the Army Research,
7 Development, and Engineering Command.

8 (2) Army Tank and Automotive Research, De-
9 velopment, and Engineering Center.

10 (3) Army Armament Research, Development,
11 and Engineering Center.

12 (4) Naval Air Warfare Center, Weapons Divi-
13 sion.

14 (5) Naval Air Warfare Center, Aircraft Divi-
15 sion.

16 (6) Space and Naval Warfare Systems Center,
17 Pacific.

18 (7) Space and Naval Warfare Systems Center,
19 Atlantic.

20 (c) REPORT.—

21 (1) IN GENERAL.—Not later than 90 days after
22 the date of the enactment of this Act, the Secretary
23 shall submit to the appropriate committees of Con-
24 gress a report setting forth the results of the review
25 required by subsection (a).

1 (2) APPROPRIATE COMMITTEES OF CONGRESS
 2 DEFINED.—In this subsection, the term “appro-
 3 priate committees of Congress” means—

4 (A) the Committee on Armed Services, the
 5 Committee on Homeland Security and Govern-
 6 mental Affairs, and the Committee on Appro-
 7 priations of the Senate; and

8 (B) the Committee on Armed Services, the
 9 Committee on Oversight and Government Re-
 10 form, and the Committee on Appropriations of
 11 the House of Representatives.

12 **Subtitle B—Part-Time** 13 **Reemployment of Annuitants**

14 **SEC. 1161. SHORT TITLE.**

15 This subtitle may be cited as the “Part-Time Reem-
 16 ployment of Annuitants Act of 2009”.

17 **SEC. 1162. PART-TIME REEMPLOYMENT.**

18 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
 19 8344 of title 5, United States Code, is amended—

20 (1) by redesignating subsection (l) as subsection
 21 (m);

22 (2) by inserting after subsection (k) the fol-
 23 lowing:

24 “(l)(1) For purposes of this subsection—

25 “(A) the term ‘head of an agency’ means—

1 “(i) the head of an Executive agency, other
2 than the Department of Defense or the Govern-
3 ment Accountability Office;

4 “(ii) the head of the United States Postal
5 Service;

6 “(iii) the Director of the Administrative
7 Office of the United States Courts, with respect
8 to employees of the judicial branch; and

9 “(iv) any employing authority described
10 under subsection (k)(2), other than the Govern-
11 ment Accountability Office; and

12 “(B) the term ‘limited time appointee’ means
13 an annuitant appointed under a temporary appoint-
14 ment limited to 1 year or less.

15 “(2) The head of an agency may waive the applica-
16 tion of subsection (a) or (b) with respect to any annuitant
17 who is employed in such agency as a limited time ap-
18 pointee, if the head of the agency determines that the em-
19 ployment of the annuitant is necessary to—

20 “(A) fulfill functions critical to the mission of
21 the agency, or any component of that agency;

22 “(B) assist in the implementation or oversight
23 of the American Recovery and Reinvestment Act of
24 2009 (Public Law 111–5) or the Troubled Asset Re-
25 lief Program under title I of the Emergency Eco-

1 nomic Stabilization Act of 2008 (12 U.S.C. 5201 et
2 seq.);

3 “(C) assist in the development, management, or
4 oversight of agency procurement actions;

5 “(D) assist the Inspector General for that agen-
6 cy in the performance of the mission of that Inspec-
7 tor General;

8 “(E) promote appropriate training or mentoring
9 programs of employees;

10 “(F) assist in the recruitment or retention of
11 employees; or

12 “(G) respond to an emergency involving a direct
13 threat to life of property or other unusual cir-
14 cumstances.

15 “(3) The head of an agency may not waive the appli-
16 cation of subsection (a) or (b) with respect to an annu-
17 itant—

18 “(A) for more than 520 hours of service per-
19 formed by that annuitant during the period ending
20 6 months following the individual’s annuity com-
21 mencing date;

22 “(B) for more than 1040 hours of service per-
23 formed by that annuitant during any 12-month pe-
24 riod; or

1 “(C) for more than a total of 3120 hours of
2 service performed by that annuitant.

3 “(4)(A) The total number of annuitants to whom a
4 waiver by the head of an agency under this subsection or
5 section 8468(i) applies may not exceed 2.5 percent of the
6 total number of full-time employees of that agency.

7 “(B) If the total number of annuitants to whom a
8 waiver by the head of an agency under this subsection or
9 section 8468(i) applies exceeds 1 percent of the total num-
10 ber of full-time employees of that agency, the head of that
11 agency shall submit to the Committee on Homeland Secu-
12 rity and Governmental Affairs of the Senate, the Com-
13 mittee on Oversight and Government Reform of the House
14 of Representatives, and the Office of Personnel Manage-
15 ment—

16 “(i) a report with an explanation that justifies
17 the need for the waivers in excess of that percent-
18 age; and

19 “(ii) not later than 180 days after submitting
20 the report under clause (i), a succession plan.

21 “(5)(A) The Director of the Office of Personnel Man-
22 agement may promulgate regulations providing for the ad-
23 ministration of this subsection.

24 “(B) Any regulations promulgated under subpara-
25 graph (A) may—

1 “(i) provide standards for the maintenance
2 and form of necessary records of employment
3 under this subsection;

4 “(ii) to the extent not otherwise expressly
5 prohibited by law, require employing agencies to
6 provide records of such employment to the Of-
7 fice of Personnel Management or other employ-
8 ing agencies as necessary to ensure compliance
9 with paragraph (3);

10 “(iii) authorize other administratively con-
11 venient periods substantially equivalent to 12
12 months, such as 26 pay periods, to be used in
13 determining compliance with paragraph (3)(B);

14 “(iv) include such other administrative re-
15 quirements as the Director of the Office of Per-
16 sonnel Management may find appropriate to
17 provide for the effective operation of, or to en-
18 sure compliance with, this subsection; and

19 “(v) encourage the training and mentoring
20 of employees by any limited time appointee em-
21 ployed under this subsection.

22 “(6)(A) Any hours of training or mentoring of em-
23 ployees by any limited time appointee employed under this
24 subsection shall not be included in the hours of service

1 performed for purposes of paragraph (3), but those hours
2 of training or mentoring may not exceed 520 hours.

3 “(B) If the primary service performed by any limited
4 time appointee employed under this subsection is training
5 or mentoring of employees, the hours of that service shall
6 be included in the hours of service performed for purposes
7 of paragraph (3).

8 “(7) The authority of the head of an agency under
9 this subsection to waive the application of subsection (a)
10 or (b) shall terminate 5 years after the date of enactment
11 of the Part-Time Reemployment of Annuitants Act of
12 2009.”; and

13 (3) in subsection (m) (as so redesignated)—

14 (A) in paragraph (1), by striking “(k)”
15 and inserting “(l)”; and

16 (B) in paragraph (2), by striking “or (k)”
17 and inserting “(k), or (l)”.

18 (b) FEDERAL EMPLOYEE RETIREMENT SYSTEM.—

19 Section 8468 of title 5, United States Code, is amended—

20 (1) by redesignating subsection (i) as subsection
21 (j);

22 (2) by inserting after subsection (h) the fol-
23 lowing:

24 “(i)(1) For purposes of this subsection—

25 “(A) the term ‘head of an agency’ means—

1 “(i) the head of an Executive agency, other
2 than the Department of Defense or the Govern-
3 ment Accountability Office;

4 “(ii) the head of the United States Postal
5 Service;

6 “(iii) the Director of the Administrative
7 Office of the United States Courts, with respect
8 to employees of the judicial branch; and

9 “(iv) any employing authority described
10 under subsection (h)(2), other than the Govern-
11 ment Accountability Office; and

12 “(B) the term ‘limited time appointee’ means
13 an annuitant appointed under a temporary appoint-
14 ment limited to 1 year or less.

15 “(2) The head of an agency may waive the applica-
16 tion of subsection (a) with respect to any annuitant who
17 is employed in such agency as a limited time appointee,
18 if the head of the agency determines that the employment
19 of the annuitant is necessary to—

20 “(A) fulfill functions critical to the mission of
21 the agency, or any component of that agency;

22 “(B) assist in the implementation or oversight
23 of the American Recovery and Reinvestment Act of
24 2009 (Public Law 111–5) or the Troubled Asset Re-
25 lief Program under title I of the Emergency Eco-

1 nomic Stabilization Act of 2008 (12 U.S.C. 5201 et
2 seq.);

3 “(C) assist in the development, management, or
4 oversight of agency procurement actions;

5 “(D) assist the Inspector General for that agen-
6 cy in the performance of the mission of that Inspec-
7 tor General;

8 “(E) promote appropriate training or mentoring
9 programs of employees;

10 “(F) assist in the recruitment or retention of
11 employees; or

12 “(G) respond to an emergency involving a direct
13 threat to life of property or other unusual cir-
14 cumstances.

15 “(3) The head of an agency may not waive the appli-
16 cation of subsection (a) with respect to an annuitant—

17 “(A) for more than 520 hours of service per-
18 formed by that annuitant during the period ending
19 6 months following the individual’s annuity com-
20 mencing date;

21 “(B) for more than 1040 hours of service per-
22 formed by that annuitant during any 12-month pe-
23 riod; or

24 “(C) for more than a total of 3120 hours of
25 service performed by that annuitant.

1 “(4)(A) The total number of annuitants to whom a
2 waiver by the head of an agency under this subsection or
3 section 8344(l) applies may not exceed 2.5 percent of the
4 total number of full-time employees of that agency.

5 “(B) If the total number of annuitants to whom a
6 waiver by the head of an agency under this subsection or
7 section 8344(l) applies exceeds 1 percent of the total num-
8 ber of full-time employees of that agency, the head of that
9 agency shall submit to the Committee on Homeland Secu-
10 rity and Governmental Affairs of the Senate, the Com-
11 mittee on Oversight and Government Reform of the House
12 of Representatives, and the Office of Personnel Manage-
13 ment—

14 “(i) a report with an explanation that justifies
15 the need for the waivers in excess of that percent-
16 age; and

17 “(ii) not later than 180 days after submitting
18 the report under clause (i), a succession plan.

19 “(5)(A) The Director of the Office of Personnel Man-
20 agement may promulgate regulations providing for the ad-
21 ministration of this subsection.

22 “(B) Any regulations promulgated under subpara-
23 graph (A) may—

1 “(i) provide standards for the maintenance and
2 form of necessary records of employment under this
3 subsection;

4 “(ii) to the extent not otherwise expressly pro-
5 hibited by law, require employing agencies to provide
6 records of such employment to the Office or other
7 employing agencies as necessary to ensure compli-
8 ance with paragraph (3);

9 “(iii) authorize other administratively conven-
10 ient periods substantially equivalent to 12 months,
11 such as 26 pay periods, to be used in determining
12 compliance with paragraph (3)(B);

13 “(iv) include such other administrative require-
14 ments as the Director of the Office of Personnel
15 Management may find appropriate to provide for ef-
16 fective operation of, or to ensure compliance with,
17 this subsection; and

18 “(v) encourage the training and mentoring of
19 employees by any limited time appointee employed
20 under this subsection.

21 “(6)(A) Any hours of training or mentoring of em-
22 ployees by any limited time appointee employed under this
23 subsection shall not be included in the hours of service
24 performed for purposes of paragraph (3), but those hours
25 of training or mentoring may not exceed 520 hours.

1 “(B) If the primary service performed by any limited
2 time appointee employed under this subsection is training
3 or mentoring of employees, the hours of that service shall
4 be included in the hours of service performed for purposes
5 of paragraph (3).

6 “(7) The authority of the head of an agency under
7 this subsection to waive the application of subsection (a)
8 shall terminate 5 years after the date of enactment of the
9 Part-Time Reemployment of Annuitants Act of 2009.”;
10 and

11 (3) in subsection (j) (as so redesignated)—

12 (A) in paragraph (1), by striking “(h)”
13 and inserting “(i)”; and

14 (B) in paragraph (2), by striking “or (h)”
15 and inserting “(h), or (i)”.

16 (c) RULE OF CONSTRUCTION.—Nothing in the
17 amendments made by this section may be construed to au-
18 thorize the waiver of the hiring preferences under chapter
19 33 of title 5, United States Code in selecting annuitants
20 to employ in an appointive or elective position.

21 (d) TECHNICAL AND CONFORMING AMENDMENTS.—
22 Section 1005(d)(2) of title 39, United States Code, is
23 amended—

24 (1) by striking “(l)(2)” and inserting “(m)(2)”;

25 and

1 (2) by striking “(i)(2)” and inserting “(j)(2)”.

2 **SEC. 1163. GENERAL ACCOUNTABILITY OFFICE REPORT.**

3 (a) **IN GENERAL.**—Not later than 3 years after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall submit to the Committee on
6 Homeland Security and Governmental Affairs of the Sen-
7 ate and the Committee on Oversight and Government Re-
8 form of the House of Representatives a report regarding
9 the use of the authority under the amendments made by
10 section 1162.

11 (b) **CONTENTS.**—The report submitted under sub-
12 section (a) shall—

13 (1) include the number of annuitants for whom
14 a waiver was made under subsection (l) of section
15 8344 of title 5, United States Code, as amended by
16 this subtitle, or subsection (i) of section 8468 of title
17 5, United States Code, as amended by this subtitle;
18 and

19 (2) identify each agency that used the authority
20 described in paragraph (1).

21 (c) **AGENCY DATA.**—Each head of an agency (as de-
22 fined under sections 8344(l)(1) and 8468(i)(1)(A) of title
23 5, United States Code, as added by section 1162 of this
24 subtitle) shall—

1 (1) collect and maintain data necessary for pur-
 2 poses of the Comptroller General report submitted
 3 under subsection (a); and

4 (2) submit to the Comptroller General that data
 5 as the Comptroller General requires in a timely fash-
 6 ion.

7 **TITLE XII—MATTERS RELATING**
 8 **TO FOREIGN NATIONS**
 9 **Subtitle A—Assistance and**
 10 **Training**

11 **SEC. 1201. INCREASE IN UNIT COST THRESHOLD FOR PUR-**
 12 **CHASES USING CERTAIN FUNDS UNDER THE**
 13 **COMBATANT COMMANDER INITIATIVE FUND.**

14 (a) INCREASE.—

15 (1) IN GENERAL.—Subsection (e)(1)(A) of sec-
 16 tion 166a of title 10, United States Code, is amend-
 17 ed by striking “\$15,000” and inserting “the invest-
 18 ment unit threshold in effect under section 2245a of
 19 this title”.

20 (2) EFFECTIVE DATE.—The amendment made
 21 by paragraph (1) shall take effect on October 1,
 22 2009, and shall apply with respect to funds available
 23 under the Combatant Commander Initiative Fund
 24 for fiscal years that being on or after that date.

25 (b) CLARIFYING AMENDMENTS.—

1 (1) CLERICAL AMENDMENT.—The section head-
2 ing of such section is amended to read as follows:

3 **“§ 166a. Combatant commands: funding through the**
4 **Chairman of the Joint Chiefs of Staff**
5 **from Combatant Commander Initiative**
6 **Fund”.**

7 (2) TABLE OF SECTIONS.—The table of sections
8 at the beginning of chapter 6 of such title is amend-
9 ed by striking the item relating to section 166a and
10 inserting the following new item:

“166a. Combatant commands: funding through the Joint
Chiefs of Staff from Combatant Commander Initiative Fund.”.

11 **SEC. 1202. AUTHORITY TO PROVIDE ADMINISTRATIVE**
12 **SERVICES AND SUPPORT TO COALITION LIAI-**
13 **SON OFFICERS OF CERTAIN FOREIGN NA-**
14 **TIONS ASSIGNED TO UNITED STATES JOINT**
15 **FORCES COMMAND.**

16 (a) EXTENSION OF AUTHORITY.—Subsection (a) of
17 section 1051a of title 10, United States Code, is amend-
18 ed—

19 (1) by striking “assigned temporarily” and in-
20 serting “assigned temporarily as follows.”;

21 (2) by designating the remainder of the text of
22 that subsection as paragraph (1) and indenting that
23 text two ems from the left margin;

1 (3) in paragraph (1), as so designated, by strik-
2 ing “to the headquarters” and inserting “To the
3 headquarters”; and

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

6 “(2) To the headquarters of the combatant
7 command assigned by the Secretary of Defense the
8 mission of joint warfighting experimentation and
9 joint forces training.”.

10 (b) EFFECTIVE DATE.—Paragraph (2) of section
11 1051a(a) of title 10, United States Code (as added by sub-
12 section (a)), shall take effect on October 1, 2009, or the
13 date of the enactment of this Act, whichever is later.

14 **SEC. 1203. MODIFICATION OF AUTHORITIES RELATING TO**
15 **PROGRAM TO BUILD THE CAPACITY OF FOR-**
16 **EIGN MILITARY FORCES.**

17 (a) TEMPORARY LIMITATION ON AMOUNT FOR
18 BUILDING CAPACITY FOR MILITARY AND STABILITY OP-
19 ERATIONS.—Section 1206(c) of the National Defense Au-
20 thorization Act for Fiscal Year 2006 (Public Law 109–
21 163; 119 Stat. 3456), as amended by section 1206 of the
22 John Warner National Defense Authorization Act for Fis-
23 cal Year 2007 (Public Law 109–364; 120 Stat. 2418) and
24 section 1206 of the Duncan Hunter National Defense Au-
25 thorization Act for Fiscal Year 2009 (Public Law 110–

1 417; 122 Stat. 4625), is further amended by adding at
2 the end the following new paragraph:

3 “(5) TEMPORARY LIMITATION ON AMOUNT FOR
4 BUILDING CAPACITY TO PARTICIPATE IN OR SUP-
5 PORT MILITARY AND STABILITY OPERATIONS.—Of
6 the funds used to carry out a program under sub-
7 section (a), not more than \$75,000,000 may be used
8 during fiscal year 2010, and not more than
9 \$75,000,000 may be used during fiscal year 2011,
10 for purposes described in subsection (a)(1)(B).”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall take effect on October 1, 2009, and
13 shall apply with respect to programs under section
14 1206(a) of the National Defense Authorization Act for
15 Fiscal Year 2006 that begin on or after that date.

16 **SEC. 1204. MODIFICATION OF NOTIFICATION AND REPORT-**
17 **ING REQUIREMENTS FOR USE OF AUTHORITY**
18 **FOR SUPPORT OF SPECIAL OPERATIONS TO**
19 **COMBAT TERRORISM.**

20 (a) NOTIFICATION.—Section 1208(c) of the Ronald
21 W. Reagan National Defense Authorization Act for Fiscal
22 Year 2005 (Public Law 108–375; 118 Stat. 2086), as
23 amended by section 1208(b) of the Duncan Hunter Na-
24 tional Defense Authorization Act for Fiscal Year 2009

1 (Public Law 110–417; 122 Stat. 4626), is further amend-
2 ed to read as follows:

3 “(c) NOTIFICATION.—

4 “(1) SUPPORT FOR FOREIGN FORCES.—The
5 Secretary of Defense shall notify the congressional
6 defense committees expeditiously, and in any event
7 not later than 48 hours, after—

8 “(A) using the authority provided in sub-
9 section (a) to make funds available for foreign
10 forces in support of an approved military oper-
11 ation; or

12 “(B) changing the scope or funding level of
13 any such support.

14 “(2) SUPPORT FOR IRREGULAR FORCES,
15 GROUPS, OR INDIVIDUALS.—The Secretary of De-
16 fense may not exercise the authority provided in sub-
17 section (a) to make funds available for irregular
18 forces or a group (other than foreign forces) or indi-
19 vidual in support of an approved military operation,
20 or change the scope or funding level of such support,
21 until 72 hours after notifying the congressional de-
22 fense committees of the use of such authority with
23 respect to that operation or such change in scope or
24 funding level.

1 “(3) CONTENT.—Notifications required under
2 this subsection shall include the following informa-
3 tion:

4 “(A) The type of support provided or to be
5 provided to United States special operations
6 forces.

7 “(B) The type of support provided or to be
8 provided to the recipient of the funds.

9 “(C) The intended duration of the support.

10 “(D) The amount obligated under the au-
11 thority to provide support.”.

12 (b) ANNUAL REPORT.—Section 1208(f) of the Ron-
13 ald W. Reagan National Defense Authorization Act for
14 Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086)
15 is amended in the second sentence by striking “shall de-
16 scribe the support” and all that follows through the period
17 at the end and inserting “shall include the following infor-
18 mation:

19 “(1) A description of supported operations.

20 “(2) A summary of operations.

21 “(3) The type of recipients that received sup-
22 port, identified by authorized category (foreign
23 forces, irregular forces, groups, or individuals).

24 “(4) The total amount obligated in the previous
25 fiscal year, including budget details.

1 “(5) The total amount obligated in prior fiscal
2 years.

3 “(6) The intended duration of support.

4 “(7) A description of support or training pro-
5 vided to the recipients of support.

6 “(8) A value assessment of the operational sup-
7 port provided.”.

8 **SEC. 1205. MODIFICATION OF AUTHORITY FOR REIMBURSE-**
9 **MENT OF CERTAIN COALITION NATIONS FOR**
10 **SUPPORT PROVIDED TO UNITED STATES**
11 **MILITARY OPERATIONS.**

12 (a) EXPANSION OF AUTHORITY.—Section 1233 of
13 the National Defense Authorization Act for Fiscal Year
14 2008 (Public Law 110–181; 122 Stat. 393) is amended—

15 (1) by redesignating subsections (b), (c), and
16 (d) as subsections (c), (d), and (e), respectively; and

17 (2) by striking subsection (a) and inserting the
18 following new subsections:

19 “(a) REIMBURSEMENT.—

20 “(1) IN GENERAL.—Using applicable funds re-
21 ferred to in paragraph (2), the Secretary of Defense
22 may reimburse any key cooperating nation for the
23 following:

24 “(A) During fiscal year 2008, logistical
25 and military support provided by that nation to

1 or in connection with United States military op-
2 erations in Operation Iraqi Freedom or Oper-
3 ation Enduring Freedom.

4 “(B) During fiscal year 2010, logistical,
5 military, and other support, including access,
6 provided by that nation to or in connection with
7 United States military operations described in
8 subparagraph (A).

9 “(2) COVERED FUNDS.—The funds referred to
10 in this subsection are the following:

11 “(A) For purposes of paragraph (1)(A),
12 amounts authorized to be appropriated for fis-
13 cal year 2008 by section 1508 for operation and
14 maintenance.

15 “(B) For purposes of paragraph (1)(B),
16 amounts authorized to be appropriated for fis-
17 cal year 2010 by section 1507(5) for operation
18 and maintenance, Defense-wide activities.

19 “(b) OTHER SUPPORT.—Using funds described in
20 subsection (a)(2)(B), the Secretary of Defense may also
21 assist any key cooperating nation supporting United
22 States military operations in Operation Iraqi Freedom or
23 Operation Enduring Freedom in Afghanistan through the
24 following:

1 “(1) The provision of specializing training to
2 personnel of that nation in connection with such op-
3 erations, including training of such personnel before
4 deployment in connection with such operations.

5 “(2) The procurement and provision of supplies
6 to that nation in connection with such operations.

7 “(3) The procurement of specialized equipment
8 and the loaning of such specialized equipment to
9 that nation on a non-reimbursable basis in connec-
10 tion with such operations.”.

11 (b) AMOUNTS OF SUPPORT.—Paragraph (2) of sub-
12 section (c) of such section, as redesignated by subsection
13 (a)(1) of this section, is amended to read as follows:

14 “(2) SUPPORT.—Support authorized by sub-
15 section (b) may be provided in such amounts as the
16 Secretary of Defense, with the concurrence of the
17 Secretary of State and in consultation with the Di-
18 rector of the Office of Management and Budget,
19 considers appropriate.”.

20 (c) LIMITATIONS ON AMOUNTS DURING FISCAL
21 YEAR 2010.—Paragraph (1) of subsection (d) of such sec-
22 tion, as so redesignated, is amended to read as follows:

23 “(1) LIMITATIONS ON AMOUNTS.—(A) The
24 total amount of reimbursements made under the au-

1 thority in subsection (a) during fiscal year 2008 may
2 not exceed \$1,200,000,000.

3 “(B) The aggregate amount of reimbursements
4 made under subsection (a) and support provided
5 under subsection (b) during fiscal year 2010 may
6 not exceed \$1,600,000,000.”.

7 (d) NOTICE TO CONGRESS.—Subsection (e) of such
8 section, as so redesignated, is amended by striking
9 “shall—” and all that follows and inserting “shall notify
10 the congressional defense committees not later than 15
11 days before making any reimbursement under the author-
12 ity in subsection (a) or providing any support under the
13 authority in subsection (b).”.

14 (e) REPORTS.—Such section is further amended by
15 adding at the end the following new subsection:

16 “(f) REPORTS.—The Secretary of Defense shall sub-
17 mit to the congressional defense committees on a quarterly
18 basis a report on any reimbursements made under the au-
19 thority in subsection (a), and any support provided under
20 the authority in subsection (b), during such quarter.”.

21 (f) EXTENSION OF NOTICE ON REIMBURSEMENT OF
22 PAKISTAN FOR SUPPORT PROVIDED BY PAKISTAN.—Sec-
23 tion 1232(b)(6) of the National Defense Authorization Act
24 for Fiscal Year 2008 (122 Stat. 393), as amended by sec-
25 tion 1217 of the Duncan Hunter National Defense Au-

1 thorization Act for Fiscal Year 2009 (Public Law 110–
2 417; 122 Stat. 4634), is further amended by striking
3 “September 30, 2010” and inserting “September 30,
4 2011”.

5 **SEC. 1206. ONE-YEAR EXTENSION AND EXPANSION OF COM-**
6 **MANDERS’ EMERGENCY RESPONSE PRO-**
7 **GRAM.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that—

10 (1) the Commanders’ Emergency Response Pro-
11 gram provides United States military commanders in
12 theater a valuable tool for accomplishing the coun-
13 terinsurgency mission in Iraq and Afghanistan by
14 enabling military commanders to fund urgent hu-
15 manitarian relief and reconstruction requirements by
16 carrying out programs that will immediately assist
17 the people of those countries; and

18 (2) United States military commanders utilizing
19 Commanders’ Emergency Response Program funds
20 in Afghanistan, and Provincial Reconstruction
21 Teams in Afghanistan using such funds or other
22 United States humanitarian or reconstruction assist-
23 ance, should whenever possible coordinate the fund-
24 ing of projects with local councils, particularly Com-
25 munity Development Councils established under the

1 Afghanistan National Solidarity Program, and take
2 actions that promote the importance and effective-
3 ness of local and national government entities.

4 (b) ONE-YEAR EXTENSION OF AUTHORITY.—

5 (1) AUTHORITY FOR FISCAL YEAR 2010.—Sub-
6 section (a) of section 1202 of the National Defense
7 Authorization Act for Fiscal Year 2006 (Public Law
8 109–163; 119 Stat. 3455), as amended by section
9 1205 of the National Defense Authorization Act for
10 Fiscal Year 2008 (Public Law 110–181; 122 Stat.
11 366) and section 1214 of the Duncan Hunter Na-
12 tional Defense Authorization Act for Fiscal Year
13 2009 (Public Law 110–417; 122 Stat. 4630), is fur-
14 ther amended—

15 (A) in the subsection heading, by striking
16 “FISCAL YEARS 2008 AND 2009” and inserting
17 “FISCAL YEAR 2010”;

18 (B) by striking “each of fiscal years 2008
19 and 2009” and inserting “fiscal year 2010”;

20 (C) by striking “for such fiscal year”; and

21 (D) by striking “\$1,700,000,000 in fiscal
22 year 2008 and \$1,500,000,000 in fiscal year
23 2009” and inserting “\$1,400,000,000”.

1 (2) EFFECTIVE DATE.—The amendments made
2 by paragraph (1) shall take effect on October 1,
3 2009.

4 (c) EXTENSION OF DUE DATE FOR QUARTERLY RE-
5 PORTS.—Subsection (b)(1) of such section is amended—

6 (1) by striking “15 days” and inserting “30
7 days”; and

8 (2) by striking “fiscal years 2008 and 2009”
9 and inserting “any fiscal year during which the au-
10 thority under subsection (a) is in effect”.

11 (d) AUTHORITY TO TRANSFER FUNDS FOR SUPPORT
12 OF AFGHANISTAN NATIONAL SOLIDARITY PROGRAM.—

13 Such section is further amended—

14 (1) by redesignating subsection (g) as sub-
15 section (h); and

16 (2) by inserting after subsection (f) the fol-
17 lowing new subsection (g):

18 “(g) AUTHORITY TO TRANSFER FUNDS FOR SUP-
19 PORT OF AFGHANISTAN NATIONAL SOLIDARITY PRO-
20 GRAM.—

21 “(1) AUTHORITY.—If the Secretary of Defense
22 determines that the use of Commanders’ Emergency
23 Response Program funds to support the Afghanistan
24 National Solidarity Program would enhance counter-
25 insurgency operations or stability operations in Af-

1 ghanistan, the Secretary of Defense may transfer
2 funds, from amounts available for the Commanders’
3 Emergency Response Program for fiscal year 2010,
4 to the Secretary of State for purposes of supporting
5 the Afghanistan National Solidarity Program.

6 “(2) LIMITATION.—The amount of funds
7 transferrable under paragraph (1) may not exceed
8 \$100,000,000.

9 “(3) CONGRESSIONAL NOTIFICATION.—Not
10 later than 15 days before transferring funds under
11 paragraph (1), the Secretary of Defense shall submit
12 to the congressional defense committees a report set-
13 ting forth the Secretary’s determination pursuant to
14 paragraph (1) and a description of the amount of
15 funds to be transferred under that paragraph.”.

16 (e) TECHNICAL AMENDMENTS.—Subsections (e)(1)
17 and (f)(1) of such section are amended by striking “the
18 date of the enactment of the Duncan Hunter National De-
19 fense Authorization Act for Fiscal Year 2009” and insert-
20 ing “October 14, 2008,”.

21 **SEC. 1207. ONE-YEAR EXTENSION OF AUTHORITY FOR SE-**
22 **CURITY AND STABILIZATION ASSISTANCE.**

23 Section 1207(g) of the National Defense Authoriza-
24 tion Act for Fiscal Year 2006 (Public Law 109–163; 119
25 Stat. 3458), as amended by section 1210 of the National

1 Defense Authorization Act for Fiscal Year 2008 (Public
2 Law 110–181; 122 Stat. 369) and section 1207 of the
3 Duncan Hunter National Defense Authorization Act for
4 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4625),
5 is further amended by striking “September 30, 2009” and
6 inserting “September 30, 2010”.

7 **SEC. 1208. AUTHORITY FOR NON-RECIPROCAL EXCHANGES**
8 **OF DEFENSE PERSONNEL BETWEEN THE**
9 **UNITED STATES AND FOREIGN COUNTRIES.**

10 (a) **AUTHORITY TO ENTER INTO NON-RECIPROCAL**
11 **INTERNATIONAL EXCHANGE AGREEMENTS.—**

12 (1) **IN GENERAL.—**The Secretary of Defense
13 may enter into non-reciprocal international defense
14 personnel exchange agreements.

15 (2) **INTERNATIONAL DEFENSE PERSONNEL EX-**
16 **CHANGE AGREEMENTS DEFINED.—**For purposes of
17 this section, an international defense personnel ex-
18 change agreement is an agreement with the govern-
19 ment of an ally of the United States or another
20 friendly foreign country for the exchange of military
21 and civilian personnel of the defense ministry of that
22 foreign government.

23 (b) **ASSIGNMENT OF PERSONNEL.—**

24 (1) **IN GENERAL.—**Pursuant to a non-reciprocal
25 international defense personnel exchange agreement,

1 personnel of the defense ministry of a foreign gov-
2 ernment may be assigned to positions in the Depart-
3 ment of Defense.

4 (2) MUTUAL AGREEMENT REQUIRED.—An indi-
5 vidual may not be assigned to a position pursuant
6 to a non-reciprocal international defense personnel
7 exchange agreement unless the assignment is accept-
8 able to both governments.

9 (c) PAYMENT OF PERSONNEL COSTS.—

10 (1) IN GENERAL.—The foreign government
11 with which the United States has entered into a
12 non-reciprocal international defense personnel ex-
13 change agreement shall pay the salary, per diem,
14 cost of living, travel costs, cost of language or other
15 training, and other costs for its personnel in accord-
16 ance with the applicable laws and regulations of
17 such government.

18 (2) EXCLUDED COSTS.—Paragraph (1) does
19 not apply to the following costs:

20 (A) The cost of training programs con-
21 ducted to familiarize, orient, or certify ex-
22 changed personnel regarding unique aspects of
23 the assignments of the exchanged personnel.

1 (B) Costs incident to the use of facilities of
2 the United States Government in the perform-
3 ance of assigned duties.

4 (d) PROHIBITED CONDITIONS.—No personnel ex-
5 changed pursuant to a non-reciprocal agreement under
6 this section may take or be required to take an oath of
7 allegiance or to hold an official capacity in the govern-
8 ment.

9 (e) DURATION OF AUTHORITY.—The authority under
10 this section shall expire on December 31, 2011.

11 **SEC. 1209. DEFENSE COOPERATION BETWEEN THE UNITED**
12 **STATES AND IRAQ.**

13 (a) FINDINGS.—The Senate makes the following
14 findings:

15 (1) As United States forces continue their rede-
16 ployment from Iraq, the quality of the Iraqi Security
17 Forces and the nature of their training and equip-
18 ment will play an increasingly important role.

19 (2) Despite the decrease in violence in Iraq,
20 Iraq continues to face formidable threats to its na-
21 tional security.

22 (3) There are many benefits to the United
23 States and Iraq resulting from the strategic relation-
24 ship that exists between the two nations.

1 (4) Enhancing the capabilities of the Iraqi Se-
2 curity Forces and strengthening the defense co-
3 operation between the United States and Iraq will
4 help ensure that Iraq has the military strength and
5 political support necessary to enhance its internal
6 and regional security.

7 (b) AVAILABILITY OF PROFESSIONAL MILITARY
8 EDUCATION FOR IRAQ SECURITY FORCES.—The Sec-
9 retary of Defense shall endeavor to increase the number
10 of positions in professional military education courses, in-
11 cluding courses at command and general staff colleges,
12 war colleges, and the service academies, that are made
13 available annually to personnel of the security forces of
14 the Government of Iraq.

15 **SEC. 1210. REPORT ON ALTERNATIVES TO USE OF ACQUISI-**
16 **TION AND CROSS-SERVICING AGREEMENTS**
17 **TO LEND MILITARY EQUIPMENT FOR PER-**
18 **SONNEL PROTECTION AND SURVIVABILITY.**

19 (a) REPORT REQUIRED.—Not later than 90 days
20 after the date of the enactment of this Act, the Secretary
21 of Defense shall submit to the congressional defense com-
22 mittees a report setting forth and assessing various alter-
23 natives to the use of acquisition and cross-servicing agree-
24 ments pursuant to the temporary authority in section
25 1202 of the John Warner National Defense Authorization

1 Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat.
2 2412), as amended by section 1252 of the National De-
3 fense Authorization Act for Fiscal Year 2008 (Public Law
4 110–181; 122 Stat. 402), for purposes of lending covered
5 military equipment to military forces of nations as follows:

6 (1) A nation participating in combined oper-
7 ations with the United States in Iraq and Afghani-
8 stan.

9 (2) A nation participating in combined oper-
10 ations with the United States as part of a peace-
11 keeping operation under the Charter of the United
12 Nations or another international agreement.

13 (b) COVERED MILITARY EQUIPMENT DEFINED.—In
14 this section, the term “covered military equipment” has
15 the meaning given that term in section 1202(d)(1) of the
16 John Warner National Defense Authorization Act for Fis-
17 cal Year 2007.

18 **SEC. 1211. ENSURING IRAQI SECURITY THROUGH DEFENSE**
19 **COOPERATION BETWEEN THE UNITED**
20 **STATES AND IRAQ.**

21 The President may treat an undertaking by the Gov-
22 ernment of Iraq that is made between the date of the en-
23 actment of this Act and December 31, 2011, as a depend-
24 able undertaking described in section 22(a) of the Arms
25 Export Control Act (22 U.S.C. 2762(a)) for purposes of

1 entering into contracts for the procurement of defense ar-
2 ticles and defense services as provided for in that section.

3 **SEC. 1212. AVAILABILITY OF APPROPRIATED FUNDS FOR**
4 **THE STATE PARTNERSHIP PROGRAM.**

5 (a) AVAILABILITY OF APPROPRIATED FUNDS.—The
6 Secretary of Defense may, under regulations prescribed by
7 the Secretary, use funds appropriated to the Department
8 of Defense for fiscal year 2010 to pay the costs incurred
9 by the National Guard (including the costs of pay and al-
10 lowances of members of the National Guard) in con-
11 ducting activities under the State Partnership Program—

12 (1) to support the objectives of the commander
13 of the combatant command for the theater of oper-
14 ations in which such activities are conducted; or

15 (2) to build international civil-military partner-
16 ships and capacity on matters relating to defense
17 and security.

18 (b) LIMITATIONS.—

19 (1) APPROVAL BY COMMANDER OF COMBATANT
20 COMMAND AND CHIEF OF MISSION.—Funds shall not
21 be available under subsection (a) for activities con-
22 ducted under the State Partnership Program in a
23 foreign country unless such activities are jointly ap-
24 proved by the commander of the combatant com-
25 mand concerned and the chief of mission concerned.

1 (2) PARTICIPATION BY MEMBERS.—Funds shall
2 not be available under subsection (a) for the partici-
3 pation of a member of the National Guard in activi-
4 ties conducted under the State Partnership Program
5 in a foreign country unless the member is on active
6 duty in the Armed Forces at the time of such par-
7 ticipation.

8 (c) REIMBURSEMENT.—In the event of the partici-
9 tion of personnel of a department or agency of the United
10 States Government (other than the Department of De-
11 fense) in activities for which payment is made under sub-
12 section (a), the head of such department or agency shall
13 reimburse the Secretary of Defense for the costs associ-
14 ated with the participation of such personnel in such ac-
15 tivities. Amounts reimbursed the Department of Defense
16 under this subsection shall be deposited in the appropria-
17 tion or account from which amounts for the payment con-
18 cerned were derived. Any amounts so deposited shall be
19 merged with amounts in such appropriation or account,
20 and shall be available for the same purposes, and subject
21 to the same conditions and limitations, as amounts in such
22 appropriation or account.

1 **SEC. 1213. AUTHORITY TO TRANSFER DEFENSE ARTICLES**
2 **AND PROVIDE DEFENSE SERVICES TO THE**
3 **MILITARY AND SECURITY FORCES OF IRAQ**
4 **AND AFGHANISTAN.**

5 (a) **AUTHORITY.**—The President is authorized to
6 transfer defense articles from the stocks of the Depart-
7 ment of Defense, and to provide defense services in con-
8 nection with the transfer of such defense articles, to—

9 (1) the military and security forces of Iraq to
10 support the efforts of those forces to restore and
11 maintain peace and security in that country; and

12 (2) the military and security forces of Afghani-
13 stan to support the efforts of those forces to restore
14 and maintain peace and security in that country.

15 (b) **LIMITATIONS.**—

16 (1) **VALUE.**—The aggregate replacement value
17 of all defense articles transferred and defense serv-
18 ices provided under subsection (a) may not exceed
19 \$500,000,000.

20 (2) **SOURCE OF TRANSFERRED DEFENSE ARTI-**
21 **CLES.**—The authority under subsection (a) may only
22 be used for defense articles that—

23 (A) immediately before the transfer were
24 in use to support operations in Iraq;

25 (B) were present in Iraq as of the date of
26 enactment of this Act; and

1 (C) are no longer required by United
2 States forces in Iraq.

3 (e) APPLICABLE LAW.—Any defense articles trans-
4 ferred or defense services provided to Iraq or Afghanistan
5 under the authority of subsection (a) shall be subject to
6 the authorities and limitations applicable to excess defense
7 articles under section 516 of the Foreign Assistance Act
8 of 1961 (22 U.S.C. 2321j), other than the authorities and
9 limitations contained in subsections (b)(1)(B), (e), (f), and
10 (g) of such section.

11 (d) REPORT.—

12 (1) IN GENERAL.—The President may not exer-
13 cise the authority under subsection (a) until 30 days
14 after the Secretary of Defense, with the concurrence
15 of the Secretary of State, provides the appropriate
16 congressional committees a report on the plan for
17 the disposition of equipment and other property of
18 the Department of Defense in Iraq.

19 (2) ELEMENTS OF REPORT.—The report re-
20 quired under paragraph (1) shall include the fol-
21 lowing elements:

22 (A) An assessment of—

23 (i) the types and quantities of defense
24 articles required by the military and secu-
25 rity forces of Iraq to support the efforts of

1 those military and security forces to re-
2 store and maintain peace and security in
3 Iraq; and

4 (ii) the types and quantities of defense
5 articles required by the military and secu-
6 rity forces of Afghanistan to support the
7 efforts of those military and security forces
8 to restore and maintain peace and security
9 in Afghanistan.

10 (B) A description of the authorities avail-
11 able for addressing the requirements identified
12 in subparagraph (A).

13 (C) A description of the process for
14 inventorying equipment and property, including
15 defense articles, in Iraq owned by the Depart-
16 ment of Defense, including equipment and
17 property owned by the Department of Defense
18 and under the control of contractors in Iraq.

19 (D) A description of the types of defense
20 articles that the Department of Defense intends
21 to transfer to the military and security forces of
22 Iraq and an estimate of the quantity of such
23 defense articles to be transferred.

24 (E) A description of the process by which
25 potential requirements for defense articles to be

1 transferred under the authority provided in sub-
2 section (a), other than the requirements of the
3 security forces of Iraq or Afghanistan, are iden-
4 tified and the mechanism for resolving any po-
5 tential conflicting requirements for such defense
6 articles.

7 (F) A description of the plan, if any, for
8 reimbursing military departments from which
9 non-excess defense articles are transferred
10 under the authority provided in subsection (a).

11 (G) An assessment of the efforts by the
12 Government of Iraq to identify the require-
13 ments of the military and security forces of
14 Iraq for defense articles to support the efforts
15 of those forces to restore and maintain peace
16 and security in that country.

17 (H) An assessment of the ability of the
18 Governments of Iraq and Afghanistan to absorb
19 the costs associated with possessing and using
20 the defense articles to be transferred.

21 (I) A description of the steps taken by the
22 Government of Iraq to procure or acquire de-
23 fense articles to meet the requirements of the
24 military and security forces of Iraq, including
25 through military sales from the United States.

1 (e) NOTIFICATION.—

2 (1) IN GENERAL.—The President may not
3 transfer defense articles or provide defense services
4 under subsection (a) until 15 days after the date on
5 which the President has provided notice of the pro-
6 posed transfer of defense articles or provision of de-
7 fense services to the appropriate congressional com-
8 mittees.

9 (2) CONTENTS.—Such notification shall in-
10 clude—

11 (A) a description of the amount and type
12 of each defense article to be transferred or de-
13 fense services to be provided;

14 (B) a statement describing the current
15 value of such article and the estimated replace-
16 ment value of such article;

17 (C) an identification of the military depart-
18 ment from which the defense articles being
19 transferred are drawn;

20 (D) an identification of the element of the
21 military or security force that is the proposed
22 recipient of each defense article to be trans-
23 ferred or defense service to be provided;

24 (E) an assessment of the impact of the
25 transfer on the national technology and indus-

1 trial base and, particularly, the impact on op-
2 portunities of entities in the national technology
3 and industrial base to sell new or used equip-
4 ment to the countries to which such articles are
5 to be transferred; and

6 (F) a certification by the President that—

7 (i) the Secretary of Defense has deter-
8 mined that—

9 (I) the defense articles to be
10 transferred are no longer required by
11 United States forces in Iraq;

12 (II) the proposed transfer of such
13 defense articles will not adversely im-
14 pact the military preparedness of the
15 United States;

16 (III) immediately before the
17 transfer, the defense articles to be
18 transferred were being used to sup-
19 port operations in Iraq;

20 (IV) the defense articles to be
21 transferred were present in Iraq as of
22 the date of enactment of this Act; and

23 (V) the defense articles to be
24 transferred are required by the mili-
25 tary and security forces of Iraq or the

1 military and security forces of Af-
2 ghanistan, as applicable, to build their
3 capacity to restore and maintain
4 peace and security in their country;

5 (ii) the government of the recipient
6 country has agreed to accept and take pos-
7 session of the defense articles to be trans-
8 ferred and to receive the defense services
9 in connection with that transfer; and

10 (iii) the proposed transfer of such de-
11 fense articles and the provision of defense
12 services in connection with such transfer is
13 in the national interest of the United
14 States.

15 (f) QUARTERLY REPORT.—Not later than 90 days
16 after the date of the report provided under subsection (d),
17 and every 90 days thereafter during fiscal year 2010, the
18 Secretary of Defense shall report to the appropriate con-
19 gressional committees on the implementation of the au-
20 thority under subsection (a). The report shall include the
21 replacement value of defense articles transferred pursuant
22 to subsection (a), both in the aggregate and by military
23 department, and services provided to Iraq and Afghani-
24 stan during the previous 90 days.

25 (g) DEFINITIONS.—In this section:

1 (1) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Appropriations, the
5 Committee on Armed Services, and the Com-
6 mittee on Foreign Affairs of the House of Rep-
7 resentatives; and

8 (B) the Committee on Appropriations, the
9 Committee on Armed Services, and the Com-
10 mittee on Foreign Relations of the Senate.

11 (2) DEFENSE ARTICLES.—The term “defense
12 articles” has the meaning given the term in section
13 644(d) of the Foreign Assistance Act of 1961 (22
14 U.S.C. 2403(d)).

15 (3) DEFENSE SERVICES.—The term “defense
16 services” has the meaning given the term in section
17 644(f) of such Act (22 U.S.C. 2403(f)).

18 (4) MILITARY AND SECURITY FORCES.—The
19 term “military and security forces” means national
20 armies, national air forces, national navies, national
21 guard forces, police forces and border security
22 forces, but does not include non-governmental or ir-
23 regular forces (such as private militias).

1 (h) EXPIRATION.—The authority provided under sub-
2 section (a) may not be exercised after September 30,
3 2010.

4 (i) EXCESS DEFENSE ARTICLES.—

5 (1) ADDITIONAL AUTHORITY.—The authority
6 provided by subsection (a) is in addition to the au-
7 thority provided by Section 516 of the Foreign As-
8 sistance Act of 1961.

9 (2) AGGREGATE VALUE.—The value of excess
10 defense articles transferred to Iraq during fiscal year
11 2010 pursuant to Section 516 of the Foreign Assist-
12 ance Act of 1961 shall not be counted against the
13 limitation on the aggregate value of excess defense
14 articles transferred contained in subsection (g) of
15 such Act.

16 **SEC. 1214. CERTIFICATION REQUIREMENT FOR COALITION**
17 **SUPPORT FUND REIMBURSEMENTS.**

18 Section 1232(b) of the National Defense Authoriza-
19 tion Act for Fiscal Year 2008 (Public Law 110–181; 122
20 Stat. 392), as amended by section 1217 of the Duncan
21 Hunter National Defense Authorization Act for Fiscal
22 Year 2009 (Public Law 110–417; 122 Stat. 4634), is
23 amended—

24 (1) in paragraph (1)(A), by striking “the Sec-
25 retary of Defense shall submit” and inserting “the

1 Secretary of Defense, after consultation with the
2 Secretary of State, shall submit”; and

3 (2) in paragraph (2)—

4 (A) by redesignating subparagraphs (A),
5 (B), and (C) as clauses (i), (ii), and (iii), re-
6 spectively, and indenting each clause, as so re-
7 designated, 6 ems from the left margin;

8 (B) by striking “shall include an itemized
9 description” and inserting the following: “shall
10 include the following:

11 “(A) An itemized description”; and

12 (C) by adding at the end the following new
13 subparagraph:

14 “(B) A certification that the reimburse-
15 ment—

16 “(i) is consistent with the national se-
17 curity interests of the United States; and

18 “(ii) will not adversely impact the bal-
19 ance of power in the region.”.

20 **Subtitle B—Reports**

21 **SEC. 1221. REPORT ON UNITED STATES ENGAGEMENT WITH**

22 **IRAN.**

23 (a) IN GENERAL.—Not later than January 31, 2010,
24 the President shall submit to Congress a report on United
25 States engagement with Iran.

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

3 (1) DIPLOMATIC ENGAGEMENT.—With respect
4 to diplomatic engagement, the following:

5 (A) A description of areas of mutual inter-
6 est to the Government of the United States and
7 the Government of the Islamic Republic of Iraq
8 in which cooperation and discussion could be of
9 mutual interest.

10 (B) A discussion and assessment of the
11 commitment of the Government of the Islamic
12 Republic of Iran to engage in good-faith discus-
13 sions with the United States to resolve matters
14 of concern through negotiation.

15 (2) SUPPORT FOR TERRORISM AND EXTRE-
16 MISM.—With respect to support for terrorism and
17 extremism, an assessment of the extent to which the
18 Government of the Islamic Republic of Iran has sup-
19 ported or provided weapons, training, funding, or
20 any other type of support or assistance for any des-
21 ignated Foreign Terrorist Organization as well as
22 regional militant groups, and specific assessments of
23 the support provided by the Government of the Is-
24 lamic Republic of Iran, or agencies under that gov-

1 ernment, for insurgents or other militant groups in
2 Iraq and Afghanistan.

3 (3) NUCLEAR ACTIVITIES.—With respect to nu-
4 clear activities, an assessment of the extent to which
5 the Government of the Islamic Republic of Iran
6 has—

7 (A) complied with United Nations Security
8 Council Resolutions 1696 (2006), 1737 (2006),
9 1747 (2007), 1803 (2008), and 1835 (2008),
10 and with any other applicable Resolutions
11 adopted by the United Nations Security Council
12 as of the date of the report;

13 (B) cooperated with the International
14 Atomic Energy Agency (IAEA), including ful-
15 filling all requests of that Agency for access to
16 information, documentation, locations, and indi-
17 viduals;

18 (C) ratified and implemented the Addi-
19 tional Protocol to Iran's Safeguards Agreement
20 with the International Atomic Energy Agency,
21 as requested by the Board of Governors of the
22 International Atomic Energy Agency and the
23 United Nations Security Council; and

24 (D) committed to stop uranium enrichment
25 activities and forego the reprocessing of spent

1 fuel, the production of heavy water, and the
2 weaponization of fissile materials on a perma-
3 nent basis.

4 (4) MISSILE ACTIVITIES.—With respect to mis-
5 sile activities, an assessment of the extent to which
6 the Government of the Islamic Republic of Iran has
7 continued development of its ballistic missile pro-
8 gram, including participation in any imports or ex-
9 ports of any items, materials, goods, and tech-
10 nologies related to that program and has complied
11 with United Nations Security Council Resolutions
12 1696, 1737, 1747, 1803, and 1835, as required by
13 the United Nations Security Council.

14 (5) SUPPORT TO ILLEGAL NARCOTICS NETWORK
15 IN AFGHANISTAN.—With respect to support to the
16 illegal narcotics network in Afghanistan, an assess-
17 ment of the extent to which the Government of the
18 Islamic Republic of Iran, or agencies under that gov-
19 ernment, has or have supported or facilitated the il-
20 legal narcotics trade in Afghanistan.

21 (6) SANCTIONS AGAINST IRAN.—With regard to
22 sanctions against Iran—

23 (A) a list of all current United States bi-
24 lateral and multilateral sanctions against Iran;

1 (B) a description and discussion of United
2 States diplomatic efforts to enforce bilateral
3 and multilateral sanctions against Iran and to
4 strengthen international efforts to enforce such
5 sanctions;

6 (C) an assessment of the impact and effec-
7 tiveness of existing bilateral and multilateral
8 sanctions against Iran in achieving United
9 States goals;

10 (D) a list of all United States and foreign
11 registered entities which the Secretary of State
12 has determined to be in violation of existing
13 United States bilateral or multilateral sanctions
14 against Iran;

15 (E) a detailed description of United States
16 efforts to enforce sanctions against Iran, includ-
17 ing—

18 (i) a list of all investigations initiated
19 in the 18-month period ending on the date
20 of the enactment of this Act that have re-
21 sulted in a determination that a violation
22 of sanctions against Iran has occurred; and

23 (ii) a description of the actions taken
24 by the United States Government pursuant
25 to each such determination; and

1 (F) a description of bilateral and multilat-
2 eral sanctions against Iran that are under con-
3 sideration, an assessment whether such addi-
4 tional sanctions against Iran would be effective,
5 and, if so, a description of the actions being un-
6 dertaken to pursue such additional sanctions.

7 (c) SUBMITTAL IN CLASSIFIED FORM.—The report
8 required by subsection (a), or any part of such report, may
9 be submitted in classified form if the President considers
10 it appropriate.

11 **SEC. 1222. REPORT ON CUBA AND CUBA'S RELATIONS WITH**
12 **OTHER COUNTRIES.**

13 Not later than 180 days after the date of the enact-
14 ment of this Act, the Director of National Intelligence
15 shall provide to the defense and intelligence committees
16 of the Congress a report addressing the following:

17 (1) The cooperative agreements and relation-
18 ships that Cuba has with Iran, North Korea, and
19 other states suspected of nuclear proliferation.

20 (2) A detailed account of the economic support
21 provided by Venezuela to Cuba and the intelligence
22 and other support that Cuba provides to the govern-
23 ment of Hugo Chavez.

24 (3) A review of the evidence of relationships be-
25 tween the Cuban government or any of its compo-

1 nents with drug cartels or involvement in other drug
2 trafficking activities.

3 (4) The status and extent of Cuba's clandestine
4 activities in the United States.

5 (5) The extent and activities of Cuban support
6 for governments in Venezuela, Bolivia, Ecuador,
7 Central America, and the Caribbean.

8 (6) The status and extent of Cuba's research
9 and development program for biological weapons
10 production.

11 (7) The status and extent of Cuba's
12 cyberwarfare program.

13 **SEC. 1223. REPORT ON VENEZUELA.**

14 Not later than 180 days after the date of the enact-
15 ment of this Act, the Director of National Intelligence
16 shall provide to the defense and intelligence committees
17 of the Congress a report addressing the following:

18 (1) An inventory of all weapons purchases by,
19 and transfers to, the government of Venezuela and
20 Venezuela's transfers to other countries since 1998,
21 particularly purchases and transfers of missiles,
22 ships, submarines, and any other advanced systems.
23 The report shall include an assessment of whether
24 there is accountability of the purchases and trans-
25 fers with respect to the end-use and diversion of

1 such materiel to popular militias, other governments,
2 or irregular armed forces.

3 (2) The mining and shipping of Venezuelan
4 uranium to Iran, North Korea, and other states sus-
5 pected of nuclear proliferation.

6 (3) The extent to which Hugo Chavez and other
7 Venezuelan officials and supporters of the Ven-
8 zuelan government provide political counsel, col-
9 laboration, financial ties, refuge, and other forms of
10 support, including military materiel, to the Revolu-
11 tionary Armed Forces of Colombia (FARC).

12 (4) The extent to which Hugo Chavez and other
13 Venezuelan officials provide funding, logistical and
14 political support to the Islamist terrorist organiza-
15 tion Hezbollah.

16 (5) Deployment of Venezuelan security or intel-
17 ligence personnel to Bolivia, including any role such
18 personnel have in suppressing opponents of the gov-
19 ernment of Bolivia.

20 (6) Venezuela's clandestine material support for
21 political movements and individuals throughout the
22 Western Hemisphere with the objective of influ-
23 encing the internal affairs of nations in the Western
24 Hemisphere.

1 (7) Efforts by Hugo Chavez and other officials
2 or supporters of the Venezuelan government to con-
3 vert or launder funds that are the property of Ven-
4 zuelan government agencies, instrumentalities,
5 parastatals, including Petroleos de Venezuela, SA
6 (PDVSA).

7 (8) Covert payments by Hugo Chavez or offi-
8 cials or supporters of the Venezuelan government to
9 foreign political candidates, government officials, or
10 officials of international organizations for the pur-
11 pose of influencing the performance of their official
12 duties.

13 **SEC. 1224. REPORT ON MILITARY POWER OF IRAN.**

14 (a) BIENNIAL REPORT.—Not later than March 31,
15 2010, and in each even-numbered year thereafter until
16 2020, the Secretary of Defense shall submit to Congress
17 a report, in both classified and unclassified form, on the
18 current and future military strategy of the Islamic Repub-
19 lic of Iran. The report shall address the current and prob-
20 able future course of military developments on the Army,
21 Air Force, Navy, and Revolutionary Guard Corps of the
22 Islamic Republic of Iran.

23 (b) MATTERS TO BE INCLUDED.—The report re-
24 quired under subsection (a) shall include the following ele-
25 ments:

1 (1) As assessment of the grand strategy, secu-
2 rity strategy, and military strategy of the Govern-
3 ment of the Islamic Republic of Iran, including the
4 following:

5 (A) The goals of the grand strategy, secu-
6 rity strategy, and military strategy.

7 (B) Aspects of the strategies that would be
8 designed to establish Iran as the leading power
9 in the Middle East and to enhance the influence
10 of Iran in other regions of the world.

11 (C) The security situation in the Persian
12 Gulf and the Levant.

13 (D) Iranian strategy regarding other coun-
14 tries in the Middle East region.

15 (2) An assessment of the capabilities of the con-
16 ventional forces of the Government of the Islamic
17 Republic of Iran, including the following:

18 (A) The size, location, and capabilities of
19 the conventional forces.

20 (B) A detailed analysis of the conventional
21 forces of the Government of the Islamic Repub-
22 lic of Iran facing United States forces in the re-
23 gion and other countries in the Middle East re-
24 gion.

1 (C) An estimate of the funding provided
2 for each branch of the conventional forces of
3 the Government of the Islamic Republic of Iran.

4 (3) An assessment of the unconventional forces
5 of the Government of the Islamic Republic of Iran,
6 including the following:

7 (A) The size and capability of special oper-
8 ations units, including the Iranian Revolu-
9 tionary Guard Corps-Quds Force.

10 (B) The types and amount of support pro-
11 vided to groups designated by the United States
12 as terrorist organizations in particular those
13 forces that have been assessed as willing to
14 carry out terrorist operations on behalf of the
15 Islamic Republic of Iran.

16 (C) A detailed analysis of the unconven-
17 tional forces of the Government of the Islamic
18 Republic of Iran and their implications for the
19 United States and other countries in the Middle
20 East region.

21 (D) An estimate of the amount of funds
22 spent by the Government of the Islamic Repub-
23 lic of Iran to develop and support special oper-
24 ations forces and terrorist groups.

25 (e) DEFINITIONS.—In this section:

1 (1) CONVENTIONAL FORCES OF THE GOVERN-
2 MENT OF IRAN.—The term “conventional forces of
3 the Government of the Islamic Republic of Iran”—

4 (A) means military forces of the Islamic
5 Republic of Iran designed to conduct operations
6 on sea, air, or land, other than Iran’s unconven-
7 tional forces and Iran’s strategic missile forces;
8 and

9 (B) includes Iran’s Army, Iran’s Air
10 Force, Iran’s Navy, and elements of the Iranian
11 Revolutionary Guard Corps, other than the Ira-
12 nian Revolutionary Guard Corps-Quds Force.

13 (2) MIDDLE EAST REGION.—The term “Middle
14 East region” means—

15 (A) the countries within the area of re-
16 sponsibility of United States Central Command;
17 and

18 (B) the countries within the area covered
19 by the Bureau of Near Eastern Affairs of the
20 Department of State.

21 (3) UNCONVENTIONAL FORCES OF THE GOV-
22 ERNMENT OF IRAN.—The term “unconventional
23 forces of the Government of the Islamic Republic of
24 Iran”—

1 (A) means forces of the Islamic Republic
2 of Iran that carry out missions typically associ-
3 ated with special operations forces; and

4 (B) includes—

5 (i) the Iranian Revolutionary Guard
6 Corps-Quds Force; and

7 (ii) any organization that—

8 (I) has been designated a ter-
9 rorist organization by the United
10 States;

11 (II) receives assistance from the
12 Government of Iran; and

13 (III)(aa) is assessed as being
14 willing in some or all cases of carrying
15 out attacks on behalf of the Govern-
16 ment of the Islamic Republic of Iran;
17 or

18 (bb) is assessed as likely to carry
19 out attacks in response to a military
20 attack by another country on the Is-
21 lamic Republic of Iran.

1 **SEC. 1225. ANNUAL COUNTERTERRORISM STATUS RE-**
2 **PORTS.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “Success in Countering Al Qaeda Reporting Requirements
5 Act of 2009”.

6 (b) **ANNUAL COUNTERTERRORISM STATUS RE-**
7 **PORTS.**—

8 (1) **IN GENERAL.**—Not later than July 31,
9 2010, and every July 31 thereafter, the President
10 shall submit a report, to the Committee on Foreign
11 Relations of the Senate, the Committee on Foreign
12 Affairs of the House of Representatives, the Com-
13 mittee on Armed Services of the Senate, the Com-
14 mittee on Armed Services of the House of Rep-
15 resentatives, the Committee on Appropriations of the
16 Senate, the Committee on Appropriations of the
17 House of Representatives, the Select Committee on
18 Intelligence of the Senate, and the Permanent Select
19 Committee on Intelligence of the House of Rep-
20 resentatives, which contains, for the most recent 12-
21 month period, a review of the counterterrorism strat-
22 egy of the United States Government, including—

23 (A) a detailed assessment of the scope, sta-
24 tus, and progress of United States counterter-
25 rorism efforts in fighting Al Qaeda and its re-

1 lated affiliates and undermining long-term sup-
2 port for violent extremism;

3 (B) a judgment on the geographical region
4 in which Al Qaeda and its related affiliates pose
5 the greatest threat to the national security of
6 the United States;

7 (C) a judgment on the adequacy of inter-
8 agency integration of the counterterrorism pro-
9 grams and activities of the Department of De-
10 fense, the United States Special Operations
11 Command, the Central Intelligence Agency, the
12 Department of State, the Department of the
13 Treasury, the Department of Homeland Secu-
14 rity, the Department of Justice, and other Fed-
15 eral departments and agencies;

16 (D) an evaluation of the extent to which
17 the counterterrorism efforts of the United
18 States correspond to the plans developed by the
19 National Counterterrorism Center and the goals
20 established in overarching public statements of
21 strategy issued by the executive branch;

22 (E) a determination of whether the Na-
23 tional Counterterrorism Center exercises the
24 authority and has the resources and expertise
25 required to fulfill the interagency strategic and

1 operational planning role described in section
2 119(j) of the National Security Act of 1947 (50
3 U.S.C. 404o), as added by section 1012 of the
4 National Security Intelligence Reform Act of
5 2004 (title I of Public Law 108–458);

6 (F) a description of the efforts of the
7 United States Government to combat Al Qaeda
8 and its related affiliates and undermine violent
9 extremist ideology, which shall include—

10 (i) a specific list of the President’s
11 highest global counterterrorism priorities;

12 (ii) the degree of success achieved by
13 the United States, and remaining areas for
14 progress, in meeting the priorities de-
15 scribed in clause (i); and

16 (iii) efforts in those countries in which
17 the President determines that—

18 (I) Al Qaeda and its related af-
19 filiates have a presence; or

20 (II) acts of international ter-
21 rorism have been perpetrated by Al
22 Qaeda and its related affiliates;

23 (G) a specific list of United States counter-
24 terrorism efforts, and the specific status and
25 achievements of such efforts, through military,

1 financial, political, intelligence, paramilitary,
2 and law enforcement elements, relating to—

3 (i) bilateral security and training pro-
4 grams;

5 (ii) law enforcement and border secu-
6 rity;

7 (iii) the disruption of terrorist net-
8 works; and

9 (iv) the denial of terrorist safe havens
10 and sanctuaries;

11 (H) a description of United States Govern-
12 ment activities to counter terrorist recruitment
13 and radicalization, including—

14 (i) strategic communications;

15 (ii) public diplomacy;

16 (iii) support for economic development
17 and political reform; and

18 (iv) other efforts aimed at influencing
19 public opinion;

20 (I) United States Government initiatives to
21 eliminate direct and indirect international fi-
22 nancial support for the activities of terrorist
23 groups;

24 (J) a cross-cutting analysis of the budgets
25 of all Federal Government agencies as they re-

1 late to counterterrorism funding to battle Al
2 Qaeda and its related affiliates abroad, includ-
3 ing—

4 (i) the source of such funds; and

5 (ii) the allocation and use of such
6 funds;

7 (K) an analysis of the extent to which spe-
8 cific Federal appropriations—

9 (i) have produced tangible, calculable
10 results in efforts to combat and defeat Al
11 Qaeda, its related affiliates, and its violent
12 ideology; or

13 (ii) contribute to investments that
14 have expected payoffs in the medium- to
15 long-term;

16 (L) statistical assessments, including those
17 developed by the National Counterterrorism
18 Center, on the number of individuals belonging
19 to Al Qaeda and its related affiliates that have
20 been killed, injured, or taken into custody as a
21 result of United States counterterrorism efforts;
22 and

23 (M) a concise summary of the methods
24 used by National Counterterrorism Center and
25 other elements of the United States Govern-

1 ment to assess and evaluate progress in its
2 overall counterterrorism efforts, including the
3 use of specific measures, metrics, and indices.

4 (2) INTERAGENCY COOPERATION.—In pre-
5 paring a report under this subsection, the President
6 shall include relevant information maintained by—

7 (A) the National Counterterrorism Center
8 and the National Counterproliferation Center;

9 (B) Department of Justice, including the
10 Federal Bureau of Investigation;

11 (C) the Department of State;

12 (D) the Department of Defense;

13 (E) the Department of Homeland Security;

14 (F) the Department of the Treasury;

15 (G) the Office of the Director of National
16 Intelligence,

17 (H) the Central Intelligence Agency;

18 (I) the Office of Management and Budget;

19 (J) the United States Agency for Inter-
20 national Development; and

21 (K) any other Federal department that
22 maintains relevant information.

23 (3) REPORT CLASSIFICATION.—Each report re-
24 quired under this subsection shall be—

1 (A) submitted in an unclassified form, to
2 the maximum extent practicable; and

3 (B) accompanied by a classified appendix,
4 as appropriate.

5 **SEC. 1226. REPORT ON TAIWAN'S AIR FORCE.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) According to the Department of Defense's
9 (DoD) 2009 Annual Report on Military Power of
10 the People's Republic of China, the military balance
11 in the Taiwan Strait has been shifting in China's
12 favor since 2000, marked by the sustained deploy-
13 ment of advanced military equipment to the Chinese
14 military regions opposite Taiwan.

15 (2) Although the DoD's 2002 Report concluded
16 that Taiwan "has enjoyed dominance of the airspace
17 over the Taiwan Strait for many years," the DoD's
18 2009 Report states this conclusion no longer holds
19 true.

20 (3) China has based 490 combat aircraft (330
21 fighters and 160 bombers) within unrefueled oper-
22 ational range of Taiwan, and has the airfield capac-
23 ity to expand that number by hundreds. In contrast,
24 Taiwan has 390 combat aircraft (all of which are
25 fighters).

1 (4) Also according to the DoD's 2009 Report,
2 China has continued its build-up of conventional bal-
3 listic missiles since 2000, "building a nascent capac-
4 ity for conventional short-range ballistic missile
5 (SRBM) strikes against Taiwan into what has be-
6 come one of China's primary instruments of coer-
7 cion." At this time, China has expanded its SRBM
8 force opposite Taiwan to seven brigades with a total
9 of 1,050 through 1,150 missiles, and is augmenting
10 these forces with conventional medium-range bal-
11 listic missiles systems and at least 2 land attack
12 cruise missile variants capable of ground or air
13 launch. Advanced fighters and bombers, combined
14 with enhanced training for nighttime and overwater
15 flights, provide China's People's Liberation Army
16 (PLA) with additional capabilities for regional strike
17 or maritime interdiction operations.

18 (5) Furthermore, the Report maintains, "the
19 security situation in the Taiwan Strait is largely a
20 function of dynamic interactions among Mainland
21 China, Taiwan, and the United States. The PLA has
22 developed and deployed military capability to coerce
23 Taiwan or attempt an invasion if necessary. PLA
24 improvements pose new challenges to Taiwan's secu-
25 rity, which has historically been based upon the

1 PLA's inability to project power across the 100 nau-
2 tical-mile Taiwan Strait, natural geographic advan-
3 tages of island defense, Taiwan's armed forces' tech-
4 nological superiority, and the possibility of U.S.
5 intervention".

6 (6) The Taiwan Relations Act of 1979 requires
7 that, in furtherance of the principle of maintaining
8 peace and stability in the Western Pacific region,
9 the United States shall make available to Taiwan
10 such defense articles and defense services in such
11 quantity "as may be necessary to enable Taiwan to
12 maintain a sufficient self-defense capability," allow-
13 ing that "the President and the Congress shall de-
14 termine the nature and quantity of such defense ar-
15 ticles and services based solely upon their judgment
16 of the needs of Taiwan . . .".

17 (b) REPORT TO CONGRESS ON TAIWAN'S CURRENT
18 AIR FORCE AND FUTURE SELF-DEFENSE REQUIRE-
19 MENTS.—Not later than 90 days after the date of the en-
20 actment of this Act, the President shall submit to Con-
21 gress a report, in both classified and unclassified form,
22 containing the following:

23 (1) A thorough and complete assessment of the
24 current state of Taiwan's Air Force, including—

25 (A) the number and type of aircraft;

1 (B) the age of aircraft; and

2 (C) the capability of those aircraft.

3 (2) An assessment of the effectiveness of the
4 aircraft in the face of a full-scale concerted missile
5 and air campaign by China, in which China uses its
6 most modern surface-to-air missiles currently de-
7 ployed along its seacoast.

8 (3) An analysis of the specific weapons systems
9 and platforms that Taiwan would need to provide for
10 it's self-defense and maintain control of its own air
11 space.

12 (4) Options for the United States to assist Tai-
13 wan in achieving those capabilities.

14 (5) A 5-year plan for fulfilling the obligations
15 of the United States under the Taiwan Relations Act
16 to provide for Taiwan's self-defense and aid Taiwan
17 in maintaining control of its own air space.

18 **SEC. 1227. REPORT ON UNITED STATES CONTRIBUTIONS TO**

19 **THE UNITED NATIONS.**

20 Section 1225 of the John Warner National Defense
21 Authorization Act for Fiscal Year 2007 (Public Law 109-
22 364; 120 Stat. 2424) is amended—

23 (1) in subsection (a), by striking “until Decem-
24 ber 31, 2010, the President shall submit” and in-
25 serting “(but not later than the first of each May),

1 the Director of the Office of Management and Budg-
2 et shall submit”; and

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

4 “(c) PUBLIC AVAILABILITY OF INFORMATION.—The
5 Director of the Office of Management and Budget shall
6 post a public version of each report submitted under sub-
7 section (a) on a text-based searchable and publicly avail-
8 able Internet Web site.”.

9 **Subtitle C—Other Matters**

10 **SEC. 1231. SENSE OF CONGRESS ON ESTABLISHMENT OF** 11 **MEASURES OF PROGRESS TO EVALUATE** 12 **UNITED STATES STRATEGIC OBJECTIVES IN** 13 **AFGHANISTAN AND PAKISTAN.**

14 (a) FINDINGS.—Congress makes the following find-
15 ings:

16 (1) The President announced a new strategy for
17 Afghanistan and Pakistan on March 27, 2009, that
18 calls for a commitment of more resources and a sig-
19 nificant increase in the number of United States
20 Armed Forces deployed to the region.

21 (2) It is the obligation of the United States
22 Government to the members of the Armed Forces,
23 and to all Americans, that their sacrifices be met by
24 a clear method for evaluating the progress toward

1 achieving the objectives in the new strategy of the
2 Administration.

3 (3) The President stated, with reference to the
4 strategy for Afghanistan and Pakistan, that “going
5 forward, we will not blindly stay the course. Instead,
6 we will set clear metrics to measure progress and
7 hold ourselves accountable. We’ll consistently assess
8 our efforts to train Afghan security forces and our
9 progress in combating insurgents. We will measure
10 the growth of Afghanistan’s economy, and its illicit
11 narcotics production. And we will review whether we
12 are using the right tools and tactics to make
13 progress towards accomplishing our goals”.

14 (4) Since the announcement of the new strategy
15 of the Administration on March 27, 2009, key lead-
16 ers in the Administration, including in the Depart-
17 ment of Defense and Department of State, have tes-
18 tified before Congress that progress measures were
19 needed to evaluate performance toward achieving the
20 strategic objectives of the United States in Afghani-
21 stan and Pakistan and that the Administration was
22 undertaking the process of reviewing and developing
23 measures of progress.

24 (5) Key leaders in the Administration further
25 assured Congress that the Administration would not

1 only share the measures of progress with Congress,
2 but would also invite review and comment by Con-
3 gress on proposed measures of progress.

4 (6) The establishment of both clear objectives
5 and a means to impartially measure success toward
6 those objectives will expound to the American people
7 what the United States and its partners intend to
8 accomplish in and for Afghanistan and Pakistan.

9 (b) SENSE OF CONGRESS.—It is the sense of Con-
10 gress that—

11 (1) the Administration should, through the co-
12 ordination of the Departments of Defense and State,
13 expeditiously submit to Congress a comprehensive
14 list of measures of progress with regard to United
15 States strategic objectives in Afghanistan and Paki-
16 stan;

17 (2) the comprehensive list under paragraph (1)
18 should include newly-established measures of
19 progress as well as such measures of progress pre-
20 viously established pursuant to section 1230(d) of
21 the National Defense Authorization Act for Fiscal
22 Year 2008 (Public Law 110–181; 122 Stat. 385)
23 that continue to be relevant to the current United
24 States strategy for Afghanistan and Pakistan;

1 (3) the Administration should incorporate the
2 comprehensive list under paragraph (1) with each
3 report submitted under sections 1230 and 1232 of
4 the National Defense Authorization Act for Fiscal
5 Year 2008 (122 Stat. 385, 392) and should review,
6 and if necessary modify, the comprehensive list for
7 each such report; and

8 (4) upon submittal to Congress of the reports
9 required by sections 1230 and 1232 of the National
10 Defense Authorization Act for Fiscal Year 2008, the
11 Administration should provide an assessment of each
12 measure of progress by—

13 (A) setting forth the measure of progress
14 being evaluated;

15 (B) providing data used to evaluate the
16 measure of progress;

17 (C) providing an evaluation of the perform-
18 ance of the particular measure of progress; and

19 (D) providing a comprehensive assessment
20 of how the performance of the particular meas-
21 ure of progress hinders or enhances the overall
22 performance toward achieving strategic objec-
23 tives of the United States in Afghanistan and
24 Pakistan.

1 **SEC. 1232. SENSE OF THE SENATE ON IMPOSING SANC-**
2 **TIONS WITH RESPECT TO THE ISLAMIC RE-**
3 **PUBLIC OF IRAN.**

4 (a) FINDINGS.—The Senate makes the following
5 findings:

6 (1) The illicit nuclear activities of the Govern-
7 ment of the Islamic Republic of Iran, combined with
8 its development of unconventional weapons and bal-
9 listic missiles and support for international ter-
10 rorism, represent a grave threat to the security of
11 the United States and United States allies in Eu-
12 rope, the Middle East, and around the world.

13 (2) The United States and other responsible
14 countries have a vital interest in working together to
15 prevent the Government of the Islamic Republic of
16 Iran from acquiring a nuclear weapons capability.

17 (3) As President Barack Obama said, “Iran ob-
18 taining a nuclear weapon would not only be a threat
19 to Israel and a threat to the United States, but
20 would be profoundly destabilizing in the inter-
21 national community as a whole and could set off a
22 nuclear arms race in the Middle East that would be
23 extraordinarily dangerous for all concerned, includ-
24 ing for Iran.”.

25 (4) The International Atomic Energy Agency
26 has repeatedly called attention to the illicit nuclear

1 activities of the Islamic Republic of Iran, and, as a
2 result, the United Nations Security Council has
3 adopted a range of sanctions designed to encourage
4 the Government of the Islamic Republic of Iran to
5 cease those activities and comply with its obligations
6 under the Treaty on Non-Proliferation of Nuclear
7 Weapons, done at Washington, London, and Moscow
8 July 1, 1968, and entered into force March 5, 1970
9 (commonly known as the “Nuclear Non-Proliferation
10 Treaty”).

11 (5) The Department of the Treasury has im-
12 posed sanctions on several Iranian banks, including
13 Bank Melli, Bank Saderat, Bank Sepah, and Bank
14 Mellat, for their involvement in proliferation activi-
15 ties or support for terrorist groups.

16 (6) The Central Bank of Iran, the keystone of
17 Iran’s financial system and its principal remaining
18 lifeline to the international banking system, has en-
19 gaged in deceptive financial practices and facilitated
20 such practices among banks involved in proliferation
21 activities or support for terrorist groups, including
22 Bank Sepah and Bank Melli, in order to evade sanc-
23 tions imposed by the United States and the United
24 Nations.

1 (7) On April 8, 2009, the United States for-
2 mally extended an offer to engage in direct diplo-
3 macy with the Government of the Islamic Republic
4 of Iran through negotiations with the five permanent
5 members of the United States Security Council and
6 Germany (commonly referred to as the “P5-plus-1
7 process”), in the hope of resolving all outstanding
8 disputes between the Islamic Republic of Iran and
9 the United States.

10 (8) The Government of the Islamic Republic of
11 Iran has yet to make a formal reply to the April 8,
12 2009, offer of direct diplomacy by the United States
13 or to engage in direct diplomacy with the United
14 States through the P5-plus-1 process.

15 (9) On July 8, 2009, President Nicolas Sarkozy
16 of France warned that the Group of Eight major
17 powers will give the Islamic Republic of Iran until
18 September 2009 to accept negotiations with respect
19 to its nuclear activities or face tougher sanctions.

20 (b) SENSE OF THE SENATE.—It is the sense of the
21 Senate that—

22 (1) the Government of the Islamic Republic of
23 Iran should—

1 (A) seize the historic offer put forward by
2 President Barack Obama to engage in direct di-
3 plomacy with the United States;

4 (B) suspend all enrichment-related and re-
5 processing activities, including research and de-
6 velopment, and work on all heavy-water related
7 projects, including the construction of a re-
8 search reactor moderated by heavy water, as
9 demanded by multiple resolutions of the United
10 Nations Security Council; and

11 (C) come into full compliance with the Nu-
12 clear Non-Proliferation Treaty, including the
13 additional protocol to the Treaty; and

14 (2) the President should impose sanctions on
15 the Central Bank of Iran and any other Iranian
16 bank engaged in proliferation activities or support
17 for terrorist groups, as well as any other sanctions
18 the President determines appropriate, if—

19 (A) the Government of the Islamic Repub-
20 lic of Iran—

21 (i) has not accepted the offer by the
22 United States to engage in direct diplo-
23 macy through the P5-plus-1 process before
24 the Summit of the Group of 20 (G-20) in

1 Pittsburgh, Pennsylvania, in September
2 2009; or

3 (ii) has not suspended all enrichment-
4 related and reprocessing activities and
5 work on all heavy-water related projects
6 within 60 days of the conclusion of that
7 Summit; and

8 (B) the United Nations Security Council
9 has failed to adopt significant and meaningful
10 additional sanctions on the Government of the
11 Islamic Republic of Iran.

12 **SEC. 1233. SENSE OF THE SENATE ON ENFORCEMENT AND**
13 **IMPOSITION OF SANCTIONS WITH RESPECT**
14 **TO NORTH KOREA; REVIEW TO DETERMINE**
15 **WHETHER NORTH KOREA SHOULD BE RE-**
16 **LISTED AS A STATE SPONSOR OF TER-**
17 **RORISM.**

18 (a) FINDINGS.—The Senate makes the following
19 findings:

20 (1) On April 5, 2009, the Government of North
21 Korea tested an intermediate range ballistic missile
22 in violation of United Nations Security Council Res-
23 olutions 1695 (2006) and 1718 (2006).

24 (2) On April 5, 2009, President Barack Obama
25 issued a statement on North Korea, stating that

1 “Preventing the proliferation of weapons of mass de-
2 struction and their means of delivery is a high pri-
3 ority for my administration”, and adding, “North
4 Korea has ignored its international obligations, re-
5 jected unequivocal calls for restraint, and further
6 isolated itself from the community of nations”.

7 (3) On April 15, 2009, the Government of
8 North Korea announced it was expelling inter-
9 national inspectors from its Yongbyon nuclear facil-
10 ity and ending its participation in the Six Party
11 Talks for the Denuclearization of the Korean Penin-
12 sula.

13 (4) On May 25, 2009, the Government of North
14 Korea conducted a second nuclear test, in disregard
15 of United Nations Security Council Resolution 1718,
16 which was issued in 2006 following the first such
17 test and which demanded that North Korea not con-
18 duct any further nuclear tests or launches of a bal-
19 listic missile.

20 (5) The State Department’s 2008 Human
21 Rights Report on North Korea, issued on February
22 25, 2009, found that human rights conditions inside
23 North Korea remained poor, prison conditions are
24 harsh and life-threatening, and citizens were denied

1 basic freedoms such as freedom of speech, press, as-
2 sembly, religion, and association.

3 (6) Pursuant to section 102(b)(2)(E) of the
4 Arms Export Control Act (22 U.S.C. 2799aa-
5 1(b)(2)(E)), President George W. Bush, on Feb-
6 ruary 7, 2007, notified Congress that the United
7 States Government would oppose the extension of
8 any loan or financial or technical assistance to
9 North Korea by any international financial institu-
10 tion and the prohibition on support for the extension
11 of such loans or assistance remains in effect.

12 (7) On June 12, 2009, the United Nations Se-
13 curity Council passed Resolution 1874, condemning
14 North Korea's nuclear test, imposing a sweeping em-
15 bargo on all arms trade with North Korea, and re-
16 quiring member states not to provide financial sup-
17 port or other financial services that could contribute
18 to North Korea's nuclear-related or missile-related
19 activities or other activities related to weapons of
20 mass destruction.

21 (8) On July 15, 2009, the Sanctions Committee
22 of the United Nations Security Council, pursuant to
23 United Nations Security Council Resolution 1874,
24 imposed a travel ban on five North Korean individ-
25 uals and asset freezes on five more North Korean

1 entities for their involvement in nuclear weapons and
2 ballistic missile development programs, marking the
3 first time the United Nations has imposed a travel
4 ban on North Koreans.

5 (9) On June 10, 2008, the Government of
6 North Korea issued a statement, subsequently con-
7 veyed directly to the United States Government, af-
8 firming that North Korea, “will firmly maintain its
9 consistent stand of opposing all forms of terrorism
10 and any support to it and will fulfill its responsi-
11 bility and duty in the struggle against terrorism.”.

12 (10) The June 10, 2008, statement by the Gov-
13 ernment of North Korea also pledged that North
14 Korea would take “active part in the international
15 efforts to prevent substance, equipment and tech-
16 nology to be used for the production of nukes and
17 biochemical and radioactive weapons from finding
18 their ways to the terrorists and the organizations
19 that support them”.

20 (11) On June 26, 2008, President George W.
21 Bush certified that—

22 (A) the Government of North Korea had
23 not provided any support for international ter-
24 rorism during the preceding 6-month period;
25 and

1 (B) the Government of North Korea had
2 provided assurances that it will not support acts
3 of international terrorism in the future.

4 (12) The President’s June 26 certification con-
5 cluded, based on all available information, that there
6 was “no credible evidence at this time of ongoing
7 support by the DPRK for international terrorism”
8 and that “there is no credible or sustained reporting
9 at this time that supports allegations (including as
10 cited in recent reports by the Congressional Re-
11 search Service) that the DPRK has provided direct
12 or witting support for Hezbollah, Tamil Tigers, or
13 the Iranian Revolutionary Guard”.

14 (13) The State Department’s Country Reports
15 on Terrorism 2008, in a section on North Korea,
16 state, “The Democratic People’s Republic of Korea
17 (DPRK) was not known to have sponsored any ter-
18 rorist acts since the bombing of a Korean Airlines
19 flight in 1987.”.

20 (14) The Country Reports on Terrorism 2008
21 also state, “A state that directs WMD resources to
22 terrorists, or one from which enabling resources are
23 clandestinely diverted, poses a grave WMD terrorism
24 threat. Although terrorist organizations will continue
25 to seek a WMD capability independent of state pro-

1 grams, the sophisticated WMD knowledge and re-
2 sources of a state could enable a terrorist capability.
3 State sponsors of terrorism and all nations that fail
4 to live up to their international counterterrorism and
5 nonproliferation obligations deserve greater scrutiny
6 as potential facilitators of WMD terrorism.”.

7 (15) On October 11, 2008, the Secretary of
8 State, pursuant to the President’s certification, re-
9 moved North Korea from its list of state sponsors of
10 terrorism, on which North Korea had been placed in
11 1988.

12 (b) REPORT ON CONDUCT OF NORTH KOREA.—Not
13 later than 30 days after the date of the enactment of this
14 Act, the President shall submit to Congress a detailed re-
15 port examining the conduct of the Government of North
16 Korea since June 26, 2008, based on all available informa-
17 tion, to determine whether North Korea meets the statu-
18 tory criteria for listing as a state sponsor of terrorism.

19 The report shall—

20 (1) present any credible evidence of support by
21 the Government of North Korea for acts of ter-
22 rorism, terrorists, or terrorist organizations;

23 (2) examine what steps the Government of
24 North Korea has taken to fulfill its June 10, 2008,

1 pledge to prevent weapons of mass destruction from
2 falling into the hands of terrorists; and

3 (3) assess the effectiveness of re-listing North
4 Korea as a state sponsor of terrorism as a tool to
5 accomplish the objectives of the United States with
6 respect to North Korea, including completely elimi-
7 nating North Korea's nuclear weapons programs,
8 preventing North Korean proliferation of weapons of
9 mass destruction, and encouraging North Korea to
10 abide by international norms with respect to human
11 rights.

12 (c) SENSE OF THE SENATE.—It is the sense of the
13 Senate that—

14 (1) the United States should—

15 (A) vigorously enforce United Nations Se-
16 curity Council Resolutions 1718 (2006) and
17 1874 (2009) and other sanctions in place with
18 respect to North Korea under United States
19 law;

20 (B) urge all member states of the United
21 Nations to fully implement the sanctions im-
22 posed by United Nations Security Council Reso-
23 lutions 1718 and 1874; and

24 (C) explore the imposition of additional
25 unilateral and multilateral sanctions against

1 North Korea in furtherance of United States
2 national security;

3 (2) the conduct of North Korea constitutes a
4 threat to the northeast Asian region and to inter-
5 national peace and security;

6 (3) if the United States determines that the
7 Government of North Korea has provided assistance
8 to terrorists or engaged in state sponsored acts of
9 terrorism, the Secretary of State should immediately
10 list North Korea as a state sponsor of terrorism;
11 and

12 (4) if the United States determines that the
13 Government of North Korea has failed to fulfill its
14 June 10, 2008, pledges, the Secretary of State
15 should immediately list North Korea as a state spon-
16 sor of terrorism.

17 (d) STATE SPONSOR OF TERRORISM DEFINED.—For
18 purposes of this section, the term “state sponsor of ter-
19 rorism” means a country that has repeatedly provided
20 support for acts of international terrorism for purposes
21 of—

22 (1) section 6(j) of the Export Administration
23 Act of 1979 (50 U.S.C. App. 2405(j)) (as continued
24 in effect pursuant to the International Emergency
25 Economic Powers Act (50 U.S.C. 1701 et seq.));

1 (2) section 40 of the Arms Export Control Act
2 (22 U.S.C. 2780); or

3 (3) section 620A of the Foreign Assistance Act
4 of 1961 (22 U.S.C. 2371).

5 **SEC. 1234. REPORT ON THE PLAN FOR THE UNITED STATES**
6 **NUCLEAR WEAPONS STOCKPILE, NUCLEAR**
7 **WEAPONS COMPLEX, AND DELIVERY PLAT-**
8 **FORMS AND SENSE OF THE SENATE ON FOL-**
9 **LOW-ON NEGOTIATIONS TO START TREATY.**

10 (a) REPORT ON THE PLAN FOR THE UNITED STATES
11 NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS
12 COMPLEX, AND DELIVERY PLATFORMS.—

13 (1) REPORT REQUIRED.—Not later than 30
14 days after the date of the enactment of this Act or
15 at the time a follow-on treaty to the Strategic Arms
16 Reduction Treaty (START Treaty) is submitted by
17 the President to the Senate for its advice and con-
18 sent, whichever is earlier, the President shall submit
19 to the congressional defense and foreign relations
20 committees a report on the plan to enhance the safe-
21 ty, security, and reliability of the United States nu-
22 clear weapons stockpile, modernize the nuclear weap-
23 ons complex, and maintain the delivery platforms for
24 nuclear weapons.

1 (2) COORDINATION.—The President shall pre-
2 pare the report required under paragraph (1) in co-
3 ordination with the Secretary of Defense, the direc-
4 tors of Sandia National Laboratory, Los Alamos Na-
5 tional Laboratory, and Lawrence Livermore Na-
6 tional Laboratory, the Administrator for the Na-
7 tional Nuclear Security Administration, and the
8 Commander of the United States Strategic Com-
9 mand.

10 (3) ELEMENTS.—The report required under
11 paragraph (1) shall include the following:

12 (A) A description of the plan to enhance
13 the safety, security, and reliability of the United
14 States nuclear weapons stockpile.

15 (B) A description of the plan to modernize
16 the nuclear weapons complex, including improv-
17 ing the safety of facilities, modernizing the in-
18 frastructure, and maintaining the key capabili-
19 ties and competencies of the nuclear weapons
20 workforce, including designers and technicians.

21 (C) A description of the plan to maintain
22 delivery platforms for nuclear weapons.

23 (D) An estimate of budget requirements,
24 including the costs associated with the plans

1 outlined under subparagraphs (A) through (C),
2 over a 10-year period.

3 (b) SENSE OF THE SENATE ON FOLLOW-ON NEGOTIATIONS TO THE START TREATY.—The Senate urges
4 the President to maintain the stated position of the United
5 States that the follow-on treaty to the START Treaty not
6 include any limitations on the ballistic missile defense systems,
7 space capabilities, or advanced conventional weapons
8 systems of the United States.

10 **SEC. 1235. SENSE OF CONGRESS ON CONTINUED SUPPORT**
11 **BY THE UNITED STATES FOR A STABLE AND**
12 **DEMOCRATIC REPUBLIC OF IRAQ.**

13 (a) FINDINGS.—Congress makes the following findings:
14

15 (1) The men and women of the United States
16 Armed Forces who have served or are serving in the
17 Republic of Iraq have done so with the utmost bravery and
18 courage and deserve the respect and gratitude of the people of the
19 United States and the people of Iraq.

21 (2) The leadership of Generals David Petraeus
22 and Raymond Odierno, as the Commanders of the
23 Multi-National Force Iraq, as well as Ambassador
24 Ryan Crocker, was instrumental in bringing stability
25 and success to Iraq.

1 (3) The strategy known as the surge was a crit-
2 ical factor contributing to significant security gains
3 and facilitated the economic, political, and social
4 gains that have occurred in Iraq since 2007.

5 (4) The people of Iraq have begun to develop a
6 stable government and stable society because of the
7 security gains following the surge and the willing-
8 ness of the people of Iraq to accept the ideals of a
9 free and fair democratic society over the tyranny es-
10 poused by Al Qaeda and other terrorist organiza-
11 tions.

12 (5) The security gains in Iraq must be carefully
13 maintained so that those fragile gains can be solidi-
14 fied and expanded upon, primarily by citizens of
15 Iraq in service to their country, with the support of
16 the United States as appropriate.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that—

19 (1) a stable and democratic Republic of Iraq is
20 in the long-term national security interest of the
21 United States;

22 (2) the people and the Government of the
23 United States should help the people of Iraq pro-
24 mote the stability of their country and peace in the
25 region; and

1 (3) the United States should be a long-term
2 strategic partner with the Government and the peo-
3 ple of Iraq in support of their efforts to build democ-
4 racy, good governance, and peace and stability in the
5 region.

6 **SEC. 1236. REPORT ON FEASIBILITY AND DESIRABILITY OF**
7 **ESTABLISHING GENERAL UNIFORM PROCE-**
8 **DURES AND GUIDELINES FOR THE PROVI-**
9 **SION OF MONETARY ASSISTANCE BY THE**
10 **UNITED STATES TO CIVILIAN FOREIGN NA-**
11 **TIONALS FOR LOSSES INCIDENT TO COMBAT**
12 **ACTIVITIES OF THE ARMED FORCES.**

13 (a) REPORT.—The Secretary of Defense shall submit
14 to Congress a report on the feasibility and the desirability
15 of establishing general uniform procedures and guidelines
16 for the provision by the United States of monetary assist-
17 ance to civilian foreign nationals for losses, injuries, or
18 death (hereafter “harm”) incident to combat activities of
19 the United States Armed Forces during contingency oper-
20 ations.

21 (b) MATTERS TO BE INCLUDED IN REPORT.—The
22 Secretary shall include in the report the following:

23 (1) A description of the authorities under laws
24 in effect as of the date of the enactment of this Act
25 for the United States to provide compensation, mon-

1 etary payments, or other assistance to civilians who
2 incur harm due directly or indirectly to the combat
3 activities of the United States Armed Forces.

4 (2) A description of the practices in effect as of
5 the date of enactment of this Act for the United
6 States to provide ex gratia, solatia, or other types of
7 condolence payments to civilians who incur harm
8 due directly or indirectly to the combat activities of
9 the United States Armed Forces.

10 (3) A discussion of the historic practice of the
11 United States to provide compensation, other mone-
12 etary payments, or other assistance to civilian foreign
13 nationals who incur harm due directly or indirectly
14 to combat activities of the United States Armed
15 Forces.

16 (4) A discussion of the practice of the United
17 States in Operation Enduring Freedom and Oper-
18 ation Iraqi Freedom to provide compensation, other
19 monetary payments, or other assistance to civilian
20 foreign nationals who incur harm due directly or in-
21 directly to the combat activities of the United States
22 Armed Forces, including the procedures and guide-
23 lines used and an assessment of its effectiveness.
24 This discussion will also include estimates of the
25 total amount of funds disbursed to civilian foreign

1 nationals who have incurred harm since the incep-
2 tion of Operation Iraqi Freedom and Operation En-
3 during Freedom. This discussion will also include
4 how such procedures and guidelines compare to the
5 processing of claims filed under the Foreign Claims
6 Act.

7 (5) A discussion of the positive and negative ef-
8 fects of using different authorities, procedure, and
9 guidelines to provide monetary assistance to civilian
10 foreign nationals, based upon the culture and eco-
11 nomic circumstances of the local populace and the
12 operational impact on the military mission. This dis-
13 cussion will also include whether the use of different
14 authorities, procedures, and guidelines has resulted
15 in disparate monetary assistance to civilian foreign
16 nationals who have incurred substantially similar
17 harm, and if so, the frequency and effect of such re-
18 sults.

19 (6) A discussion of the positive and negative ef-
20 fects of establishing general uniform procedures and
21 guidelines for the provision of such assistance, based
22 upon the goals of timely commencement of a pro-
23 gram of monetary assistance, efficient and effective
24 implementation of such program, and consistency in
25 the amount of assistance in relation to the harm in-

1 curred. This discussion will also include whether the
2 implementation of general procedures and guidelines
3 would create a legally enforceable entitlement to
4 “compensation” and, if so, any potential significant
5 operational impact arising from such an entitlement.

6 (7) Assuming general uniform procedures and
7 guidelines were to be established, a discussion of the
8 following:

9 (A) Whether such assistance should be lim-
10 ited to specified types of combat activities or
11 operations, e.g., such as during counterinsur-
12 gency operations.

13 (B) Whether such assistance should be
14 contingent upon a formal determination that a
15 particular combat activity/operation is a quali-
16 fying activity, and the criteria, if any, for such
17 a determination.

18 (C) Whether a time limit from the date of
19 loss for providing such assistance should be pre-
20 scribed.

21 (D) Whether only monetary or other types
22 of assistance should be authorized, and what
23 types of nonmonetary assistance, if any, should
24 be authorized.

1 (E) Whether monetary value limits should
2 be placed on the assistance that may be pro-
3 vided, or whether the determination to provide
4 assistance and, if so, the monetary value of
5 such assistance, should be based, in whole or in
6 part, on a legal advisor's assessment of the
7 facts.

8 (F) Whether a written record of the deter-
9 mination to provide or to not provide such as-
10 sistance should be maintained and a copy made
11 available to the civilian foreign national.

12 (G) Whether in the event of a determina-
13 tion to not provide such assistance the civilian
14 foreign national should be afforded the option
15 of a review of the determination by a higher
16 ranking authority.

17 (c) RECOMMENDATIONS.—The Secretary shall in-
18 clude in the report such recommendations as the Secretary
19 considers appropriate for legislative or administrative ac-
20 tion with respect to the matters discussed in the report.

21 (d) SUBMISSION OF REPORT.—The report shall be
22 submitted not later than 180 days after the date of the
23 enactment of this Act. The report shall be submitted in
24 unclassified form, but may include a classified annex.

1 **Subtitle D—VOICE Act**

2 **SEC. 1241. SHORT TITLE.**

3 This subtitle may be cited as the “Victims of Iranian
4 Censorship Act” or the “VOICE Act”.

5 **SEC. 1242. SENSE OF CONGRESS.**

6 It is the sense of Congress that the United States—

7 (1) respects the sovereignty, proud history, and
8 rich culture of the Iranian people;

9 (2) respects the universal values of freedom of
10 speech and freedom of the press in Iran and
11 throughout the world;

12 (3) supports the Iranian people as they take
13 steps to peacefully express their voices, opinions, and
14 aspirations;

15 (4) supports the Iranian people seeking access
16 to news and other forms of information;

17 (5) condemns the detainment, imprisonment,
18 and intimidation of all journalists, in Iran and else-
19 where throughout the world;

20 (6) supports journalists who take great risk to
21 report on political events in Iran, including those
22 surrounding the presidential election;

23 (7) supports the efforts the Voice of America’s
24 (VOA) 24-hour television station Persian News Net-
25 work, and Radio Free Europe / Radio Liberty’s

1 (RFE/RL) Radio Farda 24-hour radio station; Brit-
2 ish Broadcasting Corporation (BBC) Farsi language
3 programming; Radio Zamaneh; and other inde-
4 pendent news outlets to provide information to Iran;

5 (8) condemns acts of censorship, intimidation,
6 and other restrictions on freedom of the press, free-
7 dom of speech, and freedom of expression in Iran
8 and throughout the world;

9 (9) commends companies which have facilitated
10 the ability of the Iranian people to access and share
11 information, and exercise freedom of speech, free-
12 dom of expression, and freedom of assembly through
13 alternative technologies; and

14 (10) condemns companies which have knowingly
15 impeded the ability of the Iranian people to access
16 and share information and exercise freedom of
17 speech, freedom of expression, and freedom of as-
18 sembly through electronic media, including through
19 the sale of technology that allows for deep packet in-
20 spection or provides the capability to monitor or
21 block Internet access, and gather information about
22 individuals.

23 **SEC. 1243. STATEMENT OF POLICY.**

24 It shall be the policy of the United States—

1 (1) to support freedom of the press, freedom of
2 speech, freedom of expression, and freedom of as-
3 sembly in Iran;

4 (2) to support the Iranian people as they seek,
5 receive, and impart information and promote ideas
6 in writing, in print, or through any media without
7 interference;

8 (3) to discourage businesses from aiding efforts
9 to interfere with the ability of the people of Iran to
10 freely access or share information or otherwise in-
11 fringe upon freedom of speech, freedom of expres-
12 sion, freedom of assembly, and freedom of the press
13 through the Internet or other electronic media, in-
14 cluding through the sale of deep packet inspection or
15 other technology to the Government of Iran that
16 provides the capability to monitor or block Internet
17 access, and gather information about individuals;
18 and

19 (4) to encourage the development of tech-
20 nologies, including Internet Web sites that facilitate
21 the efforts of the Iranian people—

22 (A) to gain access to and share accurate
23 information and exercise freedom of speech,
24 freedom of expression, freedom of assembly,

1 and freedom of the press, through the Internet
2 or other electronic media; and

3 (B) engage in Internet-based education
4 programs and other exchanges between United
5 States citizens and Iranians.

6 **SEC. 1244. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) INTERNATIONAL BROADCASTING OPERATIONS
8 FUND.—In addition to amounts otherwise authorized for
9 the Broadcasting Board of Governors' International
10 Broadcasting Operations Fund, there is authorized to be
11 appropriated \$15,000,000 to expand Farsi language pro-
12 gramming and to provide for the dissemination of accurate
13 and independent information to the Iranian people
14 through radio, television, Internet, cellular telephone,
15 short message service, and other communications.

16 (b) BROADCASTING CAPITAL IMPROVEMENTS
17 FUND.—In addition to amounts otherwise authorized for
18 the Broadcasting Board of Governors' Broadcasting Cap-
19 ital Improvements Fund, there is authorized to be appro-
20 priated \$15,000,000 to expand transmissions of Farsi lan-
21 guage programs to Iran.

22 (c) USE OF AMOUNTS.—In pursuit of the objectives
23 described in subsections (a) and (b), amounts in the Inter-
24 national Broadcasting Operations Fund and the Capital
25 Improvements Fund may be used to—

1 (1) develop additional transmission capability
2 for Radio Farda and the Persian News Network to
3 counter ongoing efforts to jam transmissions, includ-
4 ing through additional shortwave and medium wave
5 transmissions, satellite, and Internet mechanisms;

6 (2) develop additional proxy server capability
7 and anti-censorship software to counter efforts to
8 block Radio Farda and Persian News Network Web
9 sites;

10 (3) develop technologies to counter efforts to
11 block SMS text message exchange over cellular
12 phone networks;

13 (4) expand program coverage and analysis by
14 Radio Farda and the Persian News Network, includ-
15 ing the development of broadcast platforms and pro-
16 grams, on the television, radio and Internet, for en-
17 hanced interactivity with and among the people of
18 Iran;

19 (5) hire, on a permanent or short-term basis,
20 additional staff for Radio Farda and the Persian
21 News Network; and

22 (6) develop additional Internet-based, Farsi-lan-
23 guage television programming, including a Farsi-lan-
24 guage, Internet-based news channel.

1 **SEC. 1245. IRANIAN ELECTRONIC EDUCATION, EXCHANGE,**
2 **AND MEDIA FUND.**

3 (a) **ESTABLISHMENT.**—There is established in the
4 Treasury of the United States the Iranian Electronic Edu-
5 cation, Exchange, and Media Fund (referred to in this sec-
6 tion as the “Fund”), consisting of amounts appropriated
7 to the Fund pursuant to subsection (f).

8 (b) **ADMINISTRATION.**—The Fund shall be adminis-
9 tered by the Secretary of State.

10 (c) **OBJECTIVE.**—The objective of the Fund shall be
11 to support the development of technologies, including
12 Internet Web sites, that will aid the ability of the Iranian
13 people to—

14 (1) gain access to and share information;

15 (2) exercise freedom of speech, freedom of ex-
16 pression, and freedom of assembly through the
17 Internet and other electronic media;

18 (3) engage in Internet-based education pro-
19 grams and other exchanges between Americans and
20 Iranians; and

21 (4) counter efforts—

22 (A) to block, censor, and monitor the
23 Internet; and

24 (B) to disrupt or monitor cellular phone
25 networks or SMS text exchanges.

1 (d) USE OF AMOUNTS.—In pursuit of the objective
2 described in subsection (c), amounts in the Fund may be
3 used for grants to United States or foreign universities,
4 nonprofit organizations, or companies for targeted
5 projects that advance the purpose of the Fund, including
6 projects that—

7 (1) develop Farsi-language versions of existing
8 social-networking Web sites;

9 (2) develop technologies, including Internet-
10 based applications, to counter efforts—

11 (A) to block, censor, and monitor the
12 Internet; and

13 (B) to disrupt or monitor cellular phone
14 networks or SMS text message exchanges;

15 (3) develop Internet-based, distance learning
16 programs for Iranian students at United States uni-
17 versities; and

18 (4) promote Internet-based, people-to-people
19 educational, professional, religious, or cultural ex-
20 changes and dialogues between United States citi-
21 zens and Iranians.

22 (e) TRANSFERS.—Amounts in the Fund may be
23 transferred to the United States Agency for International
24 Development, the Broadcasting Board of Governors, or
25 any other agency of the Federal Government to the extent

1 that such amounts are used to carry out activities that
2 will further the objective described in subsection (c).

3 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated \$20,000,000 to the Fund.

5 **SEC. 1246. ANNUAL REPORT.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of the enactment of this Act, and annually thereafter
8 for 5 years, the President shall submit a report to Con-
9 gress that provides a detailed description of—

10 (1) United States-funded international broad-
11 casting efforts in Iran;

12 (2) efforts by the Government of Iran to block
13 broadcasts sponsored by the United States or other
14 non-Iranian entities;

15 (3) efforts by the Government of Iran to mon-
16 itor or block Internet access, and gather information
17 about individuals;

18 (4) plans by the Broadcasting Board of Gov-
19 ernors for the use of the amounts appropriated pur-
20 suant to section 1244, including—

21 (A) the identification of specific programs
22 and platforms to be expanded or created; and

23 (B) satellite, radio, or Internet-based
24 transmission capacity to be expanded or cre-
25 ated;

1 (5) plans for the use of the Iranian Electronic
2 Education, Exchange, and Media Fund;

3 (6) a detailed breakdown of amounts obligated
4 and disbursed from the Iranian Electronic Media
5 Fund and an assessment of the impact of such
6 amounts;

7 (7) the percentage of the Iranian population
8 and of Iranian territory reached by shortwave and
9 medium-wave radio broadcasts by Radio Farda and
10 Voice of America;

11 (8) the Internet traffic from Iran to Radio
12 Farda and Voice of America Web sites; and

13 (9) the Internet traffic to proxy servers spon-
14 sored by the Broadcasting Board of Governors, and
15 the provisioning of surge capacity.

16 (b) CLASSIFIED ANNEX.—The report submitted
17 under subsection (a) may include a classified annex.

18 **SEC. 1247. REPORT ON ACTIONS BY NON-IRANIAN COMPA-**
19 **NIES.**

20 (a) STUDY.—The President shall direct the appro-
21 priate officials to examine claims that non-Iranian compa-
22 nies, including corporations with United States subsidi-
23 aries, have provided hardware, software, or other forms
24 of assistance to the Government of Iran that has furthered
25 its efforts to—

- 1 (1) filter online political content;
- 2 (2) disrupt cell phone and Internet communica-
- 3 tions; and
- 4 (3) monitor the online activities of Iranian citi-
- 5 zens.

6 (b) REPORT.—Not later than 180 days after the date
7 of the enactment of this Act, the President shall submit
8 a report to Congress that contains the results of the study
9 conducted under subsection (a). The report submitted
10 under this subsection shall be submitted in unclassified
11 form, but may include a classified annex.

12 **SEC. 1248. HUMAN RIGHTS DOCUMENTATION.**

13 There are authorized to be appropriated \$5,000,000
14 to the Secretary of State to document, collect, and dis-
15 seminate information about human rights in Iran, includ-
16 ing abuses of human rights that have taken place since
17 the Iranian presidential election conducted on June 12,
18 2009.

19 **TITLE XIII—COOPERATIVE**
20 **THREAT REDUCTION**

21 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
22 **DUCTION PROGRAMS AND FUNDS.**

23 (a) SPECIFICATION OF COOPERATIVE THREAT RE-
24 Duction PROGRAMS.—For purposes of section 301 and
25 other provisions of this Act, Cooperative Threat Reduction

1 programs are the programs specified in section 1501 of
2 the National Defense Authorization Act for Fiscal Year
3 1997 (50 U.S.C. 2362 note).

4 (b) FISCAL YEAR 2010 COOPERATIVE THREAT RE-
5 Duction Funds Defined.—As used in this title, the
6 term “fiscal year 2010 Cooperative Threat Reduction
7 funds” means the funds appropriated pursuant to the au-
8 thorization of appropriations in section 301 for Coopera-
9 tive Threat Reduction programs.

10 (c) AVAILABILITY OF FUNDS.—Funds appropriated
11 pursuant to the authorization of appropriations in section
12 301 for Cooperative Threat Reduction programs shall be
13 available for obligation for fiscal years 2010, 2011, and
14 2012.

15 **SEC. 1302. FUNDING ALLOCATIONS.**

16 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the
17 \$424,093,000 authorized to be appropriated to the De-
18 partment of Defense for fiscal year 2010 in section
19 301(a)(20) for Cooperative Threat Reduction programs,
20 the following amounts may be obligated for the purposes
21 specified:

22 (1) For strategic offensive arms elimination in
23 Russia, \$73,385,000.

24 (2) For strategic nuclear arms elimination in
25 Ukraine, \$6,800,000.

1 (3) For nuclear weapons storage security in
2 Russia, \$15,090,000.

3 (4) For nuclear weapons transportation security
4 in Russia, \$46,400,000.

5 (5) For weapons of mass destruction prolifera-
6 tion prevention in the states of the former Soviet
7 Union, \$90,886,000.

8 (6) For biological threat reduction in the states
9 of the former Soviet Union, \$152,132,000.

10 (7) For chemical weapons destruction,
11 \$3,000,000.

12 (8) For defense and military contacts,
13 \$5,000,000.

14 (9) For new Cooperative Threat Reduction ini-
15 tiatives, \$10,000,000.

16 (10) For activities designated as Other Assess-
17 ments/Administrative Costs, \$21,400,000.

18 (b) REPORT ON OBLIGATION OR EXPENDITURE OF
19 FUNDS FOR OTHER PURPOSES.—No fiscal year 2010 Co-
20 operative Threat Reduction funds may be obligated or ex-
21 pended for a purpose other than a purpose listed in para-
22 graphs (1) through (10) of subsection (a) until 15 days
23 after the date that the Secretary of Defense submits to
24 Congress a report on the purpose for which the funds will
25 be obligated or expended and the amount of funds to be

1 obligated or expended. Nothing in the preceding sentence
2 shall be construed as authorizing the obligation or expend-
3 iture of fiscal year 2010 Cooperative Threat Reduction
4 funds for a purpose for which the obligation or expendi-
5 ture of such funds is specifically prohibited under this title
6 or any other provision of law.

7 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL
8 AMOUNTS.—

9 (1) IN GENERAL.—Subject to paragraph (2), in
10 any case in which the Secretary of Defense deter-
11 mines that it is necessary to do so in the national
12 interest, the Secretary may obligate amounts appro-
13 priated for fiscal year 2010 for a purpose listed in
14 paragraphs (1) through (10) of subsection (a) in ex-
15 cess of the specific amount authorized for that pur-
16 pose.

17 (2) NOTICE-AND-WAIT REQUIRED.—An obliga-
18 tion of funds for a purpose stated in paragraphs (1)
19 through (10) of subsection (a) in excess of the spe-
20 cific amount authorized for such purpose may be
21 made using the authority provided in paragraph (1)
22 only after—

23 (A) the Secretary submits to Congress no-
24 tification of the intent to do so together with a

1 complete discussion of the justification for
2 doing so; and

3 (B) 15 days have elapsed following the
4 date of the notification.

5 **SEC. 1303. AUTHORITY TO ENTER INTO AGREEMENTS TO**
6 **RECEIVE CONTRIBUTIONS FOR BIOLOGICAL**
7 **THREAT REDUCTION PROGRAM.**

8 (a) IN GENERAL.—The Secretary of Defense may,
9 with the concurrence of the Secretary of State, enter into
10 one or more agreements with any person (including a for-
11 eign government, international organization, multinational
12 entity, or any other entity) that the Secretary of Defense
13 considers appropriate under which the person contributes
14 funds for purposes of the Biological Threat Reduction
15 Program of the Department of Defense.

16 (b) RETENTION AND USE OF AMOUNTS.—Notwith-
17 standing section 3302 of title 31, United States Code, and
18 subject to subsections (c) and (d), the Secretary of De-
19 fense may retain and obligate or expend amounts contrib-
20 uted pursuant to subsection (a) for purposes of the Bio-
21 logical Threat Reduction Program. Amounts so contrib-
22 uted shall be retained in a separate fund established in
23 the Treasury for that purpose and shall be available to
24 be obligated or expended without further appropriation.

1 (c) RETURN OF AMOUNTS NOT OBLIGATED OR EX-
2 PENDED WITHIN THREE YEARS.—If the Secretary of De-
3 fense does not obligate or expend an amount contributed
4 pursuant to subsection (a) by the date that is three years
5 after the date on which the contribution was made, the
6 Secretary shall return the amount to the person who made
7 the contribution.

8 (d) NOTICE TO CONGRESSIONAL DEFENSE COMMIT-
9 TEES.—

10 (1) IN GENERAL.—Not later than 30 days after
11 receiving an amount contributed pursuant to sub-
12 section (a), the Secretary shall submit to the con-
13 gressional defense committees a notice—

14 (A) specifying the value of the contribution
15 and the purpose for which the contribution was
16 made; and

17 (B) identifying the person who made the
18 contribution.

19 (2) LIMITATION ON USE OF AMOUNTS.—The
20 Secretary may not obligate or expend an amount
21 contributed pursuant to subsection (a) until the date
22 that is 15 days after the date on which the Sec-
23 retary submits the notice required by paragraph (1).

24 (e) ANNUAL REPORT.—Not later than October 31
25 each year, the Secretary of Defense shall submit to the

1 congressional defense committees a report on amounts
2 contributed pursuant to subsection (a) during the pre-
3 ceding fiscal year. Each such report shall include, for the
4 fiscal year covered by the report, the following:

5 (1) A statement of any amounts contributed
6 pursuant to subsection (a), including, for each such
7 amount, the value of the contribution and the iden-
8 tity of the person who made the contribution.

9 (2) A statement of any amounts so contributed
10 that were obligated or expended by the Secretary, in-
11 cluding, for each such amount, the purposes for
12 which the amount was obligated or expended.

13 (3) A statement of any amounts so contributed
14 that were retained but not obligated or expended, in-
15 cluding, for each such amount, the purposes (if
16 known) for which the Secretary intends to obligate
17 or expend the amount.

18 (f) **TERMINATION.**—The authority provided under
19 this section shall terminate on December 31, 2015.

1 **SEC. 1304. AUTHORIZATION OF USE OF COOPERATIVE**
2 **THREAT REDUCTION PROGRAM FUNDS FOR**
3 **BILATERAL AND MULTILATERAL NON-**
4 **PROLIFERATION AND DISARMAMENT ACTIVI-**
5 **TIES.**

6 (a) **IN GENERAL.**—Notwithstanding any other provi-
7 sion of law and subject to subsection (b), the Secretary
8 of Defense may obligate or expend not more than 10 per-
9 cent of the funds authorized to be appropriated or other-
10 wise made available for Cooperative Threat Reduction pro-
11 grams in a fiscal year to provide assistance for or to other-
12 wise carry out bilateral or multilateral activities relating
13 to nonproliferation or disarmament.

14 (b) **NOTIFICATION OF CONGRESSIONAL DEFENSE**
15 **COMMITTEES.**—The Secretary may obligate or expend
16 funds pursuant to subsection (a) if, not less than 15 days
17 before obligating or expending such funds—

18 (1) the Secretary notifies the congressional de-
19 fense committees of the intent of the Secretary to
20 obligate or expend such funds; and

21 (2) the President certifies to the congressional
22 defense committees that obligating or expending
23 such funds is necessary to support the national secu-
24 rity objectives of the United States.

1 **TITLE XIV—OTHER**
2 **AUTHORIZATIONS**

3 **Subtitle A—Military Programs**

4 **SEC. 1401. WORKING CAPITAL FUNDS.**

5 Funds are hereby authorized to be appropriated for
6 fiscal year 2010 for the use of the Armed Forces and other
7 activities and agencies of the Department of Defense for
8 providing capital for working capital and revolving funds
9 in amounts as follows:

10 (1) For the Defense Working Capital Funds,
11 \$141,388,000.

12 (2) For the Defense Working Capital Fund,
13 Defense Commissary, \$1,313,616,000.

14 **SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

15 Funds are hereby authorized to be appropriated for
16 fiscal year 2010 for the National Defense Sealift Fund
17 in the amount of \$1,242,758,000.

18 **SEC. 1403. DEFENSE HEALTH PROGRAM.**

19 Funds are hereby authorized to be appropriated for
20 the Department of Defense for fiscal year 2010 for ex-
21 penses, not otherwise provided for, for the Defense Health
22 Program, in the amount of \$27,913,863,000, of which—

23 (1) \$26,993,919,000 is for Operation and
24 Maintenance;

1 (2) \$597,802,000 is for Research, Development,
2 Test, and Evaluation; and

3 (3) \$322,142,000 is for Procurement.

4 **SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
5 **TION, DEFENSE.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
7 are hereby authorized to be appropriated for the Depart-
8 ment of Defense for fiscal year 2010 for expenses, not oth-
9 erwise provided for, for Chemical Agents and Munitions
10 Destruction, Defense, in the amount of \$1,560,760,000,
11 of which—

12 (1) \$1,146,802,000 is for Operation and Main-
13 tenance;

14 (2) \$401,269,000 is for Research, Development,
15 Test, and Evaluation; and

16 (3) \$12,689,000 is for Procurement.

17 (b) USE.—Amounts authorized to be appropriated
18 under subsection (a) are authorized for—

19 (1) the destruction of lethal chemical agents
20 and munitions in accordance with section 1412 of
21 the Department of Defense Authorization Act, 1986
22 (50 U.S.C. 1521); and

23 (2) the destruction of chemical warfare materiel
24 of the United States that is not covered by section
25 1412 of such Act.

1 **SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG AC-**
2 **TIVITIES, DEFENSE-WIDE.**

3 Funds are hereby authorized to be appropriated for
4 the Department of Defense for fiscal year 2010 for ex-
5 penses, not otherwise provided for, for Drug Interdiction
6 and Counter-Drug Activities, Defense-wide, in the amount
7 of \$1,077,784,000.

8 **SEC. 1406. DEFENSE INSPECTOR GENERAL.**

9 Funds are hereby authorized to be appropriated for
10 the Department of Defense for fiscal year 2010 for ex-
11 penses, not otherwise provided for, for the Office of the
12 Inspector General of the Department of Defense, in the
13 amount of \$288,444,000, of which—

14 (1) \$286,444,000 is for Operation and Mainte-
15 nance; and

16 (2) \$2,000,000 is for Procurement.

17 **SEC. 1407. FUNDING TABLE.**

18 The amounts authorized to be appropriated by sec-
19 tions 1401, 1402, 1403, 1404, 1405, and 1406 shall be
20 available, in accordance with the requirements of section
21 4001, for projects, programs, and activities, and in the
22 amounts, specified in the funding table in section 4401.

1 **Subtitle B—National Defense**
2 **Stockpile**

3 **SEC. 1411. EXTENSION OF PREVIOUSLY AUTHORIZED DIS-**
4 **POSAL OF COBALT FROM NATIONAL DE-**
5 **FENSE STOCKPILE.**

6 Section 3305(a)(5) of the National Defense Author-
7 ization Act for Fiscal Year 1998 (Public Law 105–85; 50
8 U.S.C. 98d note), as most recently amended by section
9 1412(b) of the Duncan Hunter National Defense Author-
10 ization Act for Fiscal Year 2009 (Public Law 110–417;
11 122 Stat. 4648), is further amended by striking “during
12 fiscal year 2009” and inserting “by the end of fiscal year
13 2011”.

14 **SEC. 1412. AUTHORIZATION FOR ACTIONS TO CORRECT**
15 **THE INDUSTRIAL RESOURCE SHORTFALL**
16 **FOR HIGH-PURITY BERYLLIUM METAL IN**
17 **AMOUNTS NOT IN EXCESS OF \$80,000,000.**

18 With respect to any action taken by the President
19 under section 303 of the Defense Production Act of 1950
20 (50 U.S.C. App. 2093) to correct the industrial resource
21 shortfall for high-purity beryllium metal, the limitation in
22 subsection (a)(6)(C) of such section shall be applied by
23 substituting “\$80,000,000” for “\$50,000,000”.

1 **Subtitle C—Armed Forces**
2 **Retirement Home**

3 **SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR**
4 **ARMED FORCES RETIREMENT HOME.**

5 There is authorized to be appropriated for fiscal year
6 2010 from the Armed Forces Retirement Home Trust
7 Fund the sum of \$134,000,000 for the operation of the
8 Armed Forces Retirement Home.

9 **TITLE XV—OVERSEAS**
10 **CONTINGENCY OPERATIONS**

11 **SEC. 1501. PURPOSE.**

12 The purpose of this title is to authorize appropria-
13 tions for the Department of Defense for fiscal year 2010
14 to provide additional funding for overseas contingency op-
15 erations of the Department of Defense in that fiscal year.

16 **SEC. 1502. ARMY PROCUREMENT.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 2010 for procurement accounts for the Army
19 in amounts as follows:

- 20 (1) For aircraft procurement, \$1,636,229,000.
21 (2) For missile procurement, \$531,570,000.
22 (3) For weapons and tracked combat vehicles
23 procurement, \$759,466,000.
24 (4) For ammunition procurement,
25 \$370,635,000.

1 (5) For other procurement, \$6,329,966,000.

2 (6) For the Joint Improvised Explosive Device
3 Defeat Fund, \$2,099,850,000.

4 **SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.**

5 (a) NAVY.—Funds are hereby authorized to be appro-
6 priated for fiscal year 2010 for procurement accounts for
7 the Navy in amounts as follows:

8 (1) For aircraft procurement, \$916,553,000.

9 (2) For weapons procurement, \$73,700,000.

10 (3) For other procurement, \$318,018,000.

11 (b) MARINE CORPS.—Funds are hereby authorized to
12 be appropriated for fiscal year 2010 for the procurement
13 account for the Marine Corps in the amount of
14 \$1,164,445,000.

15 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
16 are hereby authorized to be appropriated for fiscal year
17 2010 for the procurement account for ammunition for the
18 Navy and the Marine Corps in the amount of
19 \$710,780,000.

20 **SEC. 1504. AIR FORCE PROCUREMENT.**

21 Funds are hereby authorized to be appropriated for
22 fiscal year 2010 for procurement accounts for the Air
23 Force in amounts as follows:

24 (1) For aircraft procurement, \$896,441,000.

25 (2) For missile procurement, \$36,625,000.

1 (3) For ammunition procurement,
2 \$256,819,000.

3 (4) For other procurement, \$2,321,549,000.

4 **SEC. 1505. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

5 Funds are hereby authorized to be appropriated for
6 fiscal year 2010 for the procurement account for Defense-
7 wide activities as follows:

8 (1) For Defense-wide procurement,
9 \$491,430,000.

10 (2) For the Mine Resistant Ambush Protected
11 Vehicle Fund, \$5,456,000,000.

12 **SEC. 1506. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
13 **TION.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 2010 for the use of the Department of Defense
16 for research, development, test, and evaluation as follows:

17 (1) For the Army, \$57,962,000.

18 (2) For the Navy, \$107,180,000.

19 (3) For the Air Force, \$29,286,000.

20 (4) For Defense-wide activities, \$115,826,000.

21 **SEC. 1507. OPERATION AND MAINTENANCE.**

22 Funds are hereby authorized to be appropriated for
23 fiscal year 2010 for the use of the Armed Forces for ex-
24 penses, not otherwise provided for, for operation and
25 maintenance, in amounts as follows:

- 1 (1) For the Army, \$52,070,661,000.
- 2 (2) For the Navy, \$5,650,733,000.
- 3 (3) For the Marine Corps, \$3,701,600,000.
- 4 (4) For the Air Force, \$10,026,868,000.
- 5 (5) For Defense-wide activities, \$7,578,300,000
- 6 (6) For the Army Reserve, \$204,326,000.
- 7 (7) For the Navy Reserve, \$68,059,000.
- 8 (8) For the Marine Corps Reserve,
- 9 \$86,667,000.
- 10 (9) For the Air Force Reserve, \$125,925,000.
- 11 (10) For the Army National Guard,
- 12 \$321,646,000.
- 13 (11) For the Air National Guard,
- 14 \$289,862,000.
- 15 (12) For the Afghanistan Security Forces
- 16 Fund, \$7,462,769,000.
- 17 (13) For the Iraq Freedom Fund,
- 18 \$115,300,000.

19 **SEC. 1508. MILITARY PERSONNEL.**

20 There is hereby authorized to be appropriated for fis-
21 cal year 2010 for the Department of Defense for military
22 personnel in the amount of \$13,586,341,000.

23 **SEC. 1509. WORKING CAPITAL FUNDS.**

24 Funds are hereby authorized to be appropriated for
25 fiscal year 2010 for the use of the Armed Forces and other

1 activities and agencies of the Department of Defense for
2 providing capital for working capital and revolving funds
3 in the amount of \$396,915,000, for the Defense Working
4 Capital Funds.

5 **SEC. 1510. DEFENSE HEALTH PROGRAM.**

6 Funds are hereby authorized to be appropriated for
7 the Department of Defense for fiscal year 2010 for ex-
8 penses, not otherwise provided for, for the Defense Health
9 Program in the amount of \$1,155,235,000 for operation
10 and maintenance.

11 **SEC. 1511. DRUG INTERDICTION AND COUNTER-DRUG AC-**
12 **TIVITIES, DEFENSE-WIDE.**

13 Funds are hereby authorized to be appropriated for
14 the Department of Defense for fiscal year 2010 for ex-
15 penses, not otherwise provided for, for Drug Interdiction
16 and Counter-Drug Activities, Defense-wide in the amount
17 of \$324,603,000.

18 **SEC. 1512. DEFENSE INSPECTOR GENERAL.**

19 Funds are hereby authorized to be appropriated for
20 the Department of Defense for fiscal year 2010 for ex-
21 penses, not otherwise provided for, for the Office of the
22 Inspector General of the Department of Defense in the
23 amount of \$8,876,000.

1 **SEC. 1513. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

2 The amounts authorized to be appropriated by this
3 title are in addition to amounts otherwise authorized to
4 be appropriated by this Act.

5 **SEC. 1514. FUNDING TABLES.**

6 (a) AMOUNTS FOR PROCUREMENT.—The amounts
7 authorized to be appropriated by sections 1502, 1503,
8 1504, and 1505 shall be available, in accordance with the
9 requirements of section 4001, for projects, programs, and
10 activities, and in the amounts, specified in the funding
11 table in section 4102.

12 (b) AMOUNTS FOR RESEARCH, DEVELOPMENT,
13 TEST, AND EVALUATION.—The amounts authorized to be
14 appropriated by section 1506 shall be available, in accord-
15 ance with the requirements of section 4001, for projects,
16 programs, and activities, and in the amounts, specified in
17 the funding table in section 4202.

18 (c) AMOUNTS FOR OPERATION AND MAINTENANCE.—The amounts authorized to be appropriated by
19 section 1507 shall be available, in accordance with the re-
20 quirements of section 4001, for projects, programs, and
21 activities, and in the amounts, specified in the funding
22 table in section 4302.

24 (d) OTHER AMOUNTS.—The amounts authorized to
25 be appropriated by sections 1509, 1510, 1511, and 1512
26 shall be available, in accordance with the requirements of

1 section 4001, for projects, programs, and activities, and
2 in the amounts, specified in the funding table in section
3 4402.

4 **SEC. 1515. SPECIAL TRANSFER AUTHORITY.**

5 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

6 (1) **AUTHORITY.**—Upon determination by the
7 Secretary of Defense that such action is necessary in
8 the national interest, the Secretary may transfer
9 amounts of authorizations made available to the De-
10 partment of Defense in this title for fiscal year 2010
11 between any such authorizations for that fiscal year
12 (or any subdivisions thereof). Amounts of authoriza-
13 tions so transferred shall be merged with and be
14 available for the same purposes as the authorization
15 to which transferred.

16 (2) **LIMITATION.**—The total amount of author-
17 izations that the Secretary may transfer under the
18 authority of this subsection may not exceed
19 \$4,500,000,000.

20 (b) **TERMS AND CONDITIONS.**—Transfers under this
21 section shall be subject to the same terms and conditions
22 as transfers under section 1001.

23 (c) **ADDITIONAL AUTHORITY.**—The transfer author-
24 ity provided by this section is in addition to the transfer
25 authority provided under section 1001.

1 **SEC. 1516. LIMITATIONS ON AVAILABILITY OF FUNDS IN AF-**
2 **GHANISTAN SECURITY FORCES FUND.**

3 Funds appropriated pursuant to the authorization of
4 appropriations for the Afghanistan Security Forces Fund
5 in section 1507(12) shall be subject to the conditions con-
6 tained in subsections (b) through (g) of section 1513 of
7 the National Defense Authorization Act for Fiscal Year
8 2008 (Public Law 110–181; 122 Stat. 428).

9 **SEC. 1517. AVAILABILITY OF FUNDS IN PAKISTAN COUN-**
10 **TERINSURGENCY FUND.**

11 (a) AVAILABILITY.—

12 (1) IN GENERAL.—Funds authorized to be ap-
13 propriated for the Department of State for fiscal
14 year 2010 that are transferred by the Secretary of
15 State to the Secretary of Defense during that fiscal
16 year for the Pakistan Counterinsurgency Fund shall
17 be merged with amounts in the Pakistan Counter-
18 insurgency Fund and available subject to the provi-
19 sions of this section.

20 (2) INITIAL ASSESSMENT REQUIRED BEFORE
21 USE OF FUNDS.—Funds available under this section
22 may not be utilized until the Secretary of Defense
23 submits to the appropriate committees of Congress
24 a report setting forth an assessment by the Sec-
25 retary as to whether the Government of Pakistan is
26 committed to confronting the threat posed by Al

1 Qaeda, the Taliban, and other militant extremists
2 based on a determination by the Government of
3 Pakistan that—

4 (A) these groups pose a threat to the na-
5 tional interests of Pakistan; and

6 (B) confronting the threat posed by these
7 groups is critical to the national interests of
8 Pakistan.

9 (b) USE OF FUNDS.—

10 (1) IN GENERAL.—Funds in the Pakistan
11 Counterinsurgency Fund pursuant to a transfer
12 under subsection (a) shall be available to the Sec-
13 retary of Defense to provide assistance to the secu-
14 rity forces of Pakistan to build the counterinsur-
15 gency capability of the Pakistan military forces and
16 the Pakistan Frontier Corps.

17 (2) TYPES OF ASSISTANCE.—Assistance pro-
18 vided under this subsection may include the provi-
19 sion of equipment, supplies, services, training, facil-
20 ity and infrastructure repair, renovation, construc-
21 tion and funding.

22 (3) URGENT HUMANITARIAN RELIEF AND RE-
23 CONSTRUCTION.—In addition to the assistance re-
24 ferred to in paragraph (2), up to \$4,000,000 of the
25 funds in the Pakistan Counterinsurgency Fund pur-

1 suant to a transfer described in subsection (a) may
2 be used for a program to respond to urgent humani-
3 tarian relief and reconstruction requirements that
4 will immediately assist Pakistani people affected by
5 military operations.

6 (c) **AUTHORITY IN ADDITION TO OTHER AUTHORI-**
7 **TIES.**—The authority to provide assistance under this sec-
8 tion is in addition to any other authority to provide assist-
9 ance to foreign nations.

10 (d) **TRANSFERS AUTHORITY.**—

11 (1) **TRANSFERS AUTHORIZED.**—Subject to
12 paragraph (2), funds in the Pakistan Counterinsur-
13 gency Fund pursuant to a transfer described in sub-
14 section (a) may be transferred by the Secretary of
15 Defense from the Pakistan Counterinsurgency Fund
16 to any of the following accounts and funds of the
17 Department of Defense to accomplish the purposes
18 specified in subsection (b):

19 (A) Operation and maintenance accounts.

20 (B) Procurement accounts.

21 (C) Research, development, test, and eval-
22 uation accounts.

23 (D) Defense working capital funds.

24 (E) Overseas Humanitarian, Disaster, and
25 Civic Aid account.

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) EFFECT ON AUTHORIZATION AMOUNTS.—A
6 transfer of an amount to an account under the au-
7 thority in paragraph (1) shall be deemed to increase
8 the amount authorized for such account by an
9 amount equal to the amount transferred.

10 (e) PRIOR NOTICE TO CONGRESS OF TRANSFER.—
11 Funds in the Pakistan Counterinsurgency Fund pursuant
12 to a transfer described in subsection (a) may not be trans-
13 ferred under subsection (d)(1) from the Pakistan Counter-
14 insurgency Fund until 15 days after the date on which
15 the Secretary of Defense notifies the appropriate commit-
16 tees of Congress in writing of the details of the proposed
17 transfer.

18 (f) QUARTERLY REPORTS.—Not later than 30 days
19 after the end of each fiscal-year quarter of fiscal years
20 2010 and 2011, the Secretary of Defense shall submit to
21 the appropriate committees of Congress a report summa-
22 rizing the details of any obligation or transfer of funds
23 from the Pakistan Counterinsurgency Fund under this
24 section during such fiscal-year quarter.

1 (g) DURATION OF AUTHORITY.—Amounts trans-
2 ferred to the Pakistan Counterinsurgency Fund as de-
3 scribed in subsection (a) are available for obligation or
4 transfer from the Pakistan Counterinsurgency Fund in ac-
5 cordance with this section until September 30, 2011.

6 (h) APPROPRIATE COMMITTEES OF CONGRESS DE-
7 FINED.—In this section, the term “appropriate commit-
8 tees of Congress” means—

9 (1) the Committee on Armed Services, the
10 Committee on Foreign Relations, and the Committee
11 on Appropriations of the Senate; and

12 (2) the Committee on Armed Services, the
13 Committee on Foreign Affairs, and the Committee
14 on Appropriations of the House of Representatives.

15 **DIVISION B—MILITARY CON-**
16 **STRUCTION AUTHORIZA-**
17 **TIONS**

18 **SEC. 2001. SHORT TITLE.**

19 This division may be cited as the “Military Construc-
20 tion Authorization Act for Fiscal Year 2010”.

21 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
22 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
23 **LAW.**

24 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
25 YEARS.—Except as provided in subsection (b), all author-

1 izations contained in titles XXI through XXVII for mili-
2 tary construction projects, land acquisition, family housing
3 projects and facilities, and contributions to the North At-
4 lantic Treaty Organization Security Investment Program
5 (and authorizations of appropriations therefor) shall ex-
6 pire on the later of—

7 (1) October 1, 2012; or

8 (2) the date of the enactment of an Act author-
9 izing funds for military construction for fiscal year
10 2013.

11 (b) EXCEPTION.—Subsection (a) shall not apply to
12 authorizations for military construction projects, land ac-
13 quisition, family housing projects and facilities, and con-
14 tributions to the North Atlantic Treaty Organization Se-
15 curity Investment Program (and authorizations of appro-
16 priations therefor), for which appropriated funds have
17 been obligated before the later of—

18 (1) October 1, 2012; or

19 (2) the date of the enactment of an Act author-
20 izing funds for fiscal year 2013 for military con-
21 struction projects, land acquisition, family housing
22 projects and facilities, or contributions to the North
23 Atlantic Treaty Organization Security Investment
24 Program.

1 **SEC. 2003. EFFECTIVE DATE.**

2 Titles XXI through XXVII shall take effect on the
3 later of—

4 (1) October 1, 2009; or

5 (2) the date of the enactment of this Act.

6 **SEC. 2004. FUNDING TABLES.**

7 (a) IN GENERAL.—The amounts authorized to be ap-
8 propriated by sections 2104, 2204, 2304, 2404, 2411,
9 2502, and 2606 shall be available, in accordance with the
10 requirements of section 4001, for projects, programs, and
11 activities, and in the amounts, specified in the funding
12 table in section 4501.

13 (b) BASE CLOSURE AND REALIGNMENT ACTIVI-
14 TIES.—The amounts authorized to be appropriated by sec-
15 tion 2703 shall be available, in accordance with the re-
16 quirements of section 4001, for projects, programs, and
17 activities, and in the amounts, specified in the funding
18 table in section 4502.

19 (c) PROJECTS FUNDED BY AMERICAN RECOVERY
20 AND REINVESTMENT ACT OF 2009.—The amounts au-
21 thorized by section 2801 shall be available, in accordance
22 with the requirements of section 4001, for projects, pro-
23 grams, and activities, and in the amounts, specified in the
24 funding table in section 4503.

25 (d) OVERSEAS CONTINGENCY OPERATIONS.—The
26 amounts authorized to be appropriated by sections 2901

1 and 2902 shall be available, in accordance with the re-
 2 quirements of section 4001, for projects, programs, and
 3 activities, and in the amounts, specified in the funding
 4 table in section 4504.

5 **SEC. 2005. TECHNICAL CORRECTIONS REGARDING CER-**
 6 **TAIN MILITARY CONSTRUCTION PROJECTS,**
 7 **NEW MEXICO.**

8 Notwithstanding the table in section 4501, the
 9 amounts available for the following projects at the fol-
 10 lowing installations shall be as follows:

Air Force: Inside the United States

State	Installation	Project Title	Senate Au- thorized Amount
New Mexico ..	Holloman Air Force Base	Fire-Crash Rescue Station	\$0

Special Operations Command

State	Installation	Project Title	Senate Au- thorized Amount
New Mexico ..	Cannon Air Force Base	SOF AC 130 Loadout Apron Phase 1	\$6,000,000

11 **TITLE XXI—ARMY**

12 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 13 **ACQUISITION PROJECTS.**

14 (a) **INSIDE THE UNITED STATES.**—Using amounts
 15 appropriated pursuant to the authorization of appropria-
 16 tions in section 2104(a)(1), the Secretary of the Army
 17 may acquire real property and carry out military construc-
 18 tion projects for the installations or locations inside the

1 United States, and in the amounts, set forth in the fol-
 2 lowing table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Richardson	\$56,050,000
	Fort Wainwright	\$198,000,000
Alabama	Redstone Arsenal	\$3,550,000
Arizona	Fort Huachuca	\$21,000,000
Arkansas	Pine Bluff Arsenal	\$25,000,000
California	Fort Irwin	\$9,500,000
Colorado	Fort Carson	\$233,400,000
Florida	Eglin Air Force Base	\$132,800,000
Georgia	Fort Benning	\$295,300,000
	Fort Gillem	\$10,800,000
	Fort Stewart/Hunter Army Air Field	\$105,967,000
Hawaii	Schofield Barracks	\$184,000,000
	Wheeler Army Air Field	\$7,500,000
Kansas	Fort Riley	\$168,500,000
Kentucky	Fort Knox	\$70,000,000
Louisiana	Fort Polk	\$49,000,000
Maryland	Aberdeen Proving Ground	\$15,500,000
	Fort Detrick	\$39,000,000
Missouri	Fort Leonard Wood	\$163,000,000
New York	Fort Drum	\$84,500,000
North Carolina	Fort Bragg	\$113,650,000
	Sunny Point (Military Ocean Terminal)	\$28,900,000
Oklahoma	Fort Sill	\$90,500,000
	McAlester Army Ammunition Plant	\$12,500,000
South Carolina	Fort Jackson	\$103,500,000
	Naval Weapons Station, Charleston	\$21,800,000
Texas	Fort Bliss	\$219,400,000
	Fort Hood	\$32,100,000
	Fort Sam Houston	\$19,800,000
Utah	Dugway Proving Ground	\$25,000,000
Virginia	Fort A.P. Hill	\$23,000,000
	Fort Belvoir	\$17,900,000
	Fort Eustis	\$8,900,000
Washington	Fort Lewis	\$9,700,000

3 (b) OUTSIDE THE UNITED STATES.—Using amounts
 4 appropriated pursuant to the authorization of appropria-
 5 tions in section 2104(a)(2), the Secretary of the Army
 6 may acquire real property and carry out military construc-
 7 tion projects for the installations or locations outside the
 8 United States, and in the amounts, set forth in the fol-
 9 lowing table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Airfield	\$106,600,000
Germany	Ansbach	\$31,700,000
	Kleber Kaserne	\$20,000,000
Japan	Okinawa	\$6,000,000
	Sagamihara	\$6,000,000
Korea	Camp Humphreys	\$50,200,000
Kuwait	Camp Arifjan	\$82,000,000

1 SEC. 2102. FAMILY HOUSING.

2 (a) CONSTRUCTION AND ACQUISITION.—Using
3 amounts appropriated pursuant to the authorization of ap-
4 propriations in section 2104(a)(5)(A), the Secretary of the
5 Army 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:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Baumholder	38	\$18,000,000

9 (b) PLANNING AND DESIGN.—Using amounts appro-
10 priated pursuant to the authorization of appropriations in
11 section 2104(a)(5)(A), the Secretary of the Army 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 \$3,936,000.

1 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2104(a)(5)(A),
6 the Secretary of the Army may improve existing military
7 family housing units in an amount not to exceed
8 \$219,300,000.

9 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

10 (a) IN GENERAL.—Funds are hereby authorized to
11 be appropriated for fiscal years beginning after September
12 30, 2009, for military construction, land acquisition, and
13 military family housing functions of the Department of the
14 Army in the total amount of \$4,262,800,000 as follows:

15 (1) For military construction projects inside the
16 United States authorized by section 2101(a),
17 \$2,619,217,000.

18 (2) For military construction projects outside
19 the United States authorized by section 2101(b),
20 \$302,500,000.

21 (3) For unspecified minor military construction
22 projects authorized by section 2805 of title 10,
23 United States Code, \$23,000,000.

24 (4) For architectural and engineering services
25 and construction design under section 2807 of title
26 10, United States Code, \$178,029,000.

1 (5) For military family housing functions:

2 (A) For construction and acquisition, plan-
3 ning and design, and improvement of military
4 family housing and facilities, \$241,236,000.

5 (B) For support of military family housing
6 (including the functions described in section
7 2833 of title 10, United States Code),
8 \$523,418,000.

9 (6) For the construction of increment 4 of a
10 brigade complex at Fort Lewis, Washington, author-
11 ized by section 2101(a) of the Military Construction
12 Authorization Act for Fiscal Year 2007 (division B
13 of Public Law 109–364; 120 Stat. 2445), as amend-
14 ed by section 20814 of the Continuing Appropria-
15 tions Resolution, 2007 (division B of Public Law
16 109–289), as added by section 2 of the Revised Con-
17 tinuing Resolution, 2007 (Public Law 110–5; 121
18 Stat 41), \$102,000,000.

19 (7) For the construction of increment 3 of a
20 brigade complex operational support facility at
21 Vicenza, Italy, authorized by section 2101(b) of the
22 Military Construction Authorization Act for Fiscal
23 Year 2008 (division B of Public Law 110–181; 122
24 Stat. 505), \$23,500,000.

1 (8) For the construction of increment 3 of a
2 brigade complex barracks and community support
3 facility at Vicenza, Italy, authorized by section
4 2101(b) of the Military Construction Authorization
5 Act for Fiscal Year 2008 (division B of Public Law
6 110–181; 122 Stat. 505), \$22,500,000.

7 (9) For the construction of increment 3 of the
8 United States Southern Command Headquarters at
9 Miami Doral, Florida, authorized by section 2101(a)
10 of the Military Construction Authorization Act for
11 Fiscal Year 2008 (division B of Public Law 110–
12 181; 122 Stat. 504), \$55,400,000.

13 (10) For the construction of increment 2 of a
14 barracks and dining complex at Fort Carson, Colo-
15 rado, authorized by section 2101(a) of the Military
16 Construction Authorization Act for Fiscal Year 2009
17 (division B of Public Law 110–417; 122 Stat.
18 4659), \$60,000,000.

19 (11) For the construction of increment 2 of a
20 barracks and dining complex at Fort Stewart/Hun-
21 ter Army Air Field, Georgia, authorized by section
22 2101(a) of the Military Construction Authorization
23 Act for Fiscal Year 2009 (division B of Public Law
24 110–417; 122 Stat. 4659), \$80,000,000.

1 (12) For the construction of increment 2 of the
2 family housing replacement construction at Wies-
3 baden Air Base, Germany, authorized by section
4 2102(a) of the Military Construction Authorization
5 Act for Fiscal Year 2009 (division B of Public Law
6 110–417; 122 Stat. 4663), \$10,000,000.

7 (13) For the construction of increment 2 of the
8 family housing replacement construction at Wies-
9 baden Air Base, Germany, authorized by section
10 2102(a) of the Military Construction Authorization
11 Act for Fiscal Year 2009 (division B of Public Law
12 110–417; 122 Stat. 4663), \$11,000,000.

13 (14) For the construction of increment 2 of the
14 family housing replacement construction at Wies-
15 baden Air Base, Germany, authorized by section
16 2102(a) of the Military Construction Authorization
17 Act for Fiscal Year 2009 (division B of Public Law
18 110–417; 122 Stat. 4663), \$11,000,000.

19 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
20 PROJECTS.—Notwithstanding the cost variations author-
21 ized by section 2853 of title 10, United States Code, and
22 any other cost variation authorized by law, the total cost
23 of all projects carried out under section 2101 of this Act
24 may not exceed the sum of the following:

1 (1) The total amount authorized to be appro-
2 priated under paragraphs (1) and (2) of subsection
3 (a).

4 (2) \$25,000,000 (the balance of the amount au-
5 thorized under section 2101(b) of the Military Con-
6 struction Authorization Act for Fiscal Year 2008
7 (division B of Public Law 110–181; 122 Stat. 505)
8 for construction of a brigade complex operations
9 support facility at Vicenza, Italy.

10 (3) \$26,000,000 (the balance of the amount au-
11 thorized under section 2101(b) of the Military Con-
12 struction Authorization Act for Fiscal Year 2008
13 (division B of Public Law 110–181; 122 Stat. 505)
14 for construction of a brigade complex operations
15 support facility at Vicenza, Italy.

16 **SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
17 **FISCAL YEAR 2006 PROJECTS.**

18 (a) EXTENSION.—Notwithstanding section 2701 of
19 the Military Construction Authorization Act for Fiscal
20 Year 2006 (division B of Public Law 109–163; 119 Stat.
21 3501), the authorizations set forth in the table in sub-
22 section (b), as provided in section 2101 of that Act (119
23 Stat. 3485), shall remain in effect until October 1, 2010,
24 or the date of the enactment of an Act authorizing funds

1 for military construction for fiscal year 2011, whichever
2 is later.

3 (b) TABLE.—The table referred to in subsection (a)
4 is as follows:

Army: Extension of 2006 Project Authorizations

State/Country	Installation or Location	Project	Amount
Hawaii	Pohakuloa Training Area.	Tactical Vehicle Wash Facility ..	\$9,207,000
	Pohakuloa Training Area.	Battle Area Complex	\$33,660,000

5 **TITLE XXII—NAVY**

6 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 7 **ACQUISITION PROJECTS.**

8 (a) INSIDE THE UNITED STATES.—Using amounts
9 appropriated pursuant to the authorization of appropria-
10 tions in section 2204(a)(1), the Secretary of the Navy may
11 acquire real property and carry out military construction
12 projects for the installations or locations inside the United
13 States, and in the amounts, set forth in the following
14 table:

Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	\$28,770,000
California	Mountain Warfare Training Center, Bridgeport.	\$4,460,000
	Edwards Air Force Base	\$3,007,000
	Marine Corps Air Station, Miramar	\$9,280,000
	Marine Corps Base, Pendleton	\$775,162,000
	Naval Base Point Loma	\$8,730,000
	Marine Corps Recruit Depot, San Diego ...	\$23,590,000
	Marine Air Ground Combat Center Twentynine Palms.	\$513,680,000
	Florida	Marine Corps Support Facility, Blount Island.
	Eglin Air Force Base	\$50,847,000

Inside the United States—Continued

State	Installation or Location	Amount
	Naval Air Station, Jacksonville	\$5,917,000
	Naval Air Station, Whiting Field	\$4,120,000
	Naval Station, Mayport	\$75,985,000
	Pensacola	\$26,161,000
Hawaii	Naval Station Pearl Harbor	\$65,542,000
	Marine Corps Base, Hawaii	\$5,380,000
Indiana	Naval Support Activity Crane	\$13,710,000
Maine	Portsmouth Naval Shipyard	\$7,100,000
Nevada	Naval Air Station Fallon	\$11,450,000
North Carolina	Marine Corps Air Station, Cherry Point	\$22,960,000
	Marine Corps Air Station, New River	\$107,090,000
	Marine Corps Base, Camp Lejeune	\$673,570,000
Rhode Island	Naval Station, Newport	\$56,353,000
South Carolina	Marine Corps Air Station, Beaufort	\$1,280,000
	Marine Corps Recruit Depot, Parris Island	\$6,972,000
Texas	Naval Air Station, Corpus Christi	\$19,764,000
Virginia	Dahlgren	\$3,660,000
	Marine Corps Base, Quantico	\$105,240,000
	Naval Amphibious Base, Little Creek	\$13,095,000
	Naval Station, Norfolk	\$18,139,000
	Norfolk Naval Shipyard	\$226,969,000
Washington	Bremerton	\$69,064,000
	Spokane	\$12,707,000
West Virginia	Naval Security Group, Sugar Grove	\$9,650,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(a)(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the installation or location outside the United
6 States, and in the amounts, set forth in the following
7 table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Southwest Asia	\$41,526,000
Djibouti	Djibouti	\$41,845,000
Guam	Naval Activities, Guam	\$286,829,000
Spain	Naval Station, Rota	\$26,278,000

8 SEC. 2202. FAMILY HOUSING.

9 (a) CONSTRUCTION AND ACQUISITION.—Using
10 amounts appropriated pursuant to the authorization of ap-

1 appropriations in section 2204(a)(5)(A), the Secretary of the
 2 Navy may construct or acquire family housing units (in-
 3 cluding land acquisition and supporting facilities) at the
 4 installations or locations, in the number of units, and in
 5 the amounts set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Korea	Pusan	Welcome center/ ware- house.	\$4,376.000
Mariana Is- lands.	Naval Activities, Guam	30	\$20,730,000

6 (b) **PLANNING AND DESIGN.**—Using amounts appro-
 7 priated pursuant to the authorization of appropriations in
 8 section 2204(a)(5)(A), the Secretary of the Navy may
 9 carry out architectural and engineering services and con-
 10 struction design activities with respect to the construction
 11 or improvement of family housing units in an amount not
 12 to exceed \$2,771,000.

13 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 14 **UNITS.**

15 Subject to section 2825 of title 10, United States
 16 Code, and using amounts appropriated pursuant to the
 17 authorization of appropriations in section 2204(a)(5)(A),
 18 the Secretary of the Navy may improve existing military
 19 family housing units in an amount not to exceed
 20 \$118,692,000.

1 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

2 (a) IN GENERAL.—Funds are hereby authorized to
3 be appropriated for fiscal years beginning after September
4 30, 2009, for military construction, land acquisition, and
5 military family housing functions of the Department of the
6 Navy in the total amount of \$4,053,880,000, as follows:

7 (1) For military construction projects inside the
8 United States authorized by section 2201(a),
9 \$2,756,105,000.

10 (2) For military construction projects outside
11 the United States authorized by section 2201(b),
12 \$229,445,000.

13 (3) For unspecified minor military construction
14 projects authorized by section 2805 of title 10,
15 United States Code, \$12,483,000.

16 (4) For architectural and engineering services
17 and construction design under section 2807 of title
18 10, United States Code, \$166,896,000.

19 (5) For military family housing functions:

20 (A) For construction and acquisition, plan-
21 ning and design, and improvement of military
22 family housing and facilities, \$146,569,000.

23 (B) For support of military family housing
24 (including functions described in section 2833
25 of title 10, United States Code), \$368,540,000.

1 (6) For the construction of increment 3 of a
2 submarine drive-in magnetic silencing facility at
3 Naval Base Pearl Harbor, Hawaii, authorized by
4 section 2201(a) of the Military Construction Author-
5 ization Act for Fiscal Year 2008 (division B of Pub-
6 lic Law 110–181; 122 Stat. 510), \$8,645,000.

7 (7) For the construction of increment 6 of the
8 limited area production and storage complex at Ban-
9 gor, Washington, authorized by section 2201(a) of
10 the Military Construction Authorization Act for Fis-
11 cal Year 2005 (division B of Public Law 108–375;
12 118 Stat. 2106), \$87,292,000.

13 (8) For the construction of increment 2 of en-
14clave fencing at Naval Submarine Base, Bangor,
15 Washington, authorized by section 2201(a) of the
16 Military Construction Authorization Act for Fiscal
17 Year 2006 (division B of Public Law 109–163; 119
18 Stat. 3490), as amended by section 2205 of this Act,
19 \$67,419,000.

20 (9) For the construction of the first increment
21 of a ship repair pier replacement at Norfolk Naval
22 Shipyard, Virginia, authorized by section 2201(a),
23 \$126,969,000.

1 (10) For the construction of the first increment
2 of a wharves improvement, Apra Harbor, Guam, au-
3 thorized by section 2201(b), \$83,517,000.

4 (b) **LIMITATION ON TOTAL COST OF CONSTRUCTION**
5 **PROJECTS.**—Notwithstanding the cost variations author-
6 ized by section 2853 of title 10, United States Code, and
7 any other cost variation authorized by law, the total cost
8 of all projects carried out under section 2201 of this Act
9 may not exceed the sum of the following:

10 (1) The total amount authorized to be appro-
11 priated under paragraphs (1) and (2) of subsection
12 (a).

13 (2) \$100,000,000 (the balance of the amount
14 authorized under section 2202(a) for Ship Repair
15 Pier Replacement at the Norfolk Naval Shipyard,
16 Virginia).

17 (3) \$83,516,000 (the balance of the amount of
18 \$167,033,000 authorized under section 2202(b) for
19 wharves improvements, Apra Harbor, Guam).

20 **SEC. 2205. MODIFICATION AND EXTENSION OF AUTHORITY**
21 **TO CARRY OUT CERTAIN FISCAL YEAR 2006**
22 **PROJECT.**

23 (a) **MODIFICATION.**—The table in section 2201(a) of
24 the Military Construction Authorization Act for Fiscal
25 Year 2006 (division B of Public Law 109–163; 119 Stat.

1 3490) is amended in the item relating to Naval Submarine
2 Base, Bangor, Washington, by striking “\$60,160,000”
3 and inserting “\$127,163,000”.

4 (b) CONFORMING AMENDMENT.—Section 2204(b) of
5 that Act (119 Stat. 3492) is amended by adding at the
6 end the following new subparagraph:

7 “(11) \$67,003,000 (the balance of the amount
8 authorized under section 2201(a) for construction of
9 a waterfront security enclave at Naval Submarine
10 Base, Bangor, Washington).”.

11 (c) EXTENSION.—Notwithstanding section 2701 of
12 the Military Construction Authorization Act for Fiscal
13 Year 2006 (division B of Public Law 109–163; 119 Stat.
14 3501), the authorization relating to enclave fencing/park-
15 ing at Naval Submarine Base, Bangor, Washington (for-
16 merly referred to as a project at Naval Submarine Base,
17 Bangor, Washington), as provided in section 2201 of that
18 Act, shall remain in effect until October 1, 2012, or the
19 date of an Act authorizing funds for military construction
20 for fiscal year 2013, whichever is later.

21 **TITLE XXIII—AIR FORCE**

22 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 23 **LAND ACQUISITION PROJECTS.**

24 (a) INSIDE THE UNITED STATES.—Using amounts
25 appropriated pursuant to the authorization of appropria-

1 tions in section 2304(1), the Secretary of the Air Force
 2 may acquire real property and carry out military construc-
 3 tion projects for the installations or locations inside the
 4 United States, and in the amounts, set forth in the fol-
 5 lowing table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	\$24,300,000
	Eielson Air Force Base	\$13,350,000
	Elmendorf Air Force Base	\$15,700,000
Arizona	Davis-Monthan Air Force Base	\$41,900,000
Arkansas	Little Rock Air Force Base	\$16,200,000
California	Travis Air Force Base	\$6,900,000
	Vandenberg Air Force Base	\$13,000,000
Colorado	Peterson Air Force Base	\$25,100,000
	United States Air Force Academy	\$17,500,000
Delaware	Dover Air Force Base	\$24,900,000
Florida	Eglin Air Force Base	\$59,800,000
	Hurlburt Field	\$10,500,000
	MacDill Air Force Base	\$38,300,000
	Patrick Air Force Base	\$8,400,000
Georgia	Moody Air Force Base	\$8,900,000
Hawaii	Wheeler Air Force Base	\$15,000,000
Idaho	Mountain Home Air Force Base ..	\$20,000,000
Illinois	Scott Air Force Base	\$7,400,000
Louisiana	Barksdale Air Force Base	\$12,800,000
Maryland	Andrews Air Force Base	\$9,300,000
Nebraska	Offutt Air Force Base	\$10,400,000
Nevada	Creech Air Force Base	\$2,700,000
New Mexico	Cannon Air Force Base	\$15,000,000
	Holloman Air Force Base	\$15,500,000
North Carolina	Pope Air Force Base	\$7,700,000
North Dakota	Grand Forks Air Force Base	\$12,000,000
	Minot Air Force Base	\$11,500,000
Ohio	Wright-Patterson Air Force Base	\$58,600,000
Oklahoma	Altus Air Force Base	\$20,300,000
	Tinker Air Force Base	\$13,037,000
	Vance Air Force Base	\$10,700,000
South Dakota	Ellsworth Air Force Base	\$14,500,000
Texas	Dyess Air Force Base	\$4,500,000
	Goodfellow Air Force Base	\$44,400,000
	Lackland Air Force Base	\$113,879,000
	Sheppard Air Force Base	\$11,600,000
Utah	Hill Air Force Base	\$21,053,000
Virginia	Langley Air Force Base	\$10,000,000
Washington	Fairchild Air Force Base	\$11,000,000
Wyoming	Francis E. Warren Air Force Base.	\$9,100,000

6 (b) OUTSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2304(2), the Secretary of the Air Force

1 may acquire real property and carry out military construc-
 2 tion projects for the installations or locations outside the
 3 United States, and in the amounts, set forth in the fol-
 4 lowing table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	\$22,000,000
Colombia	Palanquero Air Base	\$46,000,000
Germany	Ramstein Air Base	\$34,700,000
	Spangdahlem Air Base	\$23,500,000
Guam	Andersen Air Force Base	\$58,202,000
Qatar	Al Udeid Air Base	\$60,000,000
Turkey	Incirlik Air Base	\$9,200,000

5 **SEC. 2302. FAMILY HOUSING.**

6 Using amounts appropriated pursuant to the author-
 7 ization of appropriations in section 2304(5)(A), the Sec-
 8 retary of the Air Force may carry out architectural and
 9 engineering services and construction design activities
 10 with respect to the construction or improvement of family
 11 housing units in an amount not to exceed \$4,314,000.

12 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 13 **UNITS.**

14 Subject to section 2825 of title 10, United States
 15 Code, and using amounts appropriated pursuant to the
 16 authorization of appropriations in section 2304(5)(A), the
 17 Secretary of the Air Force may improve existing military
 18 family housing units in an amount not to exceed
 19 \$61,787,000.

1 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
2 **FORCE.**

3 Funds are hereby authorized to be appropriated for
4 fiscal years beginning after September 30, 2009, for mili-
5 tary construction, land acquisition, and military family
6 housing functions of the Department of the Air Force in
7 the total amount of \$1,736,421,000, as follows:

8 (1) For military construction projects inside the
9 United States authorized by section 2301(a),
10 \$812,115,000.

11 (2) For military construction projects outside
12 the United States authorized by section 2301(b),
13 \$253,602,000.

14 (3) For unspecified minor military construction
15 projects authorized by section 2805 of title 10,
16 United States Code, \$18,000,000.

17 (4) For architectural and engineering services
18 and construction design under section 2807 of title
19 10, United States Code, \$83,667,000.

20 (5) For military family housing functions:

21 (A) For construction and acquisition, plan-
22 ning and design, and improvement of military
23 family housing and facilities, \$66,101,000.

24 (B) For support of military family housing
25 (including functions described in section 2833
26 of title 10, United States Code), \$502,936,000.

1 **SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 2007 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2701 of
 4 the Military Construction Authorization Act for Fiscal
 5 Year 2007 (division B of Public Law 109–364; 120 Stat.
 6 2463), authorizations set forth in the table in subsection
 7 (b), as provided in sections 2301 and 2302 of that Act,
 8 shall remain in effect until October 1, 2010, or the date
 9 of the enactment of an Act authorizing funds for military
 10 construction for fiscal year 2011, whichever is later.

11 (b) TABLE.—The table referred to in subsection (a)
 12 is as follows:

Air Force: Extension of 2007 Project Authorizations

State	Installation or Location	Project	Amount
Delaware	Dover Air Force Base ...	C-17 Aircrew Life Support	\$7,400,000
Idaho	Mountain Home Air Force Base	Replace Family Housing (457 units)	\$107,800,000

13 **SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 14 **FISCAL YEAR 2006 PROJECTS.**

15 (a) EXTENSION.—Notwithstanding section 2701 of
 16 the Military Construction Authorization Act for Fiscal
 17 Year 2006 (division B of Public Law 109–163; 119 Stat.
 18 3501), authorizations set forth in the table in subsection
 19 (b), as provided in section 2302 of that Act, shall remain
 20 in effect until October 1, 2010, or the date of the enact-

1 ment of an Act authorizing funds for military construction
2 for fiscal year 2011, whichever is later.

3 (b) TABLE.—The table referred to in subsection (a)
4 is as follows:

Air Force: Extension of 2006 Project Authorizations

State/Country	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	\$37,650,000
	Eielson Air Force Base	Purchase Build/Lease Housing (300 Units)	\$18,144,000
North Dakota ..	Grand Forks Air Force Base	Replace Family Housing (150 Units)	\$43,353,000

5 **SEC. 2307. TEMPORARY PROHIBITION ON USE OF FUNDS**
6 **FOR MILITARY CONSTRUCTION IMPROVE-**
7 **MENTS, PALANQUERO AIR BASE, COLOMBIA.**

8 None of the funds authorized to be appropriated in
9 section 2304(2) may be obligated or expended for runway
10 and apron expansion or other military construction im-
11 provements at Palanquero Air Base, Colombia, until the
12 Secretary of Defense, in consultation with the Secretary
13 of State, certifies to the congressional defense committees
14 that negotiations between the United States Government
15 and the Government of Colombia have resulted in access
16 rights that will permit United States Southern Command
17 (SOUTHCOM) to perform adequately its mission.

1 **SEC. 2308. CONVEYANCE TO INDIAN TRIBES OF CERTAIN**
2 **HOUSING UNITS.**

3 (a) DEFINITIONS.—In this section:

4 (1) EXECUTIVE DIRECTOR.—The term “Execu-
5 tive Director” means the Executive Director of
6 Walking Shield, Inc.

7 (2) INDIAN TRIBE.—The term “Indian tribe”
8 means any Indian tribe included on the list pub-
9 lished by the Secretary of the Interior under section
10 104 of the Federally Recognized Indian Tribe List
11 Act of 1994 (25 U.S.C.479a-1).

12 (b) REQUESTS FOR CONVEYANCE.—

13 (1) IN GENERAL.—The Executive Director may
14 submit to the Secretary of the Air Force, on behalf
15 of any Indian tribe located in the State of Idaho,
16 Nevada, North Dakota, Oregon, South Dakota,
17 Montana, or Minnesota, a request for conveyance of
18 any relocatable military housing unit located at
19 Grand Forks Air Force Base, Minot Air Force Base,
20 Malmstrom Air Force Base, Ellsworth Air Force
21 Base, or Mountain Home Air Force Base.

22 (2) CONFLICTS.—The Executive Director shall
23 resolve any conflict among requests of Indian tribes
24 for housing units described in paragraph (1) before
25 submitting a request to the Secretary of the Air
26 Force under this subsection.

1 (c) CONVEYANCE BY SECRETARY.—Notwithstanding
 2 any other provision of law, on receipt of a request under
 3 subsection (c)(1), the Secretary of the Air Force may con-
 4 vey to the Indian tribe that is the subject of the request,
 5 at no cost to the Air Force and without consideration, any
 6 relocatable military housing unit described in subsection
 7 (c)(1) that, as determined by the Secretary, is in excess
 8 of the needs of the military.

9 TITLE XXIV—DEFENSE

10 AGENCIES

11 Subtitle A—Defense Agency

12 Authorizations

13 SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC- 14 TION AND LAND ACQUISITION PROJECTS.

15 (a) INSIDE THE UNITED STATES.—Using amounts
 16 appropriated pursuant to the authorization of appropria-
 17 tions in section 2404(a)(1), the Secretary of Defense may
 18 acquire real property and carry out military construction
 19 projects for the installations or locations inside the United
 20 States, and in the amounts, set forth in the following
 21 table:

Defense Education Activity

State	Installation or Location	Amount
Georgia	Fort Benning	\$2,330,000
	Fort Stewart/Hunter Army Air Field	\$22,501,000
North Carolina	Fort Bragg	\$3,439,000

Defense Information Systems Agency

State	Installation or Location	Amount
Hawaii	Naval Station Pearl Harbor, Ford Island ...	\$9,633,000

Defense Logistics Agency

State	Installation or Location	Amount
California	El Centro	\$11,000,000
	Point Loma Annex	\$55,000,000
	Travis Air Force Base, California	\$15,357,000
Florida	Jacksonville International Airport (Air National Guard).	\$11,500,000
Minnesota	Duluth International Airport (Air National Guard).	\$15,000,000
Oklahoma	Altus Air Force Base	\$2,700,000
Texas	Fort Hood	\$3,000,000
Washington	Fairchild Air Force Base	\$7,500,000

Missile Defense Agency

State	Installation or Location	Amount
Alabama	Redstone Arsenal	\$12,000,000
Virginia	Naval Support Facility, Dahlgren	\$24,500,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	\$203,800,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Amphibious Base, Coronado	\$15,722,000
Colorado	Fort Carson	\$48,246,000
Florida	Eglin Air Force Base	\$3,046,000
	Hurlburt Field	\$8,156,000
Georgia	Fort Benning	\$3,046,000
Kentucky	Fort Campbell	\$32,335,000
New Mexico	Cannon Air Force Base	\$58,864,000
North Carolina	Fort Bragg	\$101,488,000
	Marine Corps Base, Camp Lejeune	\$11,791,000
Virginia	Naval Amphibious Base, Little Creek	\$18,669,000
Washington	Fort Lewis	\$14,500,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base	\$25,017,000
	Fort Richardson	\$3,518,000
Colorado	Fort Carson	\$31,900,000
Georgia	Fort Benning	\$17,200,000
	Fort Stewart/Hunter Army Air Field	\$22,200,000
Kentucky	Fort Campbell	\$8,600,000
Maryland	Fort Detrick	\$29,807,000
Missouri	Fort Leonard Wood	\$5,570,000

TRICARE Management Activity—Continued

State	Installation or Location	Amount
North Carolina	Fort Bragg	\$57,658,000
Oklahoma	Fort Sill	\$10,554,000
Texas	Lackland Air Force Base	\$470,318,000
	Fort Bliss	\$200,575,000
Washington	Fort Lewis	\$15,636,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	\$27,672,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2404(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
6 United States, and in the amounts, set forth in the fol-
7 lowing tables:

Defense Education Agency

Country	Installation or Location	Amount
Belgium	Brussels	\$38,124,000
Germany	Boeblingen	\$50,000,000
	Kaiserslautern	\$93,545,000
	Wiesbaden Air Base	\$5,379,000
United Kingdom	Royal Air Force Lakenheath	\$4,509,000

Defense Intelligence Agency

Country	Installation or Location	Amount
Korea	K-16 Airfield	\$5,050,000

Defense Logistics Agency

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay	\$12,500,000
Guam	Naval Air Station, Agana	\$4,900,000
Korea	Osan Air Base	\$28,000,000
United Kingdom ..	Royal Air Force Mildenhall	\$4,700,000

National Security Agency

Country	Installation or Location	Amount
United Kingdom ...	Royal Air Force Menwith Hill Station	\$37,588,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities, Guam	\$446,450,000
United Kingdom ...	Royal Air Force Alconbury	\$14,227,000

1 SEC. 2402. FAMILY HOUSING.

2 Using amounts appropriated pursuant to the author-
3 ization of appropriations in section 2405(a)(7), the Sec-
4 retary of Defense may construct or acquire family housing
5 units (including land acquisition and supporting facilities)
6 at the installation, in the number of units, and in the
7 amount set forth in the following table:

Defense Logistics Agency: Family Housing

Location	Installation	Units	Amount
Pennsylvania	Cumberland Depot	6	\$2,859,000

8 SEC. 2403. ENERGY CONSERVATION PROJECTS.

9 Using amounts appropriated pursuant to the author-
10 ization of appropriations in section 2404(a)(6), the Sec-
11 retary of Defense may carry out energy conservation
12 projects under chapter 173 of title 10, United States
13 Code, in the amount of \$123,013,000.

**14 SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-
15 FENSE AGENCIES.**

16 (a) IN GENERAL.—Funds are hereby authorized to
17 be appropriated for fiscal years beginning after September

1 30, 2009, for military construction, land acquisition, and
2 military family housing functions of the Department of
3 Defense (other than the military departments) in the total
4 amount of \$3,290,025,000, as follows:

5 (1) For military construction projects inside the
6 United States authorized by section 2401(a),
7 \$969,373,000.

8 (2) For military construction projects outside
9 the United States authorized by section 2401(b),
10 \$298,522,000.

11 (3) For unspecified minor military construction
12 projects under section 2805 of title 10, United
13 States Code, \$36,025,000.

14 (4) For contingency construction projects of the
15 Secretary of Defense under section 2804 of title 10,
16 United States Code, \$10,000,000.

17 (5) For architectural and engineering services
18 and construction design under section 2807 of title
19 10, United States Code, \$137,942,000.

20 (6) For energy conservation projects authorized
21 by section 2403 of this Act, \$123,013,000.

22 (7) For military family housing functions:

23 (A) For support of military family housing
24 (including functions described in section 2833
25 of title 10, United States Code), \$49,214,000.

1 (B) For construction and acquisition of
2 military family housing and facilities,
3 \$2,859,000.

4 (C) For the Homeowners Assistance Fund
5 established under section 1013 of the Dem-
6 onstration Cities and Metropolitan Development
7 Act of 1966 (42 U.S.C. 3374), \$373,225,000.

8 (D) For credit to the Department of De-
9 fense Family Housing Improvement Fund es-
10 tablished by section 2883(a)(1) of title 10,
11 United States Code, \$2,600,000.

12 (8) For the construction of increment 2 of re-
13 placement fuel storage facilities at Point Loma
14 Annex, California, authorized by section 2401(a) of
15 the Military Construction Authorization Act for Fis-
16 cal Year 2008 (division B of Public Law 110–181;
17 122 Stat. 521), \$92,300,000.

18 (9) For the construction of increment 3 of a
19 special operations facility at Dam Neck, Virginia,
20 authorized by section 2401(a) of the Military Con-
21 struction Authorization Act for Fiscal Year 2008
22 (division B of Public Law 110–181; 122 Stat. 521),
23 \$15,967,000.

24 (10) For the construction of increment 2 of the
25 USAMRICD replacement facility at Aberdeen Prov-

1 ing Ground, Maryland, authorized by section
2 2401(a) of the Military Construction Authorization
3 Act for Fiscal Year 2009 (division B of Public Law
4 110–417 122 Stat. 4689), \$111,400,000.

5 (11) For the construction of increment 4 of the
6 USAMRIID stage I facility at Fort Detrick, Mary-
7 land, authorized by section 2401(a) of the Military
8 Construction Authorization Act for Fiscal Year 2007
9 (division B of Public Law 109–364; 120 Stat.
10 2457), \$108,000,000.

11 (12) For the construction of fuel storage tanks
12 and pipeline replacement at Souda Bay, Greece, au-
13 thorized by section 2401(b) of the Military Con-
14 struction Authorization Act for Fiscal Year 2009
15 (division B of Public Law 110–417; 122 Stat.
16 4691), \$24,000,000.

17 (13) For the construction of the first increment
18 of the hospital replacement, Guam, authorized by
19 section 2401(b), \$200,000,000.

20 (14) For the construction of the first increment
21 of the Ambulatory Care Center at Lackland Air
22 Force Base, Texas, authorized by section 2401(a),
23 \$72,610,000.

1 (15) For the construction of the first increment
2 of the hospital replacement phase I at Fort Bliss,
3 Texas, authorized by section 2401(a), \$62,975,000.

4 (16) For the construction of increment 2 of the
5 Utah Data Center at Camp Williams, Utah, author-
6 ized in the Supplemental Appropriations Act, 2009
7 (Public Law 111–32), \$600,000,000.

8 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
9 PROJECTS.—Notwithstanding the cost variations author-
10 ized by section 2853 of title 10, United States Code, and
11 any other cost variation authorized by law, the total cost
12 of all projects carried out under section 2201 of this Act
13 may not exceed the sum of the following:

14 (1) The total amount authorized to be appro-
15 priated under paragraphs (1) and (2) of subsection
16 (a).

17 (2) \$200,000,000 (the balance of the amount
18 authorized by section 2401(b) for the hospital re-
19 placement, Guam).

20 (3) \$368,390,000 (the balance of the amount
21 authorized by section 2401(a) for the Ambulatory
22 Care Center at Lackland Air Force Base, Texas).

23 (4) \$820,000,000 (the balance of the amount
24 authorized in the Supplemental Appropriations Act,

1 2009 (Public Law 111–32) for the Utah Data Cen-
2 ter, Camp Williams, Utah).

3 (5) \$24,000,000 (the balance of the amount au-
4 thorized by section 2401(a) for the hospital replace-
5 ment phase I, Fort Bliss, Texas).

6 (6) \$290,000,000 (the balance of the amount
7 authorized by section 2401(a) of the Military Con-
8 struction Authorization Act for Fiscal Year 2009
9 (division B of Public Law 110–417; 122 Stat. 4689)
10 for the USAMRIID replacement facility at Aberdeen
11 Proving Ground, Maryland).

12 (7) \$47,000,000 (the balance of the amount au-
13 thorized by section 2401(a) of the Military Construc-
14 tion Authorization Act for Fiscal Year 2008 (divi-
15 sion B of Public Law 110–181; 122 Stat. 521), as
16 modified by section 2401(a) of this Act, for the re-
17 placement of fuel storage facilities at Point Loma
18 Annex, California).

19 **SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT**
20 **CERTAIN FISCAL YEAR 2008 PROJECT.**

21 (a) MODIFICATION.—The table relating to the De-
22 fense Logistics Agency in section 2401(a) of the Military
23 Construction Authorization Act for Fiscal Year 2008 (di-
24 vision B of Public Law 110–181; 122 Stat. 521) is amend-
25 ed in the item relating to Point Loma Annex, California,

1 by striking “\$140,000,000” in the amount column and in-
2 serting “\$195,000,000”.

3 (b) CONFORMING AMENDMENT.—Section 2403(b)(2)
4 of that Act (122 Stat. 524) is amended by striking
5 “\$84,300,000” and inserting “\$139,300,000”.

6 **SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT**
7 **CERTAIN FISCAL YEAR 2009 PROJECT.**

8 (a) MODIFICATION.—The table relating to the De-
9 fense Logistics Agency in section 2401(b) of the Military
10 Construction Authorization Act for Fiscal Year 2009 (di-
11 vision B of Public Law 110–417; 122 Stat. 4691) is
12 amended in the item relating to Souda Bay, Greece, by
13 striking “\$8,000,000” in the amount column and insert-
14 ing “\$32,000,000”.

15 (b) CONFORMING AMENDMENTS.—Section 2403 of
16 that Act (122 Stat. 4692) is amended—

17 (1) in subsection (a)—

18 (A) in paragraph (2), by striking
19 “\$246,360,000” and inserting “\$238,360,000”;
20 and

21 (B) by adding at the end the following new
22 paragraph:

23 “(11) For construction of the first increment of
24 fuel storage tanks and pipeline replacement at
25 Souda Bay, Greece, \$8,000,000.”; and

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

3 “(5) \$24,000,000 (the balance of the amount
4 authorized for the Defense Logistics Agency under
5 section 2401(b) for fuel storage tanks and pipeline
6 replacement at Souda Bay, Greece).”.

7 **SEC. 2407. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
8 **FISCAL YEAR 2007 PROJECT.**

9 (a) **EXTENSION.**—Notwithstanding section 2701 of
10 the Military Construction Authorization Act for Fiscal
11 Year 2007 (division B of Public Law 109–364; 120 Stat.
12 2463), authorizations set forth in the table in subsection
13 (b), as provided in section 2402 of that Act, shall remain
14 in effect until October 1, 2010, or the date of the enact-
15 ment of an Act authorizing funds for military construction
16 for fiscal year 2011, whichever is later.

17 (b) **TABLE.**—The table referred to in subsection (a)
18 is as follows:

**Defense Logistics Agency: Extension of 2007 Project
Authorization**

State	Installation or Location	Project	Amount
Virginia	Defense Supply Center, Richmond.	Whole House Renovation.	\$484,000

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

3 **SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEM-**
4 **ICAL DEMILITARIZATION CONSTRUCTION,**
5 **DEFENSE-WIDE.**

6 Funds are hereby authorized to be appropriated for
7 fiscal years beginning after September 30, 2009, for mili-
8 tary construction and land acquisition for chemical demili-
9 tarization in the total amount of \$151,541,000, as follows:

10 (1) For the construction of phase 11 of a muni-
11 tions demilitarization facility at Pueblo Chemical Ac-
12 tivity, Colorado, authorized by section 2401(a) of the
13 Military Construction Authorization Act for Fiscal
14 Year 1997 (division B of Public Law 104–201; 110
15 Stat. 2775), as amended by section 2406 of the Mili-
16 tary Construction Authorization Act for Fiscal Year
17 2000 (division B of Public Law 106–65; 113 Stat.
18 839), section 2407 of the Military Construction Au-
19 thorization Act for Fiscal Year 2003 (division B of
20 Public Law 107–314; 116 Stat. 2698), and section
21 2413 of the Military Construction Authorization Act
22 for Fiscal Year 2009 (division B of Public Law 110–
23 417; 122 Stat. 4697), \$92,500,000.

24 (2) For the construction of phase 10 of a muni-
25 tions demilitarization facility at Blue Grass Army

1 Depot, Kentucky, authorized by section 2401(a) of
2 the Military Construction Authorization Act for Fis-
3 cal Year 2000 (division B of Public Law 106-65;
4 113 Stat. 835), as amended by section 2405 of the
5 Military Construction Authorization Act for Fiscal
6 Year 2002 (division B of Public Law 107-107; 115
7 Stat. 1298), section 2405 of the Military Construc-
8 tion Authorization Act for Fiscal Year 2003 (divi-
9 sion B of Public Law 107-314; 116 Stat. 2698),
10 and section 2414 of the Military Construction Au-
11 thorization Act for Fiscal Year 2009 (division B of
12 Public Law 110-417; 122 Stat. 4697), \$59,041,000.

13 **TITLE XXV—NORTH ATLANTIC**
14 **TREATY ORGANIZATION SE-**
15 **CURITY INVESTMENT PRO-**
16 **GRAM**

17 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
18 **ACQUISITION PROJECTS.**

19 The Secretary of Defense may make contributions for
20 the North Atlantic Treaty Organization Security Invest-
21 ment Program as provided in section 2806 of title 10,
22 United States Code, in an amount not to exceed the sum
23 of the amount authorized to be appropriated for this pur-
24 pose in section 2502 and the amount collected from the

1 North Atlantic Treaty Organization as a result of con-
2 struction previously financed by the United States.

3 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

4 Funds are hereby authorized to be appropriated for
5 fiscal years beginning after September 30, 2009, for con-
6 tributions by the Secretary of Defense under section 2806
7 of title 10, United States Code, for the share of the United
8 States of the cost of projects for the North Atlantic Treaty
9 Organization Security Investment Program authorized by
10 section 2501, in the amount of \$276,314,000.

11 **TITLE XXVI—GUARD AND**
12 **RESERVE FORCES FACILITIES**

13 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
14 **STRUCTION AND LAND ACQUISITION**
15 **PROJECTS.**

16 (a) **INSIDE THE UNITED STATES.**—Using amounts
17 appropriated pursuant to the authorization of appropria-
18 tions in section 2606(1)(A), the Secretary of the Army
19 may acquire real property and carry out military construc-
20 tion projects for the Army National Guard locations inside
21 the United States, and in the amounts, set forth in the
22 following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	Fort McClellan	\$3,000,000
Arizona	Camp Navajo	\$3,000,000
California	Fresno Yosemite International Airport	\$9,900,000
	Los Alamitos	\$31,000,000

Army National Guard: Inside the United States—Continued

State	Location	Amount
Georgia	Fort Benning	\$15,500,000
Iowa	Johnston	\$4,000,000
Idaho	Gowen Field	\$16,100,000
Illinois	Milan	\$5,600,000
Indiana	Muscatatuck	\$10,100,000
Kansas	Salina Army National Guard Aviation Facility	\$2,227,000
Massachusetts	Hanscom Air Force Base	\$29,000,000
Minnesota	Arden Hills	\$6,700,000
	Camp Ripley	\$1,710,000
Missouri	Boonville	\$1,800,000
Mississippi	Camp Shelby	\$16,100,000
	Monticello	\$14,350,000
Nebraska	Lincoln	\$23,000,000
New Mexico	Santa Fe	\$39,000,000
Nevada	Carson City	\$2,000,000
	North Las Vegas	\$26,000,000
Oregon	Clatsop County, Warrenton	\$3,369,000
South Carolina	Eastover	\$26,000,000
	Greenville	\$40,000,000
South Dakota	Camp Rapid	\$9,840,000
Texas	Austin	\$22,200,000
Virginia	Fort Pickett	\$32,000,000
Vermont	Ethan Allen Firing Range	\$1,996,000
West Virginia	St. Albans Armory, St. Albans	\$2,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2606(1)(A), the Secretary of the Army
4 may acquire real property and carry out military construc-
5 tion projects for the Army National Guard locations out-
6 side the United States, and in the amounts, set forth in
7 the following table:

Army National Guard: Outside the United States

Territory or Common-wealth	Location	Amount
Guam	Barrigada	\$30,000,000
Virgin Islands	St. Croix	\$20,000,000

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
 7 locations, and in the amounts, set forth in the following
 8 table:

Army Reserve

State	Location	Amount
California	Camp Pendleton	\$19,500,000
	Los Angeles	\$29,000,000
Colorado	Colorado Springs	\$13,000,000
Connecticut	Bridgeport	\$18,500,000
Florida	Panama City	\$7,300,000
	West Palm Beach	\$26,000,000
Georgia	Atlanta (Winder)	\$14,000,000
Illinois	Chicago (Joliet)	\$23,000,000
Minnesota	Fort Snelling (Minneapolis)	\$12,000,000
New York	Rochester	\$13,600,000
Ohio	Cincinnati	\$13,000,000
Pennsylvania	Ashley	\$9,800,000
	Harrisburg	\$7,600,000
	Newton Square	\$20,000,000
	Uniontown	\$11,800,000
Texas	Austin	\$20,000,000
	Fort Bliss	\$9,500,000
	Houston	\$24,000,000
	San Antonio (Fort Sam Houston)	\$20,000,000
Wisconsin	Fort McCoy	\$28,850,000
Puerto Rico	Caguas	\$12,400,000

9 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
 10 **CORPS RESERVE CONSTRUCTION AND LAND**
 11 **ACQUISITION PROJECTS.**

12 Using amounts appropriated pursuant to the author-
 13 ization of appropriations in section 2606(2), the Secretary
 14 of the Navy may acquire real property and carry out mili-
 15 tary construction projects for the Navy Reserve and Ma-

1 rine Corps Reserve locations, and in the amounts, set forth
 2 in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Arizona	Phoenix (Luke Air Force Base)	\$10,986,000
California	Alameda	\$5,960,000
Illinois	Joliet Army Ammunition Plant	\$7,957,000
South Carolina	Charleston	\$4,240,000
Virginia	Oceana Naval Air Station	\$30,400,000
Texas	San Antonio	\$2,210,000

3 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**
 4 **TION AND LAND ACQUISITION PROJECTS.**

5 Using amounts appropriated pursuant to the author-
 6 ization of appropriations in section 2606(3)(A), the Sec-
 7 retary of the Air Force may acquire real property and
 8 carry out military construction projects for the Air Na-
 9 tional Guard locations, and in the amounts, set forth in
 10 the following table:

Air National Guard

State	Location	Amount
Arizona	Davis Monthan Air Force Base	\$5,600,000
California	Southern California Logistics Airport ...	\$8,400,000
Colorado	Buckley Air National Guard Base	\$4,500,000
Connecticut	Bradley National Airport	\$9,100,000
Hawaii	Hickam Air Force Base	\$33,000,000
Iowa	Des Moines	\$4,600,000
Massachusetts	Otis Air National Guard Base	\$12,800,000
Maryland	Andrews Air Force Base	\$14,000,000
Maine	Bangor International Airport	\$28,000,000
Michigan	Alpena	\$8,900,000
	Battle Creek Air National Guard Base	\$14,000,000
	Selfridge Air National Guard Base	\$7,100,000
Minnesota	Minnesota/Saint Paul International Air- port	\$1,900,000
Missouri	Rosecrans Memorial Airport	\$9,300,000
Mississippi	Columbus Air Force Base	\$10,000,000
Montana	Malmstrom Air Force Base	\$9,600,000
Nebraska	Lincoln	\$1,500,000
New Hampshire	Pease Air National Guard Base	\$10,000,000
New Jersey	McGuire, Air Force Base	\$9,700,000
Nevada	Reno	\$10,800,000
Ohio	Mansfield Lahm Airport	\$11,400,000
Oklahoma	Will Rogers World Airport	\$7,300,000

Air National Guard—Continued

State	Location	Amount
South Carolina	McEntire Joint National Guard Base ...	\$1,300,000
South Dakota	Joe Foss Field	\$2,600,000
Tennessee	164th Airlift Wing, Memphis	\$9,800,000
Utah	Hill Air Force Base	\$5,100,000
Vermont	Burlington International Airport	\$6,000,000
Wisconsin	General Mitchell International Airport	\$5,000,000
West Virginia	Martinsburg	\$19,500,000
Wyoming	Cheyenne Airport	\$1,500,000

1 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

2
3 Using amounts appropriated pursuant to the author-
4 ization of appropriations in section 2606(3)(B), the Sec-
5 retary of the Air Force may acquire real property and
6 carry out military construction projects for the Air Force
7 Reserve locations, and in the amounts, set forth in the
8 following table:

Air Force Reserve

State	Location	Amount
Colorado	Schriever Air Force Base	\$10,200,000
Mississippi	Keesler Air Force Base	\$9,800,000
New York	Niagra Falls Air Reserve Base	\$5,700,000
Pennsylvania	Pittsburgh Air Reserve Base	\$12,400,000
Texas	Lackland Air Force Base	\$1,500,000
Utah	Hill Air Force Base	\$3,200,000

9 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, GUARD AND RESERVE.**

10
11 Funds are hereby authorized to be appropriated for
12 fiscal years beginning after September 30, 2009, for the
13 costs of acquisition, architectural and engineering services,
14 and construction of facilities for the Guard and Reserve
15 Forces, and for contributions therefor, under chapter

1 1803 of title 10, United States Code (including the cost
2 of acquisition of land for those facilities), in the following
3 amounts:

4 (1) For the Department of the Army—

5 (A) for the Army National Guard of the
6 United States, \$481,773,000; and

7 (B) for the Army Reserve, \$378,712,000.

8 (2) For the Department of the Navy, for the
9 Navy and Marine Corps Reserve, \$64,124,000.

10 (3) For the Department of the Air Force—

11 (A) for the Air National Guard of the
12 United States, \$301,361,000; and

13 (B) for the Air Force Reserve,
14 \$45,576,000.

15 **SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
16 **FISCAL YEAR 2007 PROJECTS.**

17 (a) EXTENSION.—Notwithstanding section 2701 of
18 the Military Construction Authorization Act for Fiscal
19 Year 2007 (division B of Public Law 109–364; 120 Stat.
20 2463), the authorizations set forth in the table in sub-
21 section (b), as provided in section 2601 of that Act, shall
22 remain in effect until October 1, 2010, or the date of the
23 enactment of an Act authorizing funds for military con-
24 struction for fiscal year 2011, whichever is later.

1 (b) TABLE.—The table referred to in subsection (a)
 2 is as follows:

Army National Guard: Extension of 2007 Project Authorizations

State	Installation or Location	Project	Amount
California	Fresno	AVCRAD Add/Alt, PH I.	\$30,000,000
New Jersey	Lakehurst	Consolidated Logis- tics Training Facil- ity, PH II.	\$20,024,000

3 **SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 4 **FISCAL YEAR 2006 PROJECT.**

5 (a) EXTENSION.—Notwithstanding section 2701 of
 6 the Military Construction Authorization Act for Fiscal
 7 Year 2006 (division B of Public Law 109–163; 119 Stat.
 8 3501), authorizations set forth in the table in subsection
 9 (b), as provided in section 2601 of that Act, shall remain
 10 in effect until October 1, 2010, or the date of the enact-
 11 ment of an Act authorizing funds for military construction
 12 for fiscal year 2011, whichever is later.

13 (b) TABLE.—The table referred to in subsection (a)
 14 is as follows:

Army National Guard: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Montana	Townsend	Automated Qualifica- tion Training Range.	\$2,532,000

1 **TITLE XXVII—BASE CLOSURE**
2 **AND REALIGNMENT ACTIVITIES**

3 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
4 **BASE CLOSURE AND REALIGNMENT ACTIVI-**
5 **TIES FUNDED THROUGH DEPARTMENT OF**
6 **DEFENSE BASE CLOSURE ACCOUNT 1990.**

7 Funds are hereby authorized to be appropriated for
8 fiscal years beginning after September 30, 2009, for base
9 closure and realignment activities, including real property
10 acquisition and military construction projects, as author-
11 ized by the Defense Base Closure and Realignment Act
12 of 1990 (part A of title XXIX of Public Law 101–510;
13 10 U.S.C. 2687 note) and funded through the Department
14 of Defense Base Closure Account 1990 established by sec-
15 tion 2906 of such Act, in the total amount of
16 \$396,768,000.

17 **SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN-**
18 **MENT ACTIVITIES FUNDED THROUGH DE-**
19 **PARTMENT OF DEFENSE BASE CLOSURE AC-**
20 **COUNT 2005.**

21 Using amounts appropriated pursuant to the author-
22 ization of appropriations in section 2703, the Secretary
23 of Defense may carry out base closure and realignment
24 activities, including real property acquisition and military
25 construction projects, as authorized by the Defense Base

1 Closure and Realignment Act of 1990 (part A of title
2 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and
3 funded through the Department of Defense Base Closure
4 Account 2005 established by section 2906A of such Act,
5 in the amount of \$5,934,740,000.

6 **SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR**
7 **BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF**
8 **DEFENSE BASE CLOSURE ACCOUNT 2005.**

10 Funds are hereby authorized to be appropriated for
11 fiscal years beginning after September 30, 2008, for base
12 closure and realignment activities, including real property
13 acquisition and military construction projects, as author-
14 ized by the Defense Base Closure and Realignment Act
15 of 1990 (part A of title XXIX of Public Law 101–510;
16 10 U.S.C. 2687 note) and funded through the Department
17 of Defense Base Closure Account 2005 established by sec-
18 tion 2906A of such Act, in the total amount of
19 \$7,479,498,000.

20 **SEC. 2704. REPORT ON GLOBAL DEFENSE POSTURE RE-**
21 **ALIGNMENT AND INTERAGENCY REVIEW.**

22 (a) INTERAGENCY REVIEW OF OVERSEAS MASTER
23 PLANS.—At the same time that the budget is submitted
24 under section 1105(a) of title 31, United States Code, for
25 a fiscal year, the Secretary of Defense shall submit to the

1 congressional defense committees and the Committee on
2 Foreign relations of the Senate and the Committee on
3 Foreign Affairs of the House of Representatives a report
4 on the status of overseas base closure and realignment ac-
5 tions undertaken as part of a global defense posture re-
6 alignment strategy and the status of development and exe-
7 cution of comprehensive master plans for overseas military
8 main operating bases, forward operating sites, and cooper-
9 ative security locations. The report shall address the fol-
10 lowing:

11 (1) How the plans would support the security
12 commitments undertaken by the United States pur-
13 suant to any international security treaty, including,
14 the North Atlantic Treaty, The Treaty of Mutual
15 Cooperation and Security between the United States
16 and Japan, and the Security Treaty Between Aus-
17 tralia, New Zealand, and the United States of Amer-
18 ica.

19 (2) The impact of such plans on the current se-
20 curity environments in the combatant commands, in-
21 cluding United States participation in theater secu-
22 rity cooperation activities and bilateral partnership,
23 exchanges, and training exercises.

24 (3) Any comments of the Secretary of Defense
25 resulting from an interagency review of these plans

1 that includes the Department of State and other
2 Federal departments and agencies that the Sec-
3 retary of Defense deems necessary for national secu-
4 rity.

5 (b) INTERAGENCY OVERSEAS BASING REPORT.—
6 Section 118 of title 10, United States Code, is amended
7 by adding at the end the following new subsection:

8 “(h) INTERAGENCY OVERSEAS BASING REPORT.—
9 Not later than 90 days after submitting a report on a
10 quadrennial defense review under subsection (d), the Sec-
11 retary shall submit to the congressional defense commit-
12 tees a report detailing how the results of the assessment
13 conducted as part of such review will impact the status
14 of overseas base closure and realignment actions under-
15 taken as part of a global defense posture realignment
16 strategy and the status of development and execution of
17 comprehensive master plans for overseas military main op-
18 erating bases, forward operating sites, and cooperative se-
19 curity locations of the global defense posture of the United
20 States. The report shall include any recommendations for
21 additional closures or realignments of military installa-
22 tions outside of the United States. The report shall include
23 any comments resulting from an interagency review of
24 these plans that includes the Department of State and
25 other relevant Federal departments and agencies.”.

1 **SEC. 2705. SENSE OF THE SENATE ON NEED FOR COMMU-**
2 **NITY ASSISTANCE RELATED TO BASE CLO-**
3 **SURES AND REALIGNMENTS AND FORCE**
4 **REPOSITIONING.**

5 (a) FINDINGS.—The Senate makes the following
6 findings:

7 (1) The 2005 round of defense base closures
8 and realignments (BRAC) has resulted in a require-
9 ment to dispose of excess Federal property in addi-
10 tion to property determined to be excess as the re-
11 sult of decisions in four previous rounds of base re-
12 alignments and closures in 1988, 1991, 1993, and
13 1995.

14 (2) The Department of Defense has primary re-
15 sponsibility to dispose of Federal property resulting
16 from the closure or realignment of military installa-
17 tions under the Defense Base Closure and Realign-
18 ment Act of 1990 (part A of title XXIX of Public
19 Law 101–510; 10 U.S.C. 2687 note).

20 (3) The Department of Defense is authorized to
21 dispose of BRAC property using a range of methods
22 including administrative transfer to another Federal
23 agency, public benefit conveyances, homeless housing
24 assistance, economic development conveyances, nego-
25 tiated sales, or public sales.

1 (4) The Department of Defense is authorized to
2 convey property to local redevelopment agencies rep-
3 resenting communities affected by base closures and
4 realignments for the purpose of economic develop-
5 ment.

6 (5) The Department of Defense is authorized to
7 assess the needs of the local community and the in-
8 tended use of the property in determining the
9 amount of compensation to be received in exchange
10 for the economic development conveyance.

11 (6) The Department of Defense is authorized to
12 receive an amount for the economic development
13 conveyance that may range from fair market value
14 to an amount less than fair market, to no cost to the
15 conveyee, depending on the local economic condi-
16 tions.

17 (7) The Department of Defense is required to
18 use any monetary proceeds gained from the disposal
19 of BRAC property to fund environmental clean-up,
20 remediation, and compliance actions required to
21 safely dispose of BRAC property.

22 (8) Any revenue foregone as a result of a deci-
23 sion not to seek fair market value for disposed prop-
24 erty must be compensated with appropriated funds

1 requested by the Department of Defense in annual
2 budget submissions to Congress.

3 (b) SENSE OF THE SENATE.—It is the sense of the
4 Senate that, as the Federal Government implements base
5 closures and realignments, global repositioning, and grow
6 the force initiatives, it is necessary—

7 (1) to assist local communities coping with the
8 impact of these programs at both closed and active
9 military installations; and

10 (2) to comprehensively assess the needs and de-
11 gree of Federal assistance to communities to effec-
12 tively implement the various initiatives of the De-
13 partment of Defense while aiding communities to ei-
14 ther recover quickly from closures or to accommo-
15 date growth associated with troop influxes.

16 **SEC. 2706. RELOCATION OF CERTAIN ARMY RESERVE**
17 **UNITS IN CONNECTICUT.**

18 The Secretary of the Army may use funds appro-
19 priated pursuant to the authorization of appropriations in
20 section 2703 for the purpose of constructing an Army Re-
21 serve Center and Maintenance Facility in the vicinity of
22 Newtown, Connecticut, at a location determined by the
23 Secretary to be in the best interest of national security
24 and in the public interest.

1 **SEC. 2707. AUTHORITY TO CONSTRUCT PREVIOUSLY AU-**
2 **THORIZED ARMED FORCES RESERVE CENTER**
3 **IN VICINITY OF SPECIFIED LOCATION AT**
4 **PEASE AIR NATIONAL GUARD BASE, NEW**
5 **HAMPSHIRE.**

6 The Secretary of the Army may use funds appro-
7 priated pursuant to the authorization of appropriations in
8 section 2703 of the Duncan Hunter National Defense Au-
9 thorization Act for Fiscal Year 2009 (Public Law 110-
10 417; 122 Stat. 4715) for the purpose of constructing an
11 Armed Forces Reserve Center at Pease Air National
12 Guard Base, New Hampshire, to construct instead an
13 Armed Forces Reserve Center in the vicinity of Pease Air
14 National Guard Base at a location determined by the Sec-
15 retary to be in the best interest of national security and
16 in the public interest.

17 **SEC. 2708. REQUIREMENT FOR MASTER PLAN TO PROVIDE**
18 **WORLD CLASS MILITARY MEDICAL FACILI-**
19 **TIES IN THE NATIONAL CAPITAL REGION.**

20 (a) MASTER PLAN REQUIRED.—Not later than 180
21 days after the date of the enactment of this Act, the Sec-
22 retary of Defense shall develop and implement a com-
23 prehensive master plan to provide world class military
24 medical facilities and an integrated system of health care
25 delivery for the National Capital Region that—

26 (1) addresses—

1 (A) the unique needs of members of the
2 Armed Forces and retired members of the
3 Armed Forces and their families;

4 (B) the care, management, and transition
5 of seriously ill and injured members of the
6 Armed Forces and their families;

7 (C) the missions of the branch or branches
8 of the Armed Forces served; and

9 (D) performance expectations for the fu-
10 ture integrated health care delivery system, in-
11 cluding—

12 (i) information management and in-
13 formation technology support; and

14 (ii) expansion of support services;

15 (2) includes the establishment of an integrated
16 process for the joint development of budgets,
17 prioritization of requirements, and the allocation of
18 funds;

19 (3) designates a single entity within the Depart-
20 ment of Defense with the budget and operational au-
21 thority to respond quickly to and address emerging
22 facility and operational requirements required to
23 provide and operate world class military medical fa-
24 cilities in the National Capital Region;

1 (4) incorporates all ancillary and support facilities
2 at the National Naval Medical Center, Bethesda,
3 Maryland, including education and research facilities
4 as well as centers of excellence, transportation, and
5 parking structures required to provide a full range
6 of adequate care and services for members of the
7 Armed Forces and their families;

8 (5) ensures that each facility covered by the
9 plan meets or exceeds Joint Commission hospital design
10 standards as applicable; and

11 (6) can be used as a model to develop similar
12 master plans for all military medical facilities within
13 the Department of Defense.

14 (b) MILESTONE SCHEDULE AND COST ESTIMATES.—

15 Not later than 90 days after the development of the master
16 plan required by (a), the Secretary shall submit to the
17 congressional defense committees a report describing—

18 (1) the schedule for completion of requirements
19 identified in the master plan; and

20 (2) updated cost estimates to provide world
21 class military medical facilities for the National Capital
22 Region.

23 (c) DEFINITIONS.—In this section:

24 (1) NATIONAL CAPITAL REGION.—The term
25 “National Capital Region” has the meaning given

1 the term in section 2674(f) of title 10, United States
2 Code.

3 (2) WORLD CLASS MILITARY MEDICAL FACIL-
4 ITY.—The term “world class military medical facil-
5 ity” has the meaning given the term by the National
6 Capital Region Base Realignment and Closure
7 Health Systems Advisory Subcommittee of the De-
8 fense Health Board in appendix B of the report enti-
9 tled “Achieving World Class – An Independent Re-
10 view of the Design Plans for the Walter Reed Na-
11 tional Military Medical Center and the Fort Belvoir
12 Community Hospital”, published in May, 2009.

13 **TITLE XXVIII—MILITARY CON-**
14 **STRUCTION GENERAL PROVI-**
15 **SIONS**

16 **SEC. 2801. MILITARY CONSTRUCTION AND LAND ACQUI-**
17 **SION PROJECTS AUTHORIZED BY AMERICAN**
18 **RECOVERY AND REINVESTMENT ACT OF 2009.**

19 (a) AUTHORIZED ARMY CONSTRUCTION AND LAND
20 ACQUISITION PROJECTS.—Using amounts appropriated
21 by title X of the American Recovery and Reinvestment Act
22 of 2009 (Public Law 111–5; 123 Stat. 191), the Secretary
23 of the Army may acquire real property and carry out mili-
24 tary construction projects for the installations or locations

- 1 inside the United States, and in the amounts, set forth
 2 in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Colorado	Fort Carson	\$12,500,000
Georgia	Fort Stewart (Hunter Army Airfield)	\$8,600,000
Kentucky	Fort Campbell	\$43,000,000
North Carolina	Fort Bragg	\$11,300,000
New York	Fort Drum	\$10,700,000
Texas	Fort Bliss	\$57,000,000
	Fort Hood	\$12,700,000
Virginia	Fort Belvoir	\$14,600,000
	Fort Eustis	\$9,600,000

- 3 (b) AUTHORIZED NAVY CONSTRUCTION AND LAND
 4 ACQUISITION PROJECTS.—Using amounts appropriated
 5 by title X of the American Recovery and Reinvestment Act
 6 of 2009 (Public Law 111–5; 123 Stat. 191), the Secretary
 7 of the Navy may acquire real property and carry out mili-
 8 tary construction projects for the installations or locations
 9 inside the United States, and in the amounts, set forth
 10 in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Marine Corps Base Camp Pendleton	\$35,052,000
	Naval Air Station Lemoore	\$7,793,000
	Naval Base Coronado	\$88,576,000
	Naval Base Point Loma	\$11,844,000
Florida	Naval Station Mayport	\$10,220,000
Hawaii	Marine Corps Base Hawaii	\$19,360,000
Maryland	Naval Support Activity Annapolis	\$1,994,000
	Naval Surface Warfare Center Carderock ...	\$1,253,000
North Carolina	Marine Corps Air Station New River	\$3,039,000
	Marine Corps Base Camp Lejeune	\$13,779,000
Tennessee	Naval Support Activity Mid-South	\$11,960,000
Virginia	Hampton Roads	\$26,098,000
	Naval Station Norfolk	\$24,647,000
Washington	Naval Air Station Whidbey Island	\$20,054,000
Various	Various Locations	\$4,331,000

- 11 (c) AUTHORIZED AIR FORCE CONSTRUCTION AND
 12 LAND ACQUISITION PROJECTS.—Using amounts appro-

1 priated by title X of the American Recovery and Reinvest-
 2 ment Act of 2009 (Public Law 111–5; 123 Stat. 191),
 3 the Secretary of the Air Force may acquire real property
 4 and carry out military construction projects for the instal-
 5 lations or locations inside the United States, and in the
 6 amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Eielson Air Force Base	\$53,900,000
Alabama	Birmingham	\$2,300,000
Arkansas	Fort Smith	\$7,800,000
Colorado	Peterson Air Force Base	\$11,200,000
Florida	Hurlburt Field	\$11,000,000
Georgia	Moody Air Force Base	\$11,400,000
Iowa	Des Moines	\$6,000,000
Kansas	Forbes	\$4,100,000
Maryland	Andrews Air Force Base	\$8,000,000
Mississippi	Keesler Air Force Base	\$20,800,000
Montana	Malmstrom Air Force Base	\$26,200,000
North Dakota	Minot Air Force Base	\$28,300,000
New Jersey	Atlantic City	\$4,300,000
New Mexico	Cannon Air Force Base	\$12,000,000
Nevada	Nellis Air Force Base	\$13,400,000
Pennsylvania	Fort Indian Town Gap	\$7,000,000
South Carolina	Shaw Air Force Base	\$22,500,000
Texas	Goodfellow Air Force Base	\$28,400,000
	Lackland Air Force Base	\$6,000,000
Utah	Hill Air Force Base	\$15,000,000
	Salt Lake City	\$5,100,000
Wisconsin	General Mitchell	\$1,100,000
West Virginia	Eastern West Virginia Regional Airport	\$4,300,000

7 (d) AUTHORIZED DEFENSE-WIDE CONSTRUCTION
 8 AND LAND ACQUISITION PROJECTS.—Using amounts ap-
 9 propriated by title X of the American Recovery and Rein-
 10 vestment Act of 2009 (Public Law 111–5; 123 Stat. 191),
 11 the Secretary of Defense may acquire real property and
 12 carry out military construction projects for the installa-
 13 tions or locations inside the United States, and in the
 14 amounts, set forth in the following table:

Defense-wide: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	\$563,100,000
Florida	Naval Airt Station Jacksonville	\$27,210,000
Texas	Fort Hood	\$621,000,000
Various	Various Locations	\$118,690,000

1 (e) AUTHORIZED ARMY NATIONAL GUARD AND RE-
2 SERVE PROJECTS.—

3 (1) AUTHORIZED CONSTRUCTION AND LAND AC-
4 QUISSION PROJECTS.—Using amounts appropriated
5 by title X of the American Recovery and Reinvest-
6 ment Act of 2009 (Public Law 111–5; 123 Stat.
7 191), the Secretary of the Army may acquire real
8 property and carry out military construction projects
9 for the Army National Guard and Army Reserve lo-
10 cations, and in the amounts, set forth in the fol-
11 lowing table:

Army National Guard and Reserve: Inside the United States

State	Installation or Location	Amount
California	Mather Air Field	\$1,500,000
Nevada	Hawthorne Army Depot	\$950,000
North Carolina	Raleigh	\$39,500,000
Nebraska	Camp Ashland	\$2,900,000
New York	Brooklyn (Fort Hamilton)	\$1,500,000
Oregon	Camp Withycombe	\$1,300,000
West Virginia	Gassaway	\$3,300,000

12 (2) AUTHORIZED FAMILY HOUSING.—Using
13 amounts appropriated by title X of the American
14 Recovery and Reinvestment Act of 2009 (Public
15 Law 111–5; 123 Stat. 191), the Secretary of the
16 Army may construct or acquire family housing units
17 (including land acquisition and supporting facilities)

1 at the Army National Guard and Army Reserve lo-
 2 cations, in the number of units, and in the amounts,
 3 set forth in the following table:

Army National Guard and Reserve: Family Housing

State	Installation or Location	Units	Amount
California	Fort Hunter-Liggett	5	\$2,370,000
	Sierra Army Depot	1	\$707,000
Illinois	Rock Island	2	\$930,000
Oklahoma	McAlester Army Depot	6	\$2,200,000
Pennsylvania	Letterkenny Army Depot.	3	\$1,050,000
	Tobyhanna	2	\$1,000,000
Utah	Dugway Proving Grounds.	20	\$10,000,000
Virginia	Radford Army Ammunition Plant.	4	\$1,300,000
Wisconsin	Fort McCoy	23	\$14,000,000

4 **Subtitle A—Military Construction**
 5 **Program and Military Family**
 6 **Housing Changes**

7 **SEC. 2811. EXTENSION OF AUTHORITY TO USE OPERATION**
 8 **AND MAINTENANCE FUNDS FOR CONSTRUCTION**
 9 **PROJECTS INSIDE THE UNITED STATES**
 10 **CENTRAL COMMAND AND UNITED STATES AF-**
 11 **ERICA COMMAND AREAS OF RESPONSIBILITY.**

12 Section 2808 of the Military Construction Authoriza-
 13 tion Act for Fiscal Year 2004 (division B of Public Law
 14 108–136; 117 Stat. 1723), as amended by section 2810
 15 of the Military Construction Authorization Act for Fiscal
 16 Year 2005 (division B of Public Law 108–375; 118 Stat.
 17 2128), section 2809 of the Military Construction Author-
 18 ization Act for Fiscal Year 2006 (division B of Public Law

1 109–163; 119 Stat. 3508), section 2802 of the Military
2 Construction Authorization Act for Fiscal Year 2007 (di-
3 vision B of Public Law 109–364; 120 Stat. 2466), section
4 2801 of the Military Construction Authorization Act for
5 Fiscal Year 2008 (division B of Public Law 110–181; 122
6 Stat. 538), and section 2806 of the Military Construction
7 Authorization Act for Fiscal Year 2009 (division B of
8 Public Law 110–417; 122 Stat. 4724) is further amend-
9 ed—

10 (1) in subsection (a), by striking “2009” and
11 inserting “2010”; and

12 (2) in subsection (c)(2), by inserting “or fiscal
13 year 2010” after “fiscal year 2009”.

14 **SEC. 2812. MODIFICATION OF AUTHORITY FOR SCOPE OF**
15 **WORK VARIATIONS.**

16 Section 2853 of title 10, United States Code, is
17 amended—

18 (1) in subsection (b)—

19 (A) by striking “Except as provided in
20 subsection (c)” and inserting “(1) Except as
21 provided in subsection (c)”;

22 (B) by striking “may be reduced by not
23 more than 25 percent from the amount ap-
24 proved for that project, construction, improve-
25 ment, or acquisition by Congress.” and insert-

1 ing “may be reduced by not more than 25 per-
2 cent from the amount specified for that project,
3 construction, improvement, or acquisition in the
4 justification data provided to Congress as part
5 of the request for authorization of the project,
6 construction, improvement, or acquisition.”; and

7 (C) by adding at the end the following new
8 paragraph:

9 “(2) The scope of work for a military construction
10 project or for the construction, improvement, and acquisi-
11 tion of a military family housing project may not be in-
12 creased above the amount specified for that project, con-
13 struction, improvement, or acquisition in the justification
14 data provided to Congress as part of the request for au-
15 thorization of the project, construction, improvement, or
16 acquisition.”; and

17 (2) in subsection (e), by striking “limitation on
18 scope reduction in subsection (b)” and inserting
19 “limitation on scope reduction in subsection (b)(1)”.

20 **SEC. 2813. MODIFICATION OF CONVEYANCE AUTHORITY AT**
21 **MILITARY INSTALLATIONS.**

22 (a) LIMITED PURPOSES FOR WHICH REAL PROP-
23 ERTY MAY BE CONVEYED.—Section 2869 of title 10,
24 United States Code, is amended—

1 (1) in the section heading, by striking “**to**
2 **support military construction or limit en-**
3 **croachment**” and inserting “**to limit en-**
4 **croachment**”;

5 (2) in subsection (a)—

6 (A) in paragraph (1)—

7 (i) by striking “agrees, in exchange
8 for the real property—” and all that fol-
9 lows through “to carry out a military con-
10 struction project or land acquisition” and
11 inserting “agrees, in exchange for the real
12 property, to carry out a land acquisition”;

13 (ii) by striking “; or” and inserting a
14 period; and

15 (iii) by striking subparagraph (B);
16 and

17 (B) by striking paragraph (3);

18 (3) in subsection (b), by striking “fair market
19 value of the military construction, military family
20 housing, or military unaccompanied housing” both
21 places it appears and inserting “fair market value of
22 the land”;

23 (4) by amending subsection (c) to read as fol-
24 lows:

1 “(c) LIMITATION ON USE OF CONVEYANCE AUTHOR-
2 ITY AT INSTALLATIONS CLOSED UNDER BASE CLOSURE
3 LAWS.—The authority under subsection (a)(2)(A) to con-
4 vey property located on a military installation may only
5 be used to the extent the conveyance is consistent with
6 an approved redevelopment plan for such installation.”;
7 and

8 (5) in subsection (d)(2)(A), by striking “mili-
9 itary construction project, land acquisition, military
10 family housing, or military unaccompanied housing”
11 both places it appears and inserting “land acquisi-
12 tion”.

13 (b) REQUIREMENT TO DEPOSIT FUNDS IN FOREIGN
14 CURRENCY FLUCTUATIONS, CONSTRUCTION, DEFENSE
15 ACCOUNT.—Subsection (e) of such section is amended by
16 striking “(1) Except as provided in paragraph (2), the
17 Secretary concerned may deposit funds” and all that fol-
18 lows through “funds deposited under paragraph (2) shall
19 be available” in paragraph (3) and inserting “The Sec-
20 retary concerned shall deposit funds received under sub-
21 section (b) in the appropriation ‘Foreign Currency Fluc-
22 tuations, Construction, Defense’. The funds deposited
23 shall be available”.

1 (c) ELIMINATION OF ANNUAL REPORT REQUIRE-
 2 MENT; SUNSET.—Subsection (f) of such section is amend-
 3 ed to read as follows:

4 “(f) SUNSET.—The authority to enter into an agree-
 5 ment under this section shall expire on September 30,
 6 2013.”.

7 (d) CLERICAL AMENDMENT.—The item relating to
 8 such section in the table of sections at the beginning of
 9 chapter 169 of such title is amended to read as follows:

“2869. Conveyance of property at military installations to limit encroachment.”.

10 **SEC. 2814. TWO-YEAR EXTENSION OF AUTHORITY FOR**
 11 **PILOT PROJECTS FOR ACQUISITION OR CON-**
 12 **STRUCTION OF MILITARY UNACCOMPANIED**
 13 **HOUSING.**

14 Section 2881a of title 10, United States Code, is
 15 amended by striking “2009” and inserting “2011”.

16 **Subtitle B—Energy Security**

17 **SEC. 2821. REPORT ON DEPARTMENT OF DEFENSE EF-**
 18 **FORTS TOWARD INSTALLATION OF SOLAR**
 19 **PANELS AND OTHER RENEWABLE ENERGY**
 20 **PROJECTS ON MILITARY INSTALLATIONS.**

21 (a) REPORT REQUIRED.—Not later than 180 days
 22 after the date of the enactment of this Act, the Secretary
 23 of Defense shall submit to the congressional defense com-
 24 mittees a report that describes and assesses current De-
 25 partment of Defense efforts toward the installation of

1 solar panels and other renewable energy projects on mili-
2 tary installations and facilities.

3 (b) ELEMENTS.—The report required by subsection
4 (a) shall set forth the following:

5 (1) A description and assessment of the status
6 of current Department efforts toward the installa-
7 tion of solar panels and other renewable energy
8 projects on military installations and facilities.

9 (2) A description of any legislative, administra-
10 tive, or other impediments to such efforts.

11 (3) Such recommendations for legislative or ad-
12 ministrative action as the Secretary considers appro-
13 priate for purposes of—

14 (A) furthering such efforts; and

15 (B) achieving the renewable energy goals
16 of the Department by 2025.

17 (4) Such other matters as the Secretary con-
18 siders appropriate.

19 **Subtitle C—Land Conveyances**

20 **SEC. 2831. LAND CONVEYANCE, NAVAL AIR STATION** 21 **OCEANA, VIRGINIA.**

22 (a) CONVEYANCE AUTHORIZED.—The Secretary of
23 the Navy may convey to the City of Virginia Beach, Vir-
24 ginia (in this section referred to as the “City”), all right,
25 title, and interest of the United States in and to a parcel

1 of real property, including any improvements thereon, con-
2 sisting of approximately 2.4 acres at Naval Air Station,
3 Oceana, Virginia, for the purpose of permitting the City
4 to expand services to support the Marine Animal Care
5 Center.

6 (b) CONSIDERATION.—As consideration for the con-
7 veyance under subsection (a), the City shall provide com-
8 pensation to the Secretary of the Navy in an amount equal
9 to the fair market value of the real property conveyed
10 under such subsection, as determined by appraisals ac-
11 ceptable to the Secretary.

12 (c) DESCRIPTION OF PROPERTY.—The exact acreage
13 and legal description of the real property to be exchanged
14 under this section shall be determined by surveys satisfac-
15 tory to the Secretary.

16 (d) PAYMENT OF COSTS OF CONVEYANCES.—

17 (1) PAYMENT REQUIRED.—The Secretary shall
18 require the City to cover costs to be incurred by the
19 Secretary, or to reimburse the Secretary for costs in-
20 curred by the Secretary, to carry out the conveyance
21 under this section, including survey costs related to
22 the conveyance. If amounts are collected from the
23 City in advance of the Secretary incurring the actual
24 costs, and the amount collected exceeds the costs ac-
25 tually incurred by the Secretary to carry out the

1 conveyance, the Secretary shall refund the excess
2 amount to the City.

3 (2) TREATMENT OF AMOUNTS RECEIVED.—
4 Amounts received under paragraph (1) as reim-
5 bursement for costs incurred by the Secretary to
6 carry out the conveyance under this section shall be
7 credited to the fund or account that was used to
8 cover the costs incurred by the Secretary in carrying
9 out the conveyance. Amounts so credited shall be
10 merged with amounts in such fund or account and
11 shall be available for the same purposes, and subject
12 to the same conditions and limitations, as amounts
13 in such fund or account.

14 (e) ADDITIONAL TERMS AND CONDITIONS.—The
15 Secretary may require such additional terms and condi-
16 tions in connection with the conveyance under this section
17 as the Secretary considers appropriate to protect the inter-
18 ests of the United States.

19 **SEC. 2832. RELEASE OF REVERSIONARY INTEREST.**

20 The United States releases to the State of Arkansas
21 the reversionary interest described in sections 2 and 3 of
22 the Act entitled “An Act authorizing the transfer of part
23 of Camp Joseph T. Robinson to the State of Arkansas”,
24 approved June 30, 1950 (64 Stat. 311, chapter 429), in
25 and to the surface estate of the land constituting Camp

1 Joseph T. Robinson, Arkansas, which is comprised of
2 40.515 acres of land to be acquired by the United States
3 of America and 40.513 acres to be acquired by the City
4 of North Little Rock, Arkansas, and lies in sections 6, 8,
5 and 9 of township 2 North, Range 12 West, Pulaski Coun-
6 ty, Arkansas.

7 **SEC. 2833. LAND CONVEYANCE, ELLSWORTH AIR FORCE**
8 **BASE, SOUTH DAKOTA.**

9 (a) CHANGE IN RECIPIENT UNDER EXISTING AU-
10 THORITY.—

11 (1) IN GENERAL.—Section 2863(a) of the Mili-
12 tary Construction Act for Fiscal Year 1998 (division
13 B of Public Law 105–85; 111 Stat. 2010), as
14 amended by section 2865(a) of the Military Con-
15 struction Act for Fiscal Year 2001 (as enacted into
16 law by Public Law 106–398; 114 Stat. 1654A–435),
17 is further amended by striking “West River Founda-
18 tion for Economic and Community Development,
19 Sturgis, South Dakota (in this section referred to as
20 the ‘Foundation’)” and inserting “South Dakota
21 Ellsworth Development Authority, Pierre, South Da-
22 kota (in this section referred to as the ‘Authority’)”.

23 (2) TECHNICAL AND CONFORMING AMEND-
24 MENTS.—Section 2863 of the Military Construction
25 Act for Fiscal Year 1998 (division B of Public Law

1 105–85; 111 Stat. 2010), as amended by section
2 2865(b) of the Military Construction Act for Fiscal
3 Year 2001 (as enacted into law by Public Law 106–
4 398; 114 Stat. 1654A–435), is further amended—

5 (A) by striking “Foundation” each place it
6 appears in subsections (c) and (e) and inserting
7 “Authority”;

8 (B) in subsection (b)(1)—

9 (i) in subparagraph (B), by striking
10 “137.56 acres” and inserting “120.70
11 acres”; and

12 (ii) by striking subparagraphs (C),
13 (D), and (E).

14 (b) NEW CONVEYANCE AUTHORITY.—

15 (1) CONVEYANCE AUTHORIZED.—The Secretary
16 of the Air Force may convey, without consideration,
17 to the South Dakota Ellsworth Development Author-
18 ity, Pierre, South Dakota (in this subsection re-
19 ferred to as the “Authority”), all right, title, and in-
20 terest of the United States in and to the parcels of
21 real property located at Ellsworth Air Force Base,
22 South Dakota, referred to in paragraph (2).

23 (2) COVERED PROPERTY.—The real property
24 referred to in paragraph (1) is the following:

1 (A) A parcel of real property, together with
2 any improvements thereon, consisting of ap-
3 proximately 2.37 acres and comprising the
4 11000 West Communications Annex.

5 (B) A parcel of real property, together
6 with any improvements thereon, consisting of
7 approximately 6.643 acres and comprising the
8 South Nike Education Annex.

9 (3) CONDITION.—As a condition of the convey-
10 ance under this subsection, the Authority, and any
11 person or entity to which the Authority transfers the
12 property, shall comply in the use of the property
13 with the applicable provisions of the Ellsworth Air
14 Force Base Air Installation Compatible Use Zone
15 Study.

16 (4) REVERSIONARY INTEREST.—If the Sec-
17 retary determines at any time that the real property
18 conveyed under paragraph (1) is not being used in
19 compliance with the applicable provisions of the Ells-
20 worth Air Force Base Air Installation Compatible
21 Use Zone Study, all right, title, and interest in and
22 to such real property, including any improvements
23 and appurtenant easements thereto, shall, at the op-
24 tion of the Secretary, revert to and become the prop-
25 erty of the United States, and the United States

1 shall have the right of immediate entry onto such
2 real property. A determination by the Secretary
3 under this paragraph shall be made on the record
4 after an opportunity for a hearing.

5 (5) DESCRIPTION OF PROPERTY.—The exact
6 acreage and legal description of the real property to
7 be conveyed under this subsection shall be deter-
8 mined by a survey satisfactory to the Secretary.

9 (6) ADDITIONAL TERMS AND CONDITIONS.—
10 The Secretary may require such additional terms
11 and conditions in connection with the conveyance
12 under this subsection as the Secretary considers ap-
13 propriate to protect the interests of the United
14 States.

15 **SEC. 2834. LAND CONVEYANCE, F.E. WARREN AIR FORCE**
16 **BASE, CHEYENNE, WYOMING.**

17 (a) CONVEYANCE AUTHORIZED.—The Secretary of
18 the Air Force may convey to the County of Laramie, Wyo-
19 ming (in this section referred to as the “County”) all
20 right, title, and interest of the United States in and to
21 a parcel of real property, including any improvements
22 thereon and appurtenant easements thereto, consisting of
23 approximately 73 acres along the southeastern boundary
24 of F.E. Warren Air Force Base, Cheyenne, Wyoming, for
25 the purpose of removing the property from the boundaries

1 of the installation and permitting the County to preserve
2 the entire property for healthcare facilities.

3 (b) CONSIDERATION.—

4 (1) IN GENERAL.—As consideration for the con-
5 veyance under subsection (a), the County shall pro-
6 vide the United States consideration, whether by
7 cash payment, in-kind consideration as described
8 under paragraph (2), or a combination thereof, in an
9 amount that is not less than the fair market value
10 of the conveyed real property, as determined by the
11 Secretary.

12 (2) IN-KIND CONSIDERATION.—In-kind consid-
13 eration provided by the County under paragraph (1)
14 may include the acquisition, construction, provision,
15 improvement, maintenance, repair, or restoration
16 (including environmental restoration), or combina-
17 tion thereof, of any facilities or infrastructure relat-
18 ing to the security of F.E. Warren Air Force Base,
19 that the Secretary considers acceptable.

20 (3) RELATION TO OTHER LAWS.—Sections
21 2662 and 2802 of title 10, United States Code, shall
22 not apply to any new facilities or infrastructure re-
23 ceived by the United States as in-kind consideration
24 under paragraph (2).

1 (4) NOTICE TO CONGRESS.—The Secretary
2 shall provide written notification to the congressional
3 defense committees of the types and value of consid-
4 eration provided the United States under paragraph
5 (1).

6 (5) TREATMENT OF CASH CONSIDERATION RE-
7 CEIVED.—Any cash payment received by the United
8 States under paragraph (1) shall be deposited in the
9 special account in the Treasury established under
10 subsection (b) of section 572 of title 40, United
11 States Code, and shall be available in accordance
12 with paragraph (5)(B)(ii) of such subsection.

13 (c) REVERSIONARY INTEREST.—

14 (1) IN GENERAL.—If the Secretary determines
15 at any time that the County is not using the prop-
16 erty conveyed under subsection (a) in accordance
17 with the purpose of the conveyance specified in such
18 subsection, all right, title, and interest in and to the
19 property, including any improvements thereon, shall
20 revert, at the option of the Secretary, to the United
21 States, and the United States shall have the right of
22 immediate entry onto the property. Any determina-
23 tion of the Secretary under this subsection shall be
24 made on the record after an opportunity for a hear-
25 ing.

1 (2) RELEASE OF REVERSIONARY INTEREST.—

2 The Secretary shall release, without consideration,
3 the reversionary interest retained by the United
4 States under paragraph (1) if—

5 (A) F.E. Warren Air Force Base, Chey-
6 enne Wyoming, is no longer being used for De-
7 partment of Defense activities; or

8 (B) the Secretary determines that the re-
9 versionary interest is otherwise unnecessary to
10 protect the interests of the United States.

11 (d) PAYMENT OF COSTS OF CONVEYANCE.—

12 (1) PAYMENT REQUIRED.—The Secretary shall
13 require the County to cover costs to be incurred by
14 the Secretary, or to reimburse the Secretary for
15 costs incurred by the Secretary, to carry out the
16 conveyance under subsection (a) and implement the
17 receipt of in-kind consideration under paragraph (b),
18 including survey costs, appraisal costs, costs related
19 to environmental documentation, and other adminis-
20 trative costs related to the conveyance and receipt of
21 in-kind consideration. If amounts are received from
22 the County in advance of the Secretary incurring the
23 actual costs, and the amount received exceeds the
24 costs actually incurred by the Secretary under this

1 section, the Secretary shall refund the excess
2 amount to the County.

3 (2) TREATMENT OF AMOUNTS RECEIVED.—
4 Amounts received as reimbursements under para-
5 graph (1) shall be credited to the fund or account
6 that was used to cover the costs incurred by the Sec-
7 retary in carrying out the conveyance and imple-
8 menting the receipt of in-kind consideration.
9 Amounts so credited shall be merged with amounts
10 in such fund or account and shall be available for
11 the same purposes, and subject to the same condi-
12 tions and limitations, as amounts in such fund or
13 account.

14 (e) DESCRIPTION OF REAL PROPERTY.—The exact
15 acreage and legal description of the real property to be
16 conveyed under subsection (a) shall be determined by a
17 survey satisfactory to the Secretary.

18 (f) 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 inter-
22 ests of the United States.

1 **SEC. 2835. LAND CONVEYANCE, LACKLAND AIR FORCE**
2 **BASE, TEXAS.**

3 (a) CONVEYANCE AUTHORIZED.—The Secretary of
4 the Air Force may convey to an eligible entity, all right,
5 title, and interest of the United States to not more than
6 250 acres of real property and associated easements and
7 improvements on Lackland Air Force Base, Texas, in ex-
8 change for real property adjacent to or near the installa-
9 tion for the purpose of relocating and consolidating Air
10 Force tenants located on the former Kelly Air Force Base,
11 Texas, onto the main portion of Lackland Air Force Base.

12 (b) CONDITION OF CONVEYANCE.—The conveyance
13 under subsection (a) shall be subject to the condition that
14 the eligible entity accept the real property in its condition
15 at the time of the conveyance, commonly known as convey-
16 ance “as is” and not subject to the requirements for cov-
17 enants in deed under section 120(h)(3) of the Comprehen-
18 sive Environmental Response, Compensation, and Liabil-
19 ity Act of 1980 (42 U.S.C. 9620(h)(3)).

20 (c) ELIGIBLE ENTITIES.—A conveyance under this
21 section may be made to the City of San Antonio, Texas,
22 or an organization or agency chartered or sponsored by
23 the local or State government.

24 (d) CONSIDERATION.—As consideration for the con-
25 veyance under subsection (a), the eligible entity shall pro-
26 vide the Air Force with real property or real property im-

1 improvements, or a combination of both, of equal value, as
2 determined by the Secretary. If the fair market value of
3 the real property or real property improvements, or com-
4 bination thereof, is less than the fair market value of the
5 real property to be conveyed by the Air Force, the eligible
6 entity shall provide cash payment to the Air Force, or pro-
7 vide Lackland Air Force Base with in-kind consideration
8 of an amount equal to the difference in the fair market
9 values. Any cash payment received by the Air Force for
10 the conveyance authorized by subsection (a) shall be de-
11 posited in the special account described in section 2667(e)
12 of title 10, United States Code, and shall be available to
13 the Secretary for the same uses and subject to the same
14 limitations as provided in that section.

15 (e) PAYMENT OF COSTS OF CONVEYANCE.—

16 (1) IN GENERAL.—The Secretary may require
17 the eligible entity to cover costs to be incurred by
18 the Secretary, or to reimburse the Secretary for
19 costs incurred by the Secretary, to carry out the
20 conveyances under this section, including survey
21 costs, costs related to environmental documentation,
22 and other administrative costs related to the convey-
23 ances. If amounts are collected from the eligible en-
24 tity in advance of the Secretary incurring the actual
25 costs, and the amount collected exceeds the costs ac-

1 tually incurred by the Secretary to carry out the
2 conveyance, the Secretary shall refund the excess
3 amount to the eligible entity.

4 (2) TREATMENT OF AMOUNTS RECEIVED.—

5 Amounts received as reimbursement under para-
6 graph (1) shall be credited to the fund or account
7 that was used to cover the costs incurred by the Sec-
8 retary in carrying out the conveyances. Amounts so
9 credited shall be merged with amounts in such fund
10 or account, and shall be available for the same pur-
11 poses, and subject to the same conditions and limita-
12 tions, as amounts in such fund or account.

13 (f) DESCRIPTION OF PROPERTY.—The exact acreage

14 and legal description of the real property to be conveyed
15 under subsection (a) shall be determined by a survey satis-
16 factory to the Secretary.

17 (g) ADDITIONAL TERMS AND CONDITIONS.—The

18 Secretary may require such additional terms and condi-
19 tions in connection with the conveyances under this section
20 as the Secretary considers appropriate to protect the inter-
21 ests of the United States.

22 **SEC. 2836. LAND CONVEYANCE, HAINES TANK FARM,**
23 **HAINES, ALASKA.**

24 (a) CONVEYANCE AUTHORIZED.—The Secretary of

25 the Army may convey to the Chilkoot Indian Association

1 (in this section referred to as the “Association”) all right,
2 title, and interest of the United States in and to a parcel
3 of real property, including improvements thereon, con-
4 sisting of approximately 201 acres located at the former
5 Haines Fuel Terminal (also known as the Haines Tank
6 Farm) in Haines, Alaska, for the purpose of permitting
7 the Association to develop a Deep Sea Port and for other
8 industrial and commercial development purposes. To the
9 extent practicable, the Secretary is encouraged to complete
10 the conveyance by September 30, 2013, but not prior to
11 the date of completion of all obligations referenced in sub-
12 section (e).

13 (b) CONSIDERATION.—As consideration for the con-
14 veyance under subsection (a), the Association shall pay to
15 the Secretary an amount equal to the fair market value
16 of the property, as determined by the Secretary. The de-
17 termination of the Secretary shall be final.

18 (c) REVERSIONARY INTEREST.—If the Secretary de-
19 termines at any time that the real property conveyed
20 under subsection (a) is not being used in accordance with
21 the purpose of the conveyance, all right, title, and interest
22 in and to such real property, including any improvements
23 and appurtenant easements thereto, shall, at the option
24 of the Secretary, revert to and become the property of the
25 United States, and the United States shall have the right

1 of immediate entry onto such real property. A determina-
2 tion by the Secretary under this subsection shall be made
3 on the record after an opportunity for a hearing.

4 (d) PAYMENT OF COSTS OF CONVEYANCES.—

5 (1) PAYMENT REQUIRED.—The Secretary shall
6 require the Association to cover costs to be incurred
7 by the Secretary, or to reimburse the Secretary for
8 costs incurred by the Secretary, to carry out the
9 conveyance under subsection (a), including survey
10 costs, costs related to environmental documentation,
11 and other administrative costs related to the convey-
12 ance. If amounts are collected from the Association
13 in advance of the Secretary incurring the actual
14 costs, and the amount collected exceeds the costs ac-
15 tually incurred by the Secretary to carry out the
16 conveyance, the Secretary shall refund the excess
17 amount to the Association.

18 (2) TREATMENT OF AMOUNTS RECEIVED.—
19 Amounts received as reimbursements under para-
20 graph (1) shall be credited to the fund or account
21 that was used to cover the costs incurred by the Sec-
22 retary in carrying out the conveyance. Amounts so
23 credited shall be merged with amounts in such fund
24 or account and shall be available for the same pur-

1 poses, and subject to the same conditions and limita-
2 tions, as amounts in such fund or account.

3 (e) SAVINGS PROVISION.—The Haines Tank Farm is
4 currently under a remedial investigation (RI) for petro-
5 leum, oil and lubricants contamination. Nothing in this
6 section shall be construed to affect or limit the application
7 of, or any obligation to comply with, any environmental
8 law, including the National Environmental Policy Act (42
9 U.S.C. 4321 et seq.), the Comprehensive Environmental
10 Response, Compensation, and Liability Act of 1980 (42
11 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act
12 (42 U.S.C. 6901 et seq.).

13 (f) 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 satis-
16 factory to the Secretary.

17 (g) ADDITIONAL TERM AND CONDITIONS.—The Sec-
18 retary may require such additional terms and conditions
19 in connection with the conveyance under this section as
20 the Secretary considers appropriate to protect the inter-
21 ests of the United States.

1 **SEC. 2837. LAND CONVEYANCES OF CERTAIN PARCELS IN**
2 **THE CAMP CATLIN AND OHANA NUI AREAS,**
3 **PEARL HARBOR, HAWAII.**

4 (a) CONVEYANCES AUTHORIZED.—The Secretary of
5 the Navy (“the Secretary”) may convey to any person or
6 entity leasing or licensing real property located at Camp
7 Catlin and Ohana Nui areas, Hawaii, as of the date of
8 the enactment of this Act (“the lessee”) all right, title,
9 and interest of the United States in and to the portion
10 of such property that is respectively leased or licensed by
11 such person or entity for the purpose of continuing the
12 same functions as are being conducted on the property as
13 of the date of the enactment of this Act.

14 (b) CONSIDERATION.—As consideration for a convey-
15 ance under subsection (a), the lessee shall provide the
16 United States, whether by cash payment, in-kind consider-
17 ation, or a combination thereof, an amount that is not less
18 than the fair market of the conveyed property, as deter-
19 mined pursuant to an appraisal acceptable to the Sec-
20 retary.

21 (c) EXERCISE OF RIGHT TO PURCHASE PROP-
22 erty.—

23 (1) ACCEPTANCE OF OFFER.—For a period of
24 180 days beginning on the date the Secretary makes
25 a written offer to convey the property or any portion
26 thereof under subsection (a), the lessee shall have

1 the exclusive right to accept such offer by providing
2 written notice of acceptance to the Secretary within
3 the specified 180-day time period. If the Secretary's
4 offer is not so accepted within the 180-day period,
5 the offer shall expire.

6 (2) CONVEYANCE DEADLINE.—If a lessee ac-
7 cepts the offer to convey the property or a portion
8 thereof in accordance with paragraph (1), the con-
9 veyance shall take place not later than 2 years after
10 the date of the lessee's written acceptance, provided
11 that the conveyance date may be extended for a rea-
12 sonable period of time by mutual agreement of the
13 parties, evidenced by a written instrument executed
14 by the parties prior to the end of the 2-year period.
15 If the lessee's lease or license term expires before the
16 conveyance is completed, the Secretary may extend
17 the lease or license term up to the date of convey-
18 ance, provided that the lessee shall be required to
19 pay for such extended term at the rate in effect at
20 the time it was declared excess property.

21 (d) PAYMENT OF COSTS OF CONVEYANCES.—

22 (1) PAYMENT REQUIRED.—The Secretary shall
23 require the lessee to cover costs to be incurred by
24 the Secretary, or to reimburse the Secretary for
25 costs incurred by the Secretary, to carry out a con-

1 veyance under subsection (a), including survey costs,
2 related to the conveyance. If amounts are collected
3 from the lessee in advance of the Secretary incurring
4 the actual costs, and the amount collected exceeds
5 the costs actually incurred by the Secretary to carry
6 out the conveyance, the Secretary shall refund the
7 excess amount to the lessee.

8 (2) TREATMENT OF AMOUNTS RECEIVED.—

9 Amounts received under paragraph (1) as reim-
10 bursement for costs incurred by the Secretary to
11 carry out a conveyance under subsection (a) shall be
12 credited to the fund or account that was used to
13 cover the costs incurred by the Secretary in carrying
14 out the conveyance. Amounts so credited shall be
15 merged with amounts in such fund or account and
16 shall be available for the same purposes, and subject
17 to the same conditions and limitations, as amounts
18 in such fund or account.

19 (e) DESCRIPTION OF PROPERTY.—The exact acreage
20 and legal description of any real property to be conveyed
21 under subsection (a) shall be determined by a survey satis-
22 factory to the Secretary.

23 (f) ADDITIONAL TERM AND CONDITIONS.—The Sec-
24 retary may require such additional terms and conditions
25 in connection with a conveyance under subsection (a) as

1 the Secretary considers appropriate to protect the inter-
2 ests of the United States.

3 **Subtitle D—Other Matters**

4 **SEC. 2841. EXPANSION OF FIRST SERGEANTS BARRACKS**

5 **INITIATIVE.**

6 (a) EXPANSION OF INITIATIVE.—Not later than Sep-
7 tember 30, 2011, the Secretary of the Army shall expand
8 the First Sergeants Barracks Initiative (FSBI) to include
9 all Army installations in order to improve the quality of
10 life and living environments for single soldiers.

11 (b) PROGRESS REPORTS.—Not later than February
12 15, 2010, and February 15, 2011, the Secretary of the
13 Army shall submit to Congress a report describing the
14 progress made in expanding the First Sergeants Barracks
15 Initiative to all Army installations, including whether the
16 Secretary anticipates meeting the deadline imposed by
17 subsection (a).

18 **TITLE XXIX—OVERSEAS CONTIN-** 19 **GENCY OPERATIONS MILI-** 20 **TARY CONSTRUCTION AU-** 21 **THORIZATIONS**

22 **SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND**

23 **ACQUISITION PROJECTS.**

24 (a) OUTSIDE THE UNITED STATES.—Using amounts
25 appropriated pursuant to the authorization of appropria-

1 tions in subsection (b)(1), the Secretary of the Army may
 2 acquire real property and carry out military construction
 3 projects to construct or renovate warrior transition unit
 4 facilities at the installations or locations outside the
 5 United States set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Various	Various locations	\$854,600,000

6 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds
 7 are hereby authorized to be appropriated for fiscal years
 8 beginning after September 30, 2009, for military con-
 9 struction, land acquisition, and military family housing
 10 functions of the Department of the Army in the total
 11 amount of \$930,484,000, as follows:

12 (1) For military construction projects outside
 13 the United States authorized by subsection (a),
 14 \$854,600,000.

15 (2) For architectural and engineering services
 16 and construction design under section 2807 of title
 17 10, United States Code, \$75,884,000.

18 (c) REPORT REQUIRED BEFORE COMMENCING CER-
 19 TAIN PROJECTS.—Funds may not be obligated for the
 20 projects authorized by this section until 14 days after the
 21 date on which the Secretary of Defense submits to the
 22 congressional defense committees a report containing a de-
 23 tailed justification for the projects.

1 **SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 2 **LAND ACQUISITION PROJECTS.**

3 (a) OUTSIDE THE UNITED STATES.—Using amounts
 4 appropriated pursuant to the authorization of appropria-
 5 tions in subsection (b)(1), the Secretary of the Air Force
 6 may acquire real property and carry out military construc-
 7 tion projects to construct or renovate warrior transition
 8 unit facilities at the installations or locations outside the
 9 United States set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Various	Various locations	\$439,500,000

10 (b) AUTHORIZATION OF APPROPRIATIONS.—Subject
 11 to section 2825 of title 10, United States Code, funds are
 12 hereby authorized to be appropriated for fiscal years be-
 13 ginning after September 30, 2009, for military construc-
 14 tion, land acquisition, and military family housing func-
 15 tions of the Department of the Air Force in the total
 16 amount of \$474,500,000, as follows:

17 (1) For military construction projects outside
 18 the United States authorized by subsection (a),
 19 \$439,500,000.

20 (2) For architectural and engineering services
 21 and construction design under section 2807 of title
 22 10, United States Code, \$35,000,000.

1 (c) REPORT REQUIRED BEFORE COMMENCING CER-
2 TAIN PROJECTS.—Funds may not be obligated for the
3 projects authorized by this section until 14 days after the
4 date on which the Secretary of Defense submits to the
5 congressional defense committees a report containing a de-
6 tailed justification for the projects.

7 **DIVISION C—DEPARTMENT OF**
8 **ENERGY NATIONAL SECURITY**
9 **AUTHORIZATIONS AND**
10 **OTHER AUTHORIZATIONS**
11 **TITLE XXXI—DEPARTMENT OF**
12 **ENERGY NATIONAL SECURITY**
13 **PROGRAMS**
14 **Subtitle A—National Security**
15 **Programs Authorizations**

16 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
17 **TION.**

18 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
19 are hereby authorized to be appropriated to the Depart-
20 ment of Energy for fiscal year 2010 for the activities of
21 the National Nuclear Security Administration in carrying
22 out programs necessary for national security in the
23 amount of \$10,051,215,000, to be allocated as follows:

24 (1) For weapons activities, \$6,490,619,000.

1 (2) For defense nuclear nonproliferation activi-
2 ties, including \$705,900,000 for fissile materials dis-
3 position, \$2,136,709,000.

4 (3) For naval reactors, \$1,003,133,000.

5 (4) For the Office of the Administrator for Nu-
6 clear Security, \$420,754,000.

7 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—

8 From funds referred to in subsection (a) that are available
9 for carrying out plant projects, the Secretary of Energy
10 may carry out new plant projects for the National Nuclear
11 Security Administration as follows:

12 (1) For readiness in technical base and facili-
13 ties, the following new plant project:

14 Project 10–D–501, Nuclear Facility Risk
15 Reduction (NFRR), Y–12 National Security
16 Complex, Oak Ridge, Tennessee, \$12,500,000.

17 (2) For defense nuclear security, the following
18 new plant project:

19 Project 10–D–701, Security Improvement
20 Project (SIP), Y–12 National Security Com-
21 plex, Oak Ridge, Tennessee, \$49,000,000.

22 (3) For naval reactors, the following new plant
23 projects:

1 Project 10–D–904, Naval Reactors Facility
2 (NRF) infrastructure upgrades, Naval Reactors
3 Facility, Idaho Falls, Idaho, \$700,000.

4 Project 10–D–903, Security upgrades,
5 Knolls Atomic Power Laboratory, Knolls Site
6 and Kesselring Site, Schenectady, New York,
7 \$1,500,000.

8 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

9 Funds are hereby authorized to be appropriated to
10 the Department of Energy for fiscal year 2010 for defense
11 environmental cleanup activities in carrying out programs
12 necessary for national security in the amount of
13 \$5,395,831,000.

14 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

15 Funds are hereby authorized to be appropriated to
16 the Department of Energy for fiscal year 2010 for other
17 defense activities in carrying out programs necessary for
18 national security in the amount of \$852,468,000.

19 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

20 Funds are hereby authorized to be appropriated to
21 the Department of Energy for fiscal year 2010 for defense
22 nuclear waste disposal for payment to the Nuclear Waste
23 Fund established in section 302(c) of the Nuclear Waste
24 Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount
25 of \$98,400,000.

1 **SEC. 3105. FUNDING TABLE.**

2 The amounts authorized to be appropriated by sec-
3 tions 3101, 3102, 3103, and 3104 shall be available, in
4 accordance with the requirements of section 4001, for
5 projects, programs, and activities, and in the amounts,
6 specified in the funding table in section 4501.

7 **Subtitle B—Program Authoriza-**
8 **tions, Restrictions, and Limita-**
9 **tions**

10 **SEC. 3111. NUCLEAR WEAPONS STOCKPILE LIFE EXTEN-**
11 **SION PROGRAM.**

12 Section 4204 of the Atomic Energy Defense Act (50
13 U.S.C. 2524) is amended to read as follows:

14 **“SEC. 4204. NUCLEAR WEAPONS STOCKPILE LIFE EXTEN-**
15 **SION PROGRAM.**

16 “(a) PROGRAM REQUIRED.—The Secretary of En-
17 ergy shall, in consultation with the Secretary of Defense,
18 carry out a program to provide for the extension of the
19 effective life of the weapons in the nuclear weapons stock-
20 pile without nuclear weapons testing.

21 “(b) ADMINISTRATIVE RESPONSIBILITY FOR PRO-
22 GRAM.—

23 “(1) IN GENERAL.—The program under sub-
24 section (a) shall be carried out through the National
25 Nuclear Security Administration.

1 “(2) INCLUSION OF PROGRAM FUNDS IN BUDG-
2 ET.—For each budget submitted by the President to
3 Congress under section 1105 of title 31, United
4 States Code, the amounts requested for the program
5 under subsection (a) shall be clearly identified in the
6 budget justification materials submitted to Congress
7 in support of that budget.

8 “(c) PROGRAM PLAN.—As part of the program under
9 subsection (a), the Secretary of Energy shall develop a
10 long-term plan to extend the effective life of the weapons
11 in the nuclear weapons stockpile without nuclear weapons
12 testing. The plan shall include the following:

13 “(1) Mechanisms to provide for the manufac-
14 ture, maintenance, and modernization of each weap-
15 on design in the nuclear stockpile, as needed.

16 “(2) Mechanisms to expedite the collection of
17 information necessary for carrying out the program,
18 including information relating to the aging of mate-
19 rials and components, new manufacturing tech-
20 niques, and the replacement or substitution of mate-
21 rials.

22 “(3) Mechanisms to ensure the appropriate as-
23 signment of roles and missions for each nuclear
24 weapons laboratory and production plant of the De-
25 partment of Energy, including mechanisms for allo-

1 cation of workload, mechanisms to ensure the car-
2 rying out of appropriate modernization activities,
3 and mechanisms to ensure the retention of skilled
4 personnel.

5 “(4) Mechanisms to ensure that each national
6 laboratory of the National Nuclear Security Admin-
7 istration has full and complete access to all weapons
8 data to enable a rigorous peer review process to sup-
9 port the annual assessment of the condition of the
10 nuclear weapons stockpile required under section
11 4205.

12 “(5) Mechanisms for allocating funds for activi-
13 ties under the program, including allocations of
14 funds by weapon type and facility.

15 “(6) An identification of the funds needed, in
16 the current fiscal year and in each of the next 5 fis-
17 cal years, to carry out the program.

18 “(d) ANNUAL UPDATES.—The Secretary of Energy
19 shall update the plan required under subsection (c) annu-
20 ally and shall submit the updated plan to Congress as part
21 of the plan for maintaining the nuclear weapons stockpile
22 submitted to Congress under section 4203(c).

23 “(e) SENSE OF CONGRESS ON FUNDING OF PRO-
24 GRAM.—It is the sense of Congress that the President
25 should include in each budget for a fiscal year submitted

1 to Congress under section 1105 of title 31, United States
2 Code, sufficient funds to carry out in that fiscal year the
3 activities under the program under subsection (a) that are
4 specified in the most current version of the plan required
5 under subsection (c).”.

6 **SEC. 3112. ELIMINATION OF NUCLEAR WEAPONS LIFE EX-**
7 **TENSION PROGRAM FROM EXCEPTION TO RE-**
8 **QUIREMENT TO REQUEST FUNDS IN BUDGET**
9 **OF THE PRESIDENT.**

10 Section 4209 of the Atomic Energy Defense Act (50
11 U.S.C. 2529) is amended—

12 (1) in subsection (c), by striking “necessary—
13 ” and all that follows through the period and insert-
14 ing “necessary to address proliferation concerns.”;
15 and

16 (2) in subsection (d)—

17 (A) by striking paragraph (1); and

18 (B) by redesignating paragraphs (2) and

19 (3) as paragraphs (1) and (2), respectively.

20 **SEC. 3113. REPEAL OF RELIABLE REPLACEMENT WARHEAD**
21 **PROGRAM.**

22 (a) IN GENERAL.—Section 4204A of the Atomic En-
23 ergy Defense Act (50 U.S.C. 2524a) is repealed.

1 (b) CONFORMING AMENDMENT.—The table of con-
2 tents for that Act is amended by striking the item relating
3 to section 4204A.

4 **SEC. 3114. AUTHORIZATION OF USE OF INTERNATIONAL**
5 **NUCLEAR MATERIALS PROTECTION AND CO-**
6 **OPERATION PROGRAM FUNDS FOR BILAT-**
7 **ERAL AND MULTILATERAL NONPROLIFERA-**
8 **TION AND DISARMAMENT ACTIVITIES.**

9 (a) IN GENERAL.—Notwithstanding any other provi-
10 sion of law and subject to subsection (b), the Secretary
11 of Energy may obligate or expend not more than 10 per-
12 cent of the funds authorized to be appropriated or other-
13 wise made available for the International Nuclear Mate-
14 rials Protection and Cooperation program in a fiscal year
15 to provide assistance for or to otherwise carry out bilateral
16 or multilateral activities relating to nonproliferation or
17 disarmament.

18 (b) NOTIFICATION OF CONGRESSIONAL DEFENSE
19 COMMITTEES.—The Secretary may obligate or expend
20 funds pursuant to subsection (a) if, not less than 15 days
21 before obligating or expending such funds—

22 (1) the Secretary notifies the congressional de-
23 fense committees of the intent of the Secretary to
24 obligate or expend such funds; and

1 (2) the President certifies to the congressional
2 defense committees that obligating or expending
3 such funds is necessary to support the national secu-
4 rity objectives of the United States.

5 **SEC. 3115. REPEAL OF PROHIBITION ON FUNDING ACTIVI-**
6 **TIES ASSOCIATED WITH INTERNATIONAL CO-**
7 **OPERATIVE STOCKPILE STEWARDSHIP.**

8 (a) IN GENERAL.—Section 4301 of the Atomic En-
9 ergy Defense Act (50 U.S.C. 2561) is repealed.

10 (b) CLERICAL AMENDMENT.—The table of contents
11 for that Act is amended by striking the item relating to
12 section 4301.

13 **SEC. 3116. MODIFICATION OF MINOR CONSTRUCTION**
14 **THRESHOLD FOR PLANT PROJECTS.**

15 Section 4701(3) of the Atomic Energy Defense Act
16 (50 U.S.C. 2741(3)) is amended by striking “\$5,000,000”
17 and inserting “\$7,000,000”.

18 **SEC. 3117. TWO-YEAR EXTENSION OF AUTHORITY FOR AP-**
19 **POINTMENT OF CERTAIN SCIENTIFIC, ENGI-**
20 **NEERING, AND TECHNICAL PERSONNEL.**

21 Section 4601(c)(1) of the Atomic Energy Defense Act
22 (50 U.S.C. 2701(c)(1)) is amended by striking “Sep-
23 tember 30, 2009” and inserting “September 30, 2011”.

1 **SEC. 3118. REPEAL OF SUNSET DATE FOR CONSOLIDATION**
2 **OF COUNTERINTELLIGENCE PROGRAMS OF**
3 **DEPARTMENT OF ENERGY AND NATIONAL**
4 **NUCLEAR SECURITY ADMINISTRATION.**

5 Section 3117 of the John Warner National Defense
6 Authorization Act for Fiscal Year 2007 (Public Law 109–
7 364; 120 Stat. 2507; 42 U.S.C. 7144b note) is amended
8 by amending subsection (a) to read as follows:

9 “(a) **TRANSFER OF FUNCTIONS.**—The functions, per-
10 sonnel, funds, assets, and other resources of the Office of
11 Defense Nuclear Counterintelligence of the National Nu-
12 clear Security Administration are transferred to the Sec-
13 retary of Energy, to be administered (except to any extent
14 otherwise directed by the Secretary) by the Director of the
15 Office of Counterintelligence of the Department of En-
16 ergy.”.

17 **Subtitle C—Other Matters**

18 **SEC. 3131. TEN-YEAR PLAN FOR UTILIZATION AND FUND-**
19 **ING OF CERTAIN DEPARTMENT OF ENERGY**
20 **FACILITIES.**

21 (a) **IN GENERAL.**—The Administrator for Nuclear
22 Security and the Under Secretary for Science of the De-
23 partment of Energy shall jointly develop a plan to use and
24 fund, over a ten-year period, the following facilities of the
25 Department of Energy:

1 (1) The National Ignition Facility at the Lawrence Livermore National Laboratory, California.

3 (2) The Los Alamos Neutron Science Center at the Los Alamos National Laboratory, New Mexico.

5 (3) The “Z” Machine at the Sandia National Laboratories, New Mexico.

7 (4) The Microsystems and Engineering Sciences Application (MESA) Facility at the Sandia National Laboratories, New Mexico.

10 (b) SUBMITTAL OF PLAN.—Not later than 45 days after the date of the enactment of this Act, the Administrator for Nuclear Security and the Under Secretary for Science of the Department of Energy shall submit to the congressional defense committees the plan required by subsection (a).

16 (c) REQUIREMENT TO SPECIFY SOURCE OF FACILITY FUNDING IN BUDGET REQUESTS.—In any budget request for the Department of Energy for a fiscal year that is submitted to Congress after the date of the enactment of this Act, the Secretary of Energy shall identify for that fiscal year the portion of the funding for each facility specified in subsection (a) that is to be provided by the National Nuclear Security Administration and by the Office of Science of the Department of Energy.

1 **SEC. 3132. REVIEW OF MANAGEMENT AND OPERATION OF**
2 **CERTAIN NATIONAL LABORATORIES.**

3 (a) IN GENERAL.—Not later than 60 days after the
4 date of the enactment of this Act, the Secretary of Energy
5 shall, in consultation with the Committee on Armed Serv-
6 ices of the Senate and the Committee on Armed Services
7 of the House of Representatives, appoint an independent
8 panel of experts to conduct a review of the management
9 and operation of the following:

10 (1) The Lawrence Livermore National Labora-
11 tory, California.

12 (2) The Los Alamos National Laboratory, New
13 Mexico.

14 (3) The Sandia National Laboratories, New
15 Mexico.

16 (b) ADMINISTRATIVE PROVISIONS.—

17 (1) APPOINTMENT OF CHAIRPERSON.—The
18 Secretary of Energy shall appoint a chairperson of
19 the panel from among the members of the panel.

20 (2) DESIGNATION OF AGENCY STAFF TO
21 PANEL.—The Secretary of Energy, the Secretary of
22 Defense, and the Director of National Intelligence
23 shall each designate one or more employees of the
24 Department of Energy, the Department of Defense,
25 and the intelligence community, respectively, to serve
26 as liaisons between the panel and the Department of

1 Energy, the Department of Defense, or the intel-
2 ligence community, as the case may be.

3 (3) AGENCY COOPERATION.—The Secretary of
4 Energy shall, in consultation with the Secretary of
5 Defense and the Director of National Intelligence,
6 ensure that the panel receives full and timely co-
7 operation from the Department of Energy, the De-
8 partment of Defense, and the Director of National
9 Intelligence in conducting the review required under
10 subsection (a).

11 (4) SUPPORT FROM FEDERALLY FUNDED RE-
12 SEARCH AND DEVELOPMENT CENTER.—The Sec-
13 retary of Energy may use a federally funded re-
14 search and development center not associated with
15 the Department of Energy to provide support to the
16 panel.

17 (c) ELEMENTS.—The review required under sub-
18 section (a) shall include, with respect to each laboratory
19 specified in such subsection, an evaluation of the following:

20 (1) The quality of the scientific research being
21 conducted at the laboratory, including research with
22 respect to weapons science, nonproliferation, energy,
23 and basic science.

24 (2) The quality of the engineering being con-
25 ducted at the laboratory.

1 (3) The general operations of the laboratory, in-
2 cluding the management of facilities and procedures
3 with respect to safety, security, environmental man-
4 agement and compliance, and human capital.

5 (4) The financial operations of the laboratory,
6 including contract administration, accounting con-
7 trols, and management of property and equipment.

8 (5) The management of work conducted by the
9 laboratory for entities other than the Department of
10 Energy, including academic institutions and other
11 Federal agencies, and interactions between the lab-
12 oratory and such entities.

13 (6) The adequacy and effectiveness of the form
14 and scope of current management contracts in im-
15 plementing the mission of the laboratory.

16 (7) The effectiveness of the management and
17 oversight of the laboratory by the Department of
18 Energy.

19 (d) REPORT OF PANEL.—The panel shall submit to
20 the Secretary of Energy a report containing the results
21 of the review and any recommendations of the panel re-
22 sulting from the review.

23 (e) TRANSMITTAL TO CONGRESS.—Not later than
24 January 1, 2011, the Secretary of Energy shall transmit
25 to the Committee on Armed Services of the Senate and

1 the Committee on Armed Services of the House of Rep-
2 resentatives the report of the panel submitted under sub-
3 section (d) and any comments or recommendations of the
4 Secretary with respect to that report.

5 **SEC. 3133. INCLUSION IN 2010 STOCKPILE STEWARDSHIP**
6 **PLAN OF CERTAIN INFORMATION RELATING**
7 **TO STOCKPILE STEWARDSHIP CRITERIA.**

8 (a) IN GENERAL.—The Secretary of Energy shall in-
9 clude in the 2010 stockpile stewardship plan the elements
10 specified in subsection (b).

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

13 (1) An update of any information or criteria in-
14 cluded in the report on stockpile stewardship criteria
15 submitted under subsection (c) of section 4202 of
16 the Atomic Energy Defense Act (50 U.S.C. 2522).

17 (2) A description of any additional information
18 identified under paragraph (1) of such subsection (c)
19 or criteria established under subsection (a) of such
20 section 4202 during the period beginning on the
21 date of the submittal of the report under section
22 3133 of the National Defense Authorization Act for
23 Fiscal Year 2004 (Public Law 108–136; 117 Stat.
24 1751; 50 U.S.C. 2523 note) and ending on the date

1 of the submittal of the 2010 stockpile stewardship
2 plan.

3 (3) For each science-based tool developed or
4 modified by the Department of Energy during the
5 period described in paragraph (2) to collect informa-
6 tion needed to determine that the nuclear weapons
7 stockpile is safe, secure, and reliable—

8 (A) a description of the relationship of the
9 science-based tool to the collection of such in-
10 formation; and

11 (B) a description of criteria for assessing
12 the effectiveness of the science-based tool in col-
13 lecting such information.

14 (c) 2010 STOCKPILE STEWARDSHIP PLAN DE-
15 FINED.—In this section, the term “2010 stockpile stew-
16 ardship plan” means the updated version of the plan for
17 maintaining the nuclear weapons stockpile developed
18 under section 4203 of the Atomic Energy Defense Act (50
19 U.S.C. 2523) and required to be submitted to Congress
20 on May 1, 2010, by subsection (c) of such section.

1 **SEC. 3134. COMPTROLLER GENERAL OF THE UNITED**
2 **STATES REVIEW OF PROJECTS CARRIED OUT**
3 **BY THE OFFICE OF ENVIRONMENTAL MAN-**
4 **AGEMENT OF THE DEPARTMENT OF ENERGY**
5 **PURSUANT TO THE AMERICAN RECOVERY**
6 **AND REINVESTMENT ACT OF 2009.**

7 (a) IN GENERAL.—The Comptroller General of the
8 United States shall conduct a series of three reviews, as
9 described in subsections (b), (c), and (d), of projects car-
10 ried out by the Office of Environmental Management of
11 the Department of Energy (in this section referred to as
12 the “Office”) using American Recovery and Reinvestment
13 Act funds.

14 (b) PHASE ONE REVIEW.—

15 (1) IN GENERAL.—Beginning on the date of the
16 enactment of this Act, the Comptroller General shall
17 conduct a review of the following:

18 (A) The criteria used by the Office to se-
19 lect projects to be carried out using American
20 Recovery and Reinvestment Act funds.

21 (B) The extent to which lessons learned
22 during previous accelerations of defense envi-
23 ronmental cleanup efforts were used in the de-
24 velopment of such criteria.

1 (C) The process used by the Office to esti-
2 mate costs and develop schedules for such
3 projects.

4 (D) The process used by the Office for the
5 independent validation of the scope, cost, and
6 schedule for such projects.

7 (E) The criteria and methodology used by
8 the Office to measure the contribution of each
9 such project toward reducing the overall costs,
10 and meeting the goals, of defense environmental
11 cleanup.

12 (2) REPORT.—Not later than 30 days after the
13 date of the enactment of this Act, the Comptroller
14 General shall submit to the congressional defense
15 committees a report containing the results of the re-
16 view conducted under paragraph (1).

17 (c) PHASE TWO REVIEW.—

18 (1) IN GENERAL.—The Comptroller General
19 shall conduct a review, during the period described
20 in paragraph (2), of the following:

21 (A) The implementation of each project
22 carried out using American Recovery and Rein-
23 vestment Act funds.

1 (B) The extent to which each such project
2 is meeting the cost and scheduling goals of the
3 project.

4 (C) The number of jobs created or main-
5 tained through such projects.

6 (D) The adequacy of contract oversight for
7 such projects.

8 (E) Any technical problems or other prob-
9 lems in connection with such projects that are
10 identified by the Comptroller General in the
11 course of the review.

12 (F) Any management and implementation
13 issues or actions, or other systemic issues, iden-
14 tified by the Comptroller General in the course
15 of the review that either hinder or assist the ef-
16 fective management of defense environmental
17 cleanup efforts.

18 (2) PERIOD DESCRIBED.—The period described
19 in this paragraph is the period—

20 (A) beginning on the date on which the
21 Comptroller General submits the report re-
22 quired under subsection (b)(2); and

23 (B) ending on the later of—

24 (i) the date on which all projects car-
25 ried out using American Recovery and Re-

1 investment Act funds have been completed;
2 or

3 (ii) the date on which all American
4 Recovery and Reinvestment Act funds have
5 been obligated or expended or are no
6 longer available to be obligated or ex-
7 pended.

8 (3) REPORTS.—The Comptroller General shall
9 submit to the congressional defense committees a re-
10 port on the status of the review conducted under
11 paragraph (1) not later than 30 days after submit-
12 ting the report required under subsection (b)(2) and
13 every 120 days thereafter until the end of the period
14 described in paragraph (2).

15 (d) PHASE THREE REVIEW.—

16 (1) IN GENERAL.—Beginning on the date on
17 which the Comptroller General submits the last re-
18 port required under subsection (c)(3), the Comp-
19 troller General shall conduct a review of the fol-
20 lowing:

21 (A) The implementation of all projects car-
22 ried out using American Recovery and Reinvest-
23 ment Act funds, including the number of such
24 projects that were completed, that were not
25 completed, that were completed on budget, that

1 exceeded the budget for such project, that were
2 completed on schedule, and that exceeded the
3 scheduling goals for such project.

4 (B) The impact on employment as a result
5 of the completion of such projects.

6 (C) Any lessons learned as a result of ac-
7 celerating such projects.

8 (D) The extent to which the achievement
9 of the overall goals of defense environmental
10 cleanup were accelerated, and the overall costs
11 of defense environmental cleanup were reduced,
12 as a result of such projects.

13 (E) Any other issues the Comptroller Gen-
14 eral considers appropriate with respect to such
15 projects.

16 (2) REPORT.—Not later than 90 days after
17 submitting the last report required under subsection
18 (c)(3), the Comptroller General shall submit to the
19 congressional defense committees a report containing
20 the results of the review conducted under paragraph
21 (1).

22 (e) AMERICAN RECOVERY AND REINVESTMENT ACT
23 FUNDS DEFINED.—In this section, the term “American
24 Recovery and Reinvestment Act funds” means funds made
25 available for the Office of Environmental Management

1 under the heading “DEFENSE ENVIRONMENTAL CLEAN-
2 UP” under the heading “ENVIRONMENTAL AND
3 OTHER DEFENSE ACTIVITIES” under the heading
4 “DEPARTMENT OF ENERGY” under title IV of divi-
5 sion A of the American Recovery and Reinvestment Act
6 of 2009 (Public Law 111–5; 123 Stat. 140).

7 **SEC. 3135. IDENTIFICATION IN BUDGET MATERIALS OF**
8 **AMOUNTS FOR CERTAIN DEPARTMENT OF**
9 **ENERGY PENSION OBLIGATIONS.**

10 The Secretary of Energy shall include in the budget
11 justification materials submitted to Congress in support
12 of the Department of Energy budget for a fiscal year (as
13 submitted with the budget of the President under section
14 1105(a) of title 31, United States Code) specific identi-
15 fication, as a budgetary line item, of the amounts required
16 to meet the pension obligations of the Department of En-
17 ergy for contractor employees at each facility of the De-
18 partment of Energy operated using amounts authorized
19 to be appropriated for the Department of Energy.

20 **SEC. 3136. EXPANSION OF AUTHORITY OF OMBUDSMAN OF**
21 **ENERGY EMPLOYEES OCCUPATIONAL ILL-**
22 **NESS COMPENSATION PROGRAM.**

23 (a) IN GENERAL.—Section 3686 of the Energy Em-
24 ployees Occupational Illness Compensation Program Act
25 of 2000 (42 U.S.C. 7385s–15) is amended—

1 (1) in subsection (c), by inserting “and subtitle
2 B” after “this subtitle” each place it appears;

3 (2) in subsection (d), by inserting “and subtitle
4 B” after “this subtitle”;

5 (3) in subsection (e), by inserting “and subtitle
6 B” after “this subtitle” each place it appears;

7 (4) by redesignating subsection (g) as sub-
8 section (h); and

9 (5) by inserting after subsection (f) the fol-
10 lowing new subsection:

11 “(g) NATIONAL INSTITUTE FOR OCCUPATIONAL
12 SAFETY AND HEALTH OMBUDSMAN.—In carrying out the
13 duties of the Ombudsman under this section, the Ombuds-
14 man shall work with the individual employed by the Na-
15 tional Institute for Occupational Safety and Health to
16 serve as an ombudsman to individuals making claims
17 under subtitle B.”.

18 (b) CONSTRUCTION.—Except as specifically provided
19 in subsection (g) of section 3686 of the Energy Employees
20 Occupational Illness Compensation Program Act of 2000,
21 as amended by subsection (a) of this section, nothing in
22 the amendments made by such subsection (a) shall be con-
23 strued to alter or affect the duties and functions of the
24 individual employed by the National Institute for Occupa-
25 tional Safety and Health to serve as an ombudsman to

1 individuals making claims under subtitle B of the Energy
2 Employees Occupational Illness Compensation Program
3 Act of 2000 (42 U.S.C. 7384l et seq.).

4 **SEC. 3137. COMPTROLLER GENERAL STUDY OF STOCKPILE**
5 **STEWARDSHIP PROGRAM.**

6 (a) IN GENERAL.—The Comptroller General of the
7 United States shall conduct a study of the stockpile stew-
8 ardsHIP program established under section 4201 of the
9 Atomic Energy Defense Act (50 U.S.C. 2521) to deter-
10 mine if the program was functioning, as of December
11 2008, as envisioned when the program was established.

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

14 (1) An assessment of whether the capabilities
15 determined to be necessary to maintain the nuclear
16 weapons stockpile without nuclear testing have been
17 implemented and the extent to which such capabili-
18 ties are functioning.

19 (2) A review and description of the agreements
20 governing use, management, and support of the ca-
21 pabilities developed for the stockpile stewardship
22 program and an assessment of enforcement of, and
23 compliance with, those agreements.

1 (3) An assessment of plans for surveillance and
2 testing of nuclear weapons in the stockpile and the
3 extent of the compliance with such plans.

4 (4) An assessment of—

5 (A) the condition of the infrastructure at
6 the plants and laboratories of the nuclear weap-
7 ons complex;

8 (B) the value of nuclear weapons facilities
9 built after 1992;

10 (C) any plans that are in place to main-
11 tain, improve, or replace such infrastructure;

12 (D) whether there is a validated require-
13 ment for all planned infrastructure replacement
14 projects; and

15 (E) the projected costs for each such
16 project and the timeline for completion of each
17 such project.

18 (5) An assessment of the efforts to ensure and
19 maintain the intellectual and technical capability of
20 the nuclear weapons complex to support the nuclear
21 weapons stockpile.

22 (6) Recommendations for the stockpile steward-
23 ship program going forward.

24 (c) REPORT.—Not later than 270 days after the date
25 of the enactment of this Act, the Comptroller General shall

1 submit to the congressional defense committees a report
2 containing the results of the study required by subsection
3 (a).

4 **SEC. 3138. SENSE OF THE SENATE ON PRODUCTION OF MO-**
5 **LYBDENUM-99.**

6 (a) FINDINGS.—The Senate makes the following
7 findings:

8 (1) There are fewer than five reactors around
9 the world currently capable of producing molyb-
10 denum-99 (Mo-99) and there are no such reactors
11 in the United States that can provide a reliable sup-
12 ply of Mo-99 to meet medical needs.

13 (2) Since November 2007, there have been
14 major disruptions in the global availability of Mo-
15 99, including at facilities in Canada and the Nether-
16 lands, which have led to shortages of Mo-99-based
17 medical products in the United States and around
18 the world.

19 (3) Ensuring a reliable supply of medical
20 radioisotopes, including Mo-99, is of great impor-
21 tance to the public health.

22 (4) It is also a national security priority of the
23 United States, and specifically of the Department of
24 Energy, to encourage the production of low-enriched

1 uranium-based radioisotopes in order to promote a
2 more peaceful international nuclear order.

3 (5) The National Academy of Sciences has
4 identified a need to establish a reliable capability in
5 the United States for the production of Mo-99 and
6 its derivatives for medical purposes using low-en-
7 riched uranium.

8 (6) There also exists a capable industrial base
9 in the United States that can support the develop-
10 ment of Mo-99 production facilities and can conduct
11 the processing and distribution of radiopharma-
12 ceutical products for use in medical tests worldwide.

13 (b) SENSE OF THE SENATE.—It is the sense of the
14 Senate that—

15 (1) radioisotopes and radiopharmaceuticals, in-
16 cluding Mo-99 and its derivatives, are essential com-
17 ponents of medical tests that help diagnose and
18 treat life-threatening diseases affecting millions of
19 people each year; and

20 (2) the Secretary of Energy should continue
21 and expand a program to meet the need identified
22 by the National Academy of Sciences to ensure a
23 source of Mo-99 and its derivatives for use in med-
24 ical tests to help ensure the health security of the
25 United States and around the world and promote

1 peaceful nuclear industries through the use of low-
2 enriched uranium.

3 **TITLE XXXII—DEFENSE NU-**
4 **CLEAR FACILITIES SAFETY**
5 **BOARD**

6 **SEC. 3201. AUTHORIZATION.**

7 There are authorized to be appropriated for fiscal
8 year 2010, \$26,086,000 for the operation of the Defense
9 Nuclear Facilities Safety Board under chapter 21 of the
10 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

11 **TITLE XXXIII—MARITIME**
12 **ADMINISTRATION**

13 **SEC. 3301. MARITIME ADMINISTRATION.**

14 Section 109 of title 49, United States Code, is
15 amended to read as follows:

16 **“§ 109. Maritime Administration**

17 “(a) ORGANIZATION.—The Maritime Administration
18 is an administration in the Department of Transportation.

19 “(b) MARITIME ADMINISTRATOR.—The head of the
20 Maritime Administration is the Maritime Administrator,
21 who is appointed by the President by and with the advice
22 and consent of the Senate. The Administrator shall report
23 directly to the Secretary of Transportation and carry out
24 the duties prescribed by the Secretary.

1 “(c) DEPUTY MARITIME ADMINISTRATOR.—The
2 Maritime Administrator shall have a Deputy Maritime Ad-
3 ministrator, who is appointed in the competitive service
4 by the Secretary, after consultation with the Adminis-
5 trator. The Deputy Administrator shall carry out the du-
6 ties prescribed by the Administrator. The Deputy Admin-
7 istrator shall be Acting Administrator during the absence
8 or disability of the Administrator and, unless the Sec-
9 retary designates another individual, during a vacancy in
10 the office of Administrator.

11 “(d) DUTIES AND POWERS VESTED IN SEC-
12 RETARY.—All duties and powers of the Maritime Adminis-
13 tration are vested in the Secretary.

14 “(e) REGIONAL OFFICES.—The Maritime Adminis-
15 tration shall have regional offices for the Atlantic, Gulf,
16 Great Lakes, and Pacific port ranges, and may have other
17 regional offices as necessary. The Secretary shall appoint
18 a qualified individual as Director of each regional office.
19 The Secretary shall carry out appropriate activities and
20 programs of the Maritime Administration through the re-
21 gional offices.

22 “(f) INTERAGENCY AND INDUSTRY RELATIONS.—
23 The Secretary shall establish and maintain liaison with
24 other agencies, and with representative trade organiza-
25 tions throughout the United States, concerned with the

1 transportation of commodities by water in the export and
2 import foreign commerce of the United States, for the pur-
3 pose of securing preference to vessels of the United States
4 for the transportation of those commodities.

5 “(g) DETAILING OFFICERS FROM ARMED FORCES.—

6 To assist the Secretary in carrying out duties and powers
7 relating to the Maritime Administration, not more than
8 five officers of the armed forces may be detailed to the
9 Secretary at any one time, in addition to details author-
10 ized by any other law. During the period of a detail, the
11 Secretary shall pay the officer an amount that, when
12 added to the officer’s pay and allowances as an officer in
13 the armed forces, make the officer’s total pay and allow-
14 ances equal to the amount that would be paid to an indi-
15 vidual performing work the Secretary considers to be of
16 similar importance, difficulty, and responsibility as that
17 performed by the officer during the detail.

18 “(h) CONTRACTS AND AUDITS.—

19 “(1) CONTRACTS.—In the same manner that a
20 private corporation may make a contract within the
21 scope of its authority under its charter, the Sec-
22 retary may make contracts for the United States
23 Government and disburse amounts to—

1 “(A) carry out the Secretary’s duties and
2 powers under this section and subtitle V of title
3 46; and

4 “(B) protect, preserve, and improve collat-
5 eral held by the Secretary to secure indebted-
6 ness.

7 “(2) AUDITS.—The financial transactions of
8 the Secretary under paragraph (1) shall be audited
9 by the Comptroller General. The Comptroller Gen-
10 eral shall allow credit for an expenditure shown to
11 be necessary because of the nature of the business
12 activities authorized by this section or subtitle V of
13 title 46. At least once a year, the Comptroller Gen-
14 eral shall report to Congress any departure by the
15 Secretary from this section or subtitle V of title 46.

16 “(i) AUTHORIZATION OF APPROPRIATIONS.—

17 “(1) IN GENERAL.—Except as otherwise pro-
18 vided in this subsection, there are authorized to be
19 appropriated such amounts as may be necessary to
20 carry out the duties and powers of the Secretary re-
21 lating to the Maritime Administration.

22 “(2) LIMITATIONS.—Only those amounts spe-
23 cifically authorized by law may be appropriated for
24 the use of the Maritime Administration for—

1 “(A) acquisition, construction, or recon-
2 struction of vessels;

3 “(B) construction-differential subsidies in-
4 cident to the construction, reconstruction, or re-
5 conditioning of vessels;

6 “(C) costs of national defense features;

7 “(D) payments of obligations incurred for
8 operating-differential subsidies;

9 “(E) expenses necessary for research and
10 development activities, including reimbursement
11 of the Vessel Operations Revolving Fund for
12 losses resulting from expenses of experimental
13 vessel operations;

14 “(F) the Vessel Operations Revolving
15 Fund;

16 “(G) National Defense Reserve Fleet ex-
17 penses;

18 “(H) expenses necessary to carry out part
19 B of subtitle V of title 46; and

20 “(I) other operations and training expenses
21 related to the development of waterborne trans-
22 portation systems, the use of waterborne trans-
23 portation systems, and general administration.

24 “(3) TRAINING VESSELS.—Amounts may not be
25 appropriated for the purchase or construction of

1 training vessels for State maritime academies unless
2 the Secretary has approved a plan for sharing train-
3 ing vessels between State maritime academies.”.

1 **DIVISION D—FUNDING TABLES**

2 **SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TA-**
3 **BLES.**

4 (a) **IN GENERAL.**—Whenever a funding table in this
5 division specifies a dollar amount authorized for a project,
6 program, or activity, the obligation and expenditure of the
7 specified dollar amount for the project, program, or activ-
8 ity is hereby authorized, subject to the availability of ap-
9 propriations.

10 (b) **MERIT-BASED DECISIONS.**—Decisions by agency
11 heads to commit, obligate, or expend funds with or to a
12 specific entity on the basis of a dollar amount authorized
13 pursuant to subsection (a) shall be based on authorized,
14 transparent, statutory criteria, or merit-based selection
15 procedures in accordance with the requirements of sec-
16 tions 2304(k) and 2374 of title 10, United States Code,
17 and other applicable provisions of law.

18 (c) **RELATIONSHIP TO TRANSFER AND REPROGRAM-**
19 **MING AUTHORITY.**—An amount specified in the funding
20 tables in this division may be transferred or repro-
21 grammed under a transfer or reprogramming authority
22 provided by another provision of this Act or by other law.
23 The transfer or reprogramming of an amount specified in
24 such funding tables shall not count against a ceiling on
25 such transfers or reprogrammings under section 1001 of

1 this Act or any other provision of law, unless such transfer
2 or reprogramming would move funds between appropria-
3 tion accounts.

4 (d) ORAL AND WRITTEN COMMUNICATIONS.—No
5 oral or written communication concerning any amount
6 specified in the funding tables in this division shall
7 supercede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

PROCUREMENT (In Thousands of Dollars)							
Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	AIRCRAFT PROCUREMENT, ARMY						
	AIRCRAFT						
	FIXED WING						
001	JOINT CARGO AIRCRAFT (JCA)						
002	UTILITY F/W AIRCRAFT						
003	MQ-1 UAV	24	401,364	-12	-200,000	12	201,364
	Avoid forward funding of production				[-200,000]		
004	RQ-11 (RAVEN)	618	35,008			618	35,008
004A	C-12A						
	ROTARY WING						
006	ARMED RECONNAISSANCE HELICOPTER						
007	ADVANCE PROCUREMENT (CY)						
008	HELICOPTER, LIGHT UTILITY (LUH)	54	326,040			54	326,040
009	AH-64 APACHE BLOCK III	8	161,280			8	161,280
010	ADVANCE PROCUREMENT (CY)						
011	UH-60 BLACKHAWK (MYP)	79	1,258,374			79	1,258,374
012	ADVANCE PROCUREMENT (CY)						
013	CH-47 HELICOPTER	35	860,087			35	860,087
	Multiyear procurement execution				22,000		22,000
					[22,000]		

014	ADVANCE PROCUREMENT (CY)	50,676	50,676
015	HELICOPTER NEW TRAINING	19,639	19,639
	MODIFICATION OF AIRCRAFT		
016	MQ-1 PAYLOAD—UAS	87,424	87,424
017	MQ-1 WEAPONIZATION—UAS	14,832	14,832
018	GUARDRAIL MODS (MIP)	61,517	61,517
019	MULTI SENSOR ABN RECON (MIP)	21,457	21,457
020	AH-64 MODS	426,415	431,915
	Fuselage manufacturing		5,500
		[5,500]
021	ADVANCE PROCUREMENT (CY)		
022	CH-47 CARGO HELICOPTER MODS (MYP)	102,876	80,876
	Multiyear procurement execution		-22,000
		[-22,000]
023	ADVANCE PROCUREMENT (CY)	39,547	39,547
024	UTILITY/CARGO AIRPLANE MODS	823	823
025	AIRCRAFT LONG RANGE MODS	66,682	87,082
026	UTILITY HELICOPTER MODS		20,400
	UH-60A to UH-60L conversion		[20,400]
027	KIOWA WARRIOR	140,768	140,768
028	AIRBORNE AVIONICS	241,287	241,287
029	GATM ROLLUP	103,142	103,142
030	RQ-7 UAV MODS	283,012	283,012
030A	C-12A		
	SPARES AND REPAIR PARTS		
031	SPARE PARTS (AIR)	7,083	7,083
	SUPPORT EQUIPMENT AND FACILITIES		
	GROUND SUPPORT AVIONICS		
032	AIRCRAFT SURVIVABILITY EQUIPMENT	25,975	25,975
033	ASE INFRARED CM	186,356	186,356
	OTHER SUPPORT		
034	AVIONICS SUPPORT EQUIPMENT	4,933	4,933
035	COMMON GROUND EQUIPMENT	87,682	87,682
036	AIRCREW INTEGRATED SYSTEMS	52,725	55,725
	Air warrior ensemble—generation III		3,000
037	AIR TRAFFIC CONTROL	76,999	76,999

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
038	INDUSTRIAL FACILITIES		1,533				1,533
039	LAUNCHER, 2.75 ROCKET		2,716				2,716
040	AIRBORNE COMMUNICATIONS		11,109				11,109
	TOTAL—AIRCRAFT PROCUREMENT, ARMY		5,315,991		-171,100		5,144,891
	MISSILE PROCUREMENT, ARMY						
	OTHER MISSILES						
	SURFACE-TO-AIR MISSILE SYSTEM						
001	PATRIOT SYSTEM SUMMARY	59	348,351			59	348,351
002	PATRIOT/HEADS CAP SYSTEM SUMMARY		16,406				16,406
003	SURFACE-LAUNCHED AMRAAM SYSTEM SUMMARY:	13	72,920			13	72,920
004	ADVANCE PROCUREMENT (CY)						
	AIR-TO-SURFACE MISSILE SYSTEM						
005	HELLFIRE SYS SUMMARY	240	31,154			240	31,154
	ANTI-TANK/ASSAULT MISSILE SYSTEM						
006	JAVELIN (AAWS-M) SYSTEM SUMMARY	470	148,649			470	148,649
007	TOW 2 SYSTEM SUMMARY	1165	108,066			1165	108,066
008	GUIDED MLRS ROCKET (GMLRS)	2628	293,617			2628	293,617
009	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	2064	15,663			2064	15,663
010	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS)	46	209,061			46	209,061
011	ARMY TACTICAL MSL SYS (ATACMS)—SYS SUM						
	MODIFICATIONS						
012	PATRIOT MODS		44,775				44,775
	Command & control modifications						5,000
	[5,000]						
013	ITAS/TOW MODS		6,983				6,983
014	MLRS MODS		3,662				3,662
015	HIMARS MODIFICATIONS		38,690				38,690

016	HELLFIRE MODIFICATIONS	10	10
	SPARES AND REPAIR PARTS		
017	SPARES AND REPAIR PARTS	22,338	22,338
	SUPPORT EQUIPMENT AND FACILITIES		
018	AIR DEFENSE TARGETS	4,188	4,188
019	ITEMS LESS THAN \$5.0M (MISSILES)	1,178	1,178
020	PRODUCTION BASE SUPPORT	4,398	4,398
	TOTAL—MISSILE PROCUREMENT, ARMY	1,370,109	1,375,109
	PROCUREMENT OF WEAPONS & TRACKED COMBAT VEHICLES		
	TRACKED COMBAT VEHICLES		
001	BRADLEY PROGRAM		
002	BRADLEY TRAINING DEVICES (MOD)		
003	ABRAMS TANK TRAINING DEVICES		
004	STRYKER VEHICLE	388,596	388,596
005	FUTURE COMBAT SYSTEMS: (FCS)		
006	ADVANCE PROCUREMENT (CY)		
007	FCS SPIN OUTS	285,920	285,920
008	ADVANCE PROCUREMENT (CY)	42,001	42,001
	MODIFICATION OF TRACKED COMBAT VEHICLES		
009	FIST VEHICLE (MOD)	34,192	34,192
010	BRADLEY PROGRAM (MOD)	526,356	526,356
011	HOWITZER, MED SP FT 155MM M109A6 (MOD)	96,503	96,503
012	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	96,814	96,814
013	ARMORED BREACHER VEHICLE	63,250	63,250
014	JOINT ASSAULT BRIDGE	70,637	70,637
015	M1 ABRAMS TANK (MOD)	183,829	183,829
016	ABRAMS UPGRADE PROGRAM	185,611	185,611
	SUPPORT EQUIPMENT & FACILITIES		
017	ITEMS LESS THAN \$5.0M (TCV-WTCV)	6,601	6,601
018	PRODUCTION BASE SUPPORT (TCV-WTCV)		
	WEAPONS AND OTHER COMBAT VEHICLES		
019	HOWITZER, LIGHT, TOWED, 105MM, M119	70	95,631

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
020	M240 MEDIUM MACHINE GUN (7.62MM)	2010	32,919			2010	32,919
021	MACHINE GUN, CAL .50 M2 ROLL	4825	84,588			4825	84,588
022	LIGHTWEIGHT .50 CALIBER MACHINE GUN		977				977
023	M249 SAW MACHINE GUN (5.56MM)	1550	7,535			1550	7,535
024	MK-19 GRENADE MACHINE GUN (40MM)	349	7,700			349	7,700
025	MORTAR SYSTEMS	315	14,779			315	14,779
026	M107, CAL 50, SNIPER RIFLE		224				224
027	XM250 GRENADE LAUNCHER MODULE (GLM)	4740	16,023			4740	16,023
028	M110 SEMI-AUTOMATIC SNIPER SYSTEM (SASS)	448	6,223			448	6,223
029	M4 CARBINE	12000	20,500			12000	20,500
030	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	3738	6,945			3738	6,945
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO)						
032	HANDGUN	5000	3,389			5000	3,389
033	HOWITZER LT WT 155MM (T)	17	49,572			17	49,572
	MOD OF WEAPONS AND OTHER COMBAT VEH						
034	MK-19 GRENADE MACHINE GUN MODS		8,164				8,164
035	M4 CARBINE MODS		31,472				31,472
036	M2 50 CAL MACHINE GUN MODS		7,738				7,738
037	M249 SAW MACHINE GUN MODS		7,833				7,833
038	M240 MEDIUM MACHINE GUN MODS		17,964				17,964
039	PHALANX MODS						
040	M119 MODIFICATIONS		25,306				25,306
041	M16 RIFLE MODS		4,186				4,186
041A	M14 7.62 RIFLE MODS		6,164				6,164
042	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV)						
	SUPPORT EQUIPMENT & FACILITIES						
043	ITEMS LESS THAN \$5.0M (WOCV-WTCV)		551				551
044	PRODUCTION BASE SUPPORT (WOCV-WTCV)		9,855				9,855

045	INDUSTRIAL PREPAREDNESS	392	392
046	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	5,012	5,012
	TOTAL—PROCUREMENT OF WTCV, ARMY	2,451,952	2,451,952
	PROCUREMENT OF AMMUNITION, ARMY		
	AMMUNITION		
	SMALL/MEDIUM CALIBER AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	207,752	207,752
002	CTG, 7.62MM, ALL TYPES	77,602	77,602
003	CTG, HANDGUN, ALL TYPES	5,120	5,120
004	CTG, .50 CAL, ALL TYPES	162,342	162,342
005	CTG, 25MM, ALL TYPES	17,054	17,054
006	CTG, 30MM, ALL TYPES	96,572	96,572
007	CTG, 40MM, ALL TYPES	172,675	172,675
	MORTAR AMMUNITION		
008	60MM MORTAR, ALL TYPES	23,607	26,607
	Additional ammunition		3,000
	[3,000]		
009	81MM MORTAR, ALL TYPES	28,719	28,719
010	CTG, MORTAR, 120MM, ALL TYPES	104,961	104,961
	TANK AMMUNITION		
011	CTG TANK 105MM: ALL TYPES	7,741	7,741
012	CTG, TANK, 120MM, ALL TYPES	113,483	113,483
	ARTILLERY AMMUNITION		
013	CTG, ARTY, 75MM: ALL TYPES	5,229	5,229
014	CTG, ARTY, 105MM: ALL TYPES	90,726	90,726
015	CTG, ARTY, 155MM, ALL TYPES	54,546	54,546
016	PROJ 155MM EXTENDED RANGE XM982	62,292	62,292
017	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T	33,441	33,441
	ARTILLERY FUZES		
018	ARTILLERY FUZES, ALL TYPES	19,870	19,870
	MINES		
019	MINES, ALL TYPES	815	815
020	MINE, CLEARING CHARGE, ALL TYPES		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
021	ANTI-PERSONNEL LANDMINE ALTERNATIVES		56,387				56,387
022	INTELLIGENT MUNITIONS SYSTEM (IMS), ALL TYPES		19,507				19,507
	ROCKETS						
023	SHOULDER LAUNCHED MUNITIONS, ALL TYPES		45,302				45,302
024	ROCKET, HYDRA 70, ALL TYPES		99,904				99,904
	OTHER AMMUNITION						
025	DEMOLITION MUNITIONS, ALL TYPES		18,793				18,793
026	GRENADES, ALL TYPES		49,910				49,910
027	SIGNALS, ALL TYPES		83,094				83,094
028	SIMULATORS, ALL TYPES		12,081				12,081
	MISCELLANEOUS						
029	AMMO COMPONENTS, ALL TYPES		17,968				17,968
030	NON-LETHAL AMMUNITION, ALL TYPES		7,378				7,378
031	CAD/PAD ALL TYPES		3,353				3,353
032	ITEMS LESS THAN \$5 MILLION		8,826				8,826
033	AMMUNITION PECULIAR EQUIPMENT		11,187				11,187
034	FIRST DESTINATION TRANSPORTATION (AMMO)		14,354				14,354
035	CLOSEOUT LIABILITIES		99				99
	AMMUNITION PRODUCTION BASE SUPPORT						
	PRODUCTION BASE SUPPORT						
036	PROVISION OF INDUSTRIAL FACILITIES		151,943		5,000		156,943
	Bomb line modernization				[5,000]		
037	LAYAWAY OF INDUSTRIAL FACILITIES		9,529				9,529
038	MAINTENANCE OF INACTIVE FACILITIES		8,772				8,772
039	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL		145,777				145,777
040	ARMS INITIATIVE		3,184				3,184
	TOTAL—PROCUREMENT OF AMMUNITION, ARMY		2,051,895		8,000		2,059,895

OTHER PROCUREMENT, ARMY					
TACTICAL AND SUPPORT VEHICLES					
TACTICAL VEHICLES					
001	TACTICAL TRAILERS/DOLLY SETS	8037	95,893	8037	95,893
002	SEMITRAILERS, FLATBED:	290	20,870	290	20,870
003	SEMITRAILERS, TANKERS	70	13,217	70	13,217
004	HT MOB MULTI-PURP WHLDD VEH (HMMWV)	1770	281,123	1770	281,123
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	3889	1,158,522	3889	1,158,522
006	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMENTS		17,575		17,575
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)		812,918		812,918
008	PLS ESP		18,973		18,973
009	ARMORED SECURITY VEHICLES (ASV)		136,605		136,605
010	MINE PROTECTION VEHICLE FAMILY	150	402,517	150	312,517
	Reassessment of program requirement				-90,000
					[-90,000]
011	FAMILY OF MINE RESISTANT AMBUSH PROTEC (MIRAP)				
012	TRUCK, TRACTOR, LINE HAUL, M915/M916	310	74,703	310	74,703
013	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV P		180,793		180,793
014	HMMWV RECAPITALIZATION PROGRAM		2,904		2,904
015	MODIFICATION OF IN-SVC EQUIP		10,314		10,314
016	ITEMS LESS THAN \$5.0M (TAC VEH)		298		298
017	TOWING DEVICE-FIFTH WHEEL		414		414
NON-TACTICAL VEHICLES					
018	HEAVY ARMORED SEDAN		1,980		1,980
019	PASSENGER CARRYING VEHICLES		269		269
020	NONTACTICAL VEHICLES, OTHER		3,052		3,052
COMMUNICATIONS AND ELECTRONICS EQUIPMENT					
COMM-JOINT COMMUNICATIONS					
021	COMBAT IDENTIFICATION PROGRAM				
022	JOINT COMBAT IDENTIFICATION MARKING SYSTEM		11,868		11,868
023	WIN-T-GROUND FORCES TACTICAL NETWORK		544,202		544,202
024	JCSE EQUIPMENT (USREDCOM)		4,868		4,868
COMM-SATELLITE COMMUNICATIONS					
025	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS (S)		145,108		145,108

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
026	SHF TERM		90,918				90,918
027	SAT TERM, EMUT (SPACE)		653				653
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)		72,735				72,735
029	SMART-T (SPACE)		61,116				61,116
030	SCAMP (SPACE)		1,834				1,834
031	GLOBAL BRDCST SVC—GBS		6,849				6,849
032	MOD OF IN-SVC EQUIP (TAC SAT)		2,862				2,862
	COMM—COMBAT SUPPORT COMM						
032A	MOD-IN-SERVICE PROFILER						
	COMM—C3 SYSTEM						
033	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)		22,996				22,996
	COMM—COMBAT COMMUNICATIONS						
034	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)		1,705				1,705
035	JOINT TACTICAL RADIO SYSTEM		90,204		-55,200		35,004
	Testing delays in JTRS GMR				[-55,200]		
036	RADIO TERMINAL SET, MIDS LVT(2)		8,549				8,549
037	SINGGARS FAMILY		6,812				6,812
038	AMC CRITICAL ITEMS—OPA2						
038A	SINGGARS—GROUND						
039	MULTI-PURPOSE INFORMATIONS OPERATIONS SYSTEMS						
040	BRIDGE TO FUTURE NETWORKS		6,164				6,164
041	COMMS-ELEC EQUIP FIELDING						
042	SPIDER-APLA REMOTE CONTROL UNIT		21,820				21,820
043	IMS REMOTE CONTROL UNIT		9,256				9,256
044	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS		4,646				4,646
045	COMBAT SURVIVOR EVADER LOCATOR (CSEL)		2,367				2,367
046	RADIO, IMPROVED HF (COTS) FAMILY		6,555				6,555
047	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)		18,583				18,583

048	COMM—INTELLIGENCE COMM	1,414	1,414
	CI AUTOMATION ARCHITECTURE (MIP)		
	INFORMATION SECURITY		
049	TSIRC—ARMY KEY MGT SYS (AKMS)	29,525	29,525
050	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	33,189	33,189
	COMM—LONG HAUL COMMUNICATIONS		
051	TERRESTRIAL TRANSMISSION	1,890	1,890
052	BASE SUPPORT COMMUNICATIONS	25,525	25,525
053	ELECTROMAG COMP PROG (EMCP)		
054	WW TECH CON IMP PROG (WVTCIP)	31,256	31,256
	COMM—BASE COMMUNICATIONS		
055	INFORMATION SYSTEMS	216,057	216,057
056	DEFENSE MESSAGE SYSTEM (DMS)	6,203	6,203
057	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM (.....	147,111	147,111
058	PENTAGON INFORMATION MGT AND TELECOM	39,906	39,906
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
061	ALL SOURCE ANALYSIS SYS (ASAS) (MIP)		
062	JTT/CBS-M (MIP)	3,279	3,279
063	PROPHET GROUND (MIP)	64,498	64,498
064	TACTICAL UNMANNED AERIAL SYS (TUAS) MIP		
065	SMALL UNMANNED AERIAL SYSTEM (SUAS)		
066	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP)		
067	DRUG INTERDICTION PROGRAM (DIP) (TIARA)		
068	TACTICAL EXPLOITATION SYSTEM (MIP)		
069	DCGS-A (MIP)	85,354	85,354
070	JOINT TACTICAL GROUND STATION (JTAGS)	6,703	3
	Program reduction		-6,700
			[-6,700]
071	TROJAN (MIP)	26,659	26,659
072	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	7,021	7,021
073	CI HUMINT AUTO REPERTING AND COLL (CHARCS) (MIP)	4,509	4,509
074	SEQUOYAH FOREIGN LANGUAGE TRANSLATION SYSTEM	6,420	6,420
075	ITEMS LESS THAN \$5.0M (MIP)	17,053	17,053
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
076	LIGHTWEIGHT COUNTER MORTAR RADAR	31,661	31,661

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
077	WARLOCK		1,284				1,284
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES						
079	CI MODERNIZATION (MIP)		1,221				1,221
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)						
080	SENTINEL MODS		25,863				25,863
081	SENSE THROUGH THE WALL (STTW)		25,352				25,352
082	NIGHT VISION DEVICES		366,820		-100,000		266,820
	Contractor production delays in ENVG line				[-100,000]		
083	LONG RANGE ADVANCED SCOUT SURVEILLANCE SYSTEM		133,836				133,836
084	NIGHT VISION, THERMAL WPN SIGHT		313,237				313,237
085	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF		9,179				9,179
086	RADIATION MONITORING SYSTEMS		2,198				2,198
087	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM)						
088	BASE EXPEDITIONARY TARGETING AND SURV SYS						
089	ARTILLERY ACCURACY EQUIP						
090	MOD OF IN-SVC EQUIP (MMS)		5,838				5,838
091	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE		1,178				1,178
092	PROFLER		4,766				4,766
093	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)		2,801				2,801
094	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)		271,979				271,979
095	JOINT BATTLE COMMAND—PLATFORM (JBC-P)		17,242				17,242
096	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD)		59,080				59,080
097	COMPUTER BALLISTICS: LHMC XM32						
098	MORTAR FIRE CONTROL SYSTEM		15,520				15,520
099	COUNTERFIRE RADARS		194,665				194,665
100	INTEGRATED MET SYS SENSORS (DMETS)—MIP						
101	ENHANCED SENSOR & MONITORING SYSTEM		1,944				1,944
	ELECT EQUIP—TACTICAL C2 SYSTEMS						

102	TACTICAL OPERATIONS CENTERS	29,934	29,934
103	FIRE SUPPORT C2 FAMILY	39,042	39,042
104	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC)	31,968	31,968
105	FAAD C2	8,289	8,289
106	AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD)	62,439	62,439
107	KNIGHT FAMILY	80,831	80,831
108	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,778	1,778
109	AUTOMATIC IDENTIFICATION TECHNOLOGY	31,542	31,542
110	TC AIMS II	11,124	11,124
111	JOINT NETWORK MANAGEMENT SYSTEM (JNMS)		
112	TACTICAL INTERNET MANAGER		
113	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	53,898	53,898
114	MANEUVER CONTROL SYSTEM (MCS)	77,646	77,646
115	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	46,861	46,861
116	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	11,118	11,118
117	MOUNTED BATTLE COMMAND ON THE MOVE (MBCOTM)	926	926
	ELECT EQUIP—AUTOMATION		
118	GENERAL FUND ENTERPRISE BUSINESS SYSTEM	85,801	85,801
119	ARMY TRAINING MODERNIZATION	12,823	12,823
120	AUTOMATED DATA PROCESSING EQUIP	254,723	254,723
121	CSS COMMUNICATIONS	33,749	33,749
122	RESERVE COMPONENT AUTOMATION SYS (RCAS)	39,675	39,675
	ELECT EQUIP—AUDIO VISUAL SYS (AV)		
123	AFRPTS		
124	ITEMS LESS THAN \$5.0M (AV)	2,709	2,709
125	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT)	5,172	5,172
	ELECT EQUIP—MODS TACTICAL SYS/EQ		
126	WEAPONIZATION OF UNMANNED AERIAL SYSTEM (UAS)		
	ELECT EQUIP—SUPPORT		
127	ITEMS UNDER \$5M (SSE)		
128	PRODUCTION BASE SUPPORT (C-E)	518	518
	CLASSIFIED PROGRAMS	2,522	2,522
	OTHER SUPPORT EQUIPMENT		
	CHEMICAL DEFENSIVE EQUIPMENT		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
129	PROTECTIVE SYSTEMS		2,081				2,081
130	CBRN SOLDIER PROTECTION		108,334				108,334
131	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM)		7,135				7,135
	BRIDGING EQUIPMENT						
132	TACTICAL BRIDGING		58,509				58,509
133	TACTICAL BRIDGE, FLOAT-RIBBON		135,015				135,015
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT						
134	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST		42,264				42,264
135	GRND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS)		56,123		7,000		63,123
	FIDO explosives detector				[7,000]		
136	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)		49,333				49,333
137	< \$5M, COUNTERMINE EQUIPMENT		3,479				3,479
138	AERIAL DETECTION		11,200				11,200
	COMBAT SERVICE SUPPORT EQUIPMENT						
139	HEATERS AND ECUS		11,924				11,924
140	LAUNDRIES, SHOWERS AND LATRINES						
141	SOLDIER ENHANCEMENT		4,071				4,071
142	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)						
142A	LAND WARRIOR						
143	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)		6,981				6,981
144	GROUND SOLDIER SYSTEM		1,809				1,809
145	MOUNTED SOLDIER SYSTEM		1,085				1,085
146	FORCE PROVIDER						
147	FIELD FEEDING EQUIPMENT		57,872				57,872
148	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM		66,381				66,381
149	MOBILE INTEGRATED REMAINS COLLECTION SYSTEM		16,585				16,585
150	ITEMS LESS THAN \$5M (ENG SPT)		25,531				25,531
	PETROLEUM EQUIPMENT						

151	QUALITY SURVEILLANCE EQUIPMENT		84,019	
152	DISTRIBUTION SYSTEMS, PETROLEUM & WATER			
	WATER EQUIPMENT			
153	WATER PURIFICATION SYSTEMS	7,173		7,173
154	MEDICAL EQUIPMENT			
	COMBAT SUPPORT MEDICAL	33,694		41,994
	Combat casualty care equipment upgrade program			8,300
	[8,300]			
	MAINTENANCE EQUIPMENT			
155	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	137,002		137,002
156	ITEMS LESS THAN \$5.0M (MAINT EQ)	812		812
	CONSTRUCTION EQUIPMENT			
157	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	50,897		50,897
158	SKID STEER LOADER (SSL) FAMILY OF SYSTEM	18,387		18,387
159	SCRAPERS, EARTHMOVING			
160	DISTR, WATER, SP MIN 2500G SEC/NON-SEC			
161	MISSION MODULES—ENGINEERING			
162	LOADERS	44,420		44,420
163	HYDRAULIC EXCAVATOR	20,824		20,824
164	TRACTOR, FULL TRACKED	18,785		18,785
165	CRANES	50,102		50,102
166	PLANT, ASPHALT MIXING	12,915		12,915
167	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS	36,451		36,451
168	CONST EQUIP ESP	8,391		8,391
169	ITEMS LESS THAN \$5.0M (CONST EQUIP)	12,562		12,562
	RAIL FLOAT CONTAINERIZATION EQUIPMENT			
170	JOINT HIGH SPEED VESSEL (JHSV)	183,666		183,666
171	HARBORMASTER COMMAND AND CONTROL CENTER (HCCC)	10,962		10,962
172	ITEMS LESS THAN \$5.0M (FLOAT/RAIL)	6,785		6,785
	GENERATORS			
173	GENERATORS AND ASSOCIATED EQUIP	146,067		146,067
	MATERIAL HANDLING EQUIPMENT			
174	ROUGH TERRAIN CONTAINER HANDLER (RTCH)	41,239		41,239
175	ALL TERRAIN LIFTING ARMY SYSTEM	44,898		44,898
	TRAINING EQUIPMENT			

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
176	COMBAT TRAINING CENTERS SUPPORT		22,967				22,967
177	TRAINING DEVICES, NONSYSTEM		261,348		22,440		283,788
	Operator driving simulator				[5,000]		
	Immersive group simulation virtual training system				[5,500]		
	Joint fires & effects training systems (JFETS)				[5,000]		
	Urban training instrumentation				[2,000]		
	Virtual interactive combat environment (VICE)				[4,940]		
178	CLOSE COMBAT TACTICAL TRAINER		65,155				65,155
179	AVIATION COMBINED ARMS TACTICAL TRAINER (AVCA)		12,794				12,794
180	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING		7,870				7,870
	TEST MEASURE AND DIG EQUIPMENT (TMD)						
181	CALIBRATION SETS EQUIPMENT		16,844				16,844
182	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)		101,320				101,320
183	TEST EQUIPMENT MODERNIZATION (TEMOD)		15,526				15,526
	OTHER SUPPORT EQUIPMENT						
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT		21,770				21,770
185	PHYSICAL SECURITY SYSTEMS (OPA3)		49,758				49,758
186	BASE LEVEL COM'L EQUIPMENT		1,303				1,303
187	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)		53,884				53,884
188	PRODUCTION BASE SUPPORT (OTH)		3,050				3,050
189	BUILDING, PRE-FAB, RELOCATABLE						
190	SPECIAL EQUIPMENT FOR USER TESTING		45,516				45,516
191	AMC CRITICAL ITEMS OPA3		12,232				12,232
192	MAS975		4,492				4,492
	SPARES AND REPAIR PARTS						
	OPA2						
193	INITIAL SPARES—C&E		25,867				25,867
194	WIN-T INCREMENT 2 SPARES		9,758				9,758

194a	Procurement of computer services/systems			-75,000		-75,000
	Eliminate redundant activities			[-75,000]		
	TOTAL—OTHER PROCUREMENT, ARMY		9,907,151	-289,160		9,617,991
	JOINT IMPROVED EXPLOSIVE DEVICE DEFEAT FUND					
	NETWORK ATTACK					
001	ATTACK THE NETWORK		203,100	-203,100		
	Transfer to OCO			[-203,100]		
	JIEDDO DEVICE DEFEAT					
002	DEFEAT THE DEVICE		199,100	-199,100		
	Transfer to OCO			[-199,100]		
	FORCE TRAINING					
003	TRAIN THE FORCE		41,100	-41,100		
	Transfer to OCO			[-41,100]		
	STAFF AND INFRASTRUCTURE					
004	OPERATIONS		121,550	-121,550		
	Transfer to OCO			[-121,550]		
	TOTAL—JOINT IED DEFEAT FUND		564,850	-564,850		
	AIRCRAFT PROCUREMENT, NAVY					
	COMBAT AIRCRAFT					
001	AV-8B (V/STOL) HARRIER					
002	EA-18G	22	1,611,837		22	1,611,837
003	ADVANCE PROCUREMENT (CY)		20,559			20,559
004	F/A-18E/F (FIGHTER) HORNET	9	1,009,537	560,000	18	1,569,537
	Additional aircraft			[560,000]		
005	ADVANCE PROCUREMENT (CY)		51,431			51,431
006	JOINT STRIKE FIGHTER	20	3,997,048		20	3,997,048
007	ADVANCE PROCUREMENT (CY)		481,000			481,000
008	V-22 (MEDIUM LIFT)	30	2,215,829		30	2,215,829
009	ADVANCE PROCUREMENT (CY)		84,342			84,342
010	UH-1Y/AH-1Z	28	709,801	-282,900	18	426,901
					-10	

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	Maintain production at FY 09 level				[-282,900]		
011	ADVANCE PROCUREMENT (CY)		70,550				70,550
012	MH-60S (MYP)	18	414,145			18	414,145
013	ADVANCE PROCUREMENT (CY)		78,830				78,830
014	MH-60R	24	811,781			24	811,781
015	ADVANCE PROCUREMENT (CY)		131,504				131,504
016	P-8A POSEIDON	6	1,664,525			6	1,664,525
017	ADVANCE PROCUREMENT (CY)		160,526				160,526
018	E-2D ADV HAWKEYE	2	511,245			2	511,245
019	ADVANCE PROCUREMENT (CY)		94,924				94,924
	AIRLIFT AIRCRAFT						
020	C-40A	1	74,381			1	74,381
	TRAINER AIRCRAFT						
021	T-45TS (TRAINER) GOSHAWK						
022	JPATS	38	266,539			38	266,539
	OTHER AIRCRAFT						
023	KC-130J						
024	ADVANCE PROCUREMENT (CY)						
025	RQ-7 UAV	11	56,797			11	56,797
026	MQ-8 UAV	5	77,616			5	77,616
027	OTHER SUPPORT AIRCRAFT						
	MODIFICATION OF AIRCRAFT						
028	EA-6 SERIES		39,977				39,977
029	AV-8 SERIES		35,668				35,668
030	F-18 SERIES		484,129				484,129
031	H-46 SERIES		35,325				35,325
032	AH-1W SERIES		66,461				66,461
033	H-53 SERIES		68,197				68,197

034	SH-60 SERIES	82,253	82,253
035	H-1 SERIES	20,040	20,040
036	EP-3 SERIES	92,530	92,530
037	P-3 SERIES	485,171	485,171
038	S-3 SERIES		
039	E-2 SERIES	22,853	22,853
040	TRAINER A/C SERIES	20,907	20,907
041	C-2A	21,343	21,343
042	C-130 SERIES	22,449	22,449
043	FEWSG	9,486	9,486
044	CARGO/TRANSPORT A/C SERIES	19,429	19,429
045	E-6 SERIES	102,646	102,646
046	EXECUTIVE HELICOPTERS SERIES	42,456	42,456
047	SPECIAL PROJECT AIRCRAFT	14,869	14,869
048	T-45 SERIES	51,484	51,484
049	POWER PLANT CHANGES	26,395	26,395
050	JPATS SERIES	4,922	4,922
051	AVIATION LIFE SUPPORT MODS	5,594	5,594
052	COMMON ECM EQUIPMENT	47,419	47,419
053	COMMON AVIONICS CHANGES	151,112	151,112
054	COMMON DEFENSIVE WEAPON SYSTEM		
055	ID SYSTEMS	24,125	24,125
056	V-22 (TILT/ROTOR ACFT) OSPREY	24,502	24,502
057	AIRCRAFT SPARES AND REPAIR PARTS SPARES AND REPAIR PARTS	1,264,012	1,264,012
058	AIRCRAFT SUPPORT EQUIP & FACILITIES COMMON GROUND EQUIPMENT	363,588	363,588
059	AIRCRAFT INDUSTRIAL FACILITIES	11,075	11,075
060	WAR CONSUMABLES	55,406	55,406
061	OTHER PRODUCTION CHARGES	23,861	23,861
062	SPECIAL SUPPORT EQUIPMENT	42,147	42,147
063	FIRST DESTINATION TRANSPORTATION	1,734	1,734
064	CANCELLED ACCOUNT ADJUSTMENTS		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	TOTAL—AIRCRAFT PROCUREMENT, NAVY		18,378,312		277,100		18,655,412
	WEAPONS PROCUREMENT, NAVY						
	BALLISTIC MISSILES						
	MODIFICATION OF MISSILES						
001	TRIDENT II MODS	24	1,060,504			24	1,060,504
	SUPPORT EQUIPMENT & FACILITIES						
002	MISSILE INDUSTRIAL FACILITIES		3,447				3,447
	OTHER MISSILES						
	STRATEGIC MISSILES						
003	TOMAHAWK	196	283,055			196	283,055
	TACTICAL MISSILES						
004	AMRAAM	79	145,506			79	145,506
005	SIDEWINDER	161	56,845			161	56,845
006	JSOW	430	145,336			430	145,336
007	SLAM-ER						
008	STANDARD MISSILE	62	249,233			62	249,233
009	RAM	90	74,784			90	74,784
010	HELIFIRE	818	59,411			818	59,411
011	AERIAL TARGETS		47,003				47,003
012	OTHER MISSILE SUPPORT		3,928				3,928
	MODIFICATION OF MISSILES						
013	ESSM	50	51,388			50	51,388
014	HARM MODS		47,973				47,973
015	STANDARD MISSILES MODS		81,451				81,451
	SUPPORT EQUIPMENT & FACILITIES						
016	WEAPONS INDUSTRIAL FACILITIES		3,211				3,211
	Accelerate facility restoration program						30,000
							[30,000]

017	FLEET SATELLITE COMM FOLLOW-ON						
018	ADVANCE PROCUREMENT (CY)	487,280	1	32,000	487,280		
	MUOS UHF augmentation—transfer from PE 33109N (RDN 192)	28,847		[32,000]	60,847		
019	ORDNANCE SUPPORT EQUIPMENT						
	ORDNANCE SUPPORT EQUIPMENT	48,883			48,883		
	TORPEDOES AND RELATED EQUIPMENT						
	TORPEDOES AND RELATED EQUIP.						
020	SSTD						
021	ASW TARGETS	9,288			9,288		
	MOD OF TORPEDOES AND RELATED EQUIP						
022	MK-46 TORPEDO MODS	94,159			94,159		
023	MK-48 TORPEDO ADCAP MODS	61,608			61,608		
024	QUICKSTRIKE MINE	4,680			4,680		
	SUPPORT EQUIPMENT						
025	TORPEDO SUPPORT EQUIPMENT	39,869			39,869		
026	ASW RANGE SUPPORT	10,044			10,044		
	DESTINATION TRANSPORTATION						
027	FIRST DESTINATION TRANSPORTATION	3,434			3,434		
	OTHER WEAPONS						
	GUNS AND GUN MOUNTS						
028	SMALL ARMS AND WEAPONS	12,742			12,742		
	MODIFICATION OF GUNS AND GUN MOUNTS						
029	CIWS MODS	158,896			158,896		
030	COAST GUARD WEAPONS	21,157			21,157		
031	GUN MOUNT MODS	30,761			30,761		
032	LCS MODULE WEAPONS						
033	CRUISER MODERNIZATION WEAPONS	51,227			51,227		
034	AIRBORNE MINE NEUTRALIZATION SYSTEMS	12,309			12,309		
	OTHER						
035	MARINE CORPS TACTICAL UNMANNED AERIAL SYSTEM						
036	CANCELLED ACCOUNT ADJUSTMENTS						
	SPARES AND REPAIR PARTS						
037	SPARES AND REPAIR PARTS	65,196			65,196		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	TOTAL—WEAPONS PROCUREMENT, NAVY		3,453,455		62,000		3,515,455
	PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS						
	PROC AMMO, NAVY						
	NAVY AMMUNITION						
001	GENERAL PURPOSE BOMBS		75,227				75,227
002	JDAM		1,968				1,968
003	AIRBORNE ROCKETS, ALL TYPES		38,643				38,643
004	MACHINE GUN AMMUNITION		19,622				19,622
005	PRACTICE BOMBS		33,803				33,803
006	CARTRIDGES & CART ACTUATED DEVICES		50,600				50,600
007	AIR EXPENDABLE COUNTERMEASURES		79,102				79,102
008	JAVOS		3,230				3,230
009	5 INCH/54 GUN AMMUNITION		27,483				27,483
010	INTERMEDIATE CALIBER GUN AMMUNITION		25,974				25,974
011	OTHER SHIP GUN AMMUNITION		35,934				35,934
012	SMALL ARMS & LANDING PARTY AMMO		43,490				43,490
013	PYROTECHNIC AND DEMOLITION		10,623				10,623
014	AMMUNITION LESS THAN \$5 MILLION		3,214				3,214
	PROC AMMO, MC						
	MARINE CORPS AMMUNITION						
015	SMALL ARMS AMMUNITION		87,781				87,781
016	LINEAR CHARGES, ALL TYPES		23,582				23,582
017	40 MM, ALL TYPES		57,291				57,291
018	60MM, ALL TYPES		22,037				22,037
019	81MM, ALL TYPES		54,869				54,869
020	120MM, ALL TYPES		29,579				29,579
021	CTG 25MM, ALL TYPES		2,259				2,259

022	GRENADÉS, ALL TYPES	10,694	10,694
023	ROCKETS, ALL TYPES	13,948	13,948
024	ARTILLERY, ALL TYPES	57,948	57,948
025	EXPEDITIONARY FIGHTING VEHICLE		
026	DEMOLITION MUNITIONS, ALL TYPES	14,886	14,886
027	FUZE, ALL TYPES	575	575
028	NON LETHALS	3,034	3,034
029	AMMO MODERNIZATION	8,886	8,886
030	ITEMS LESS THAN \$5 MILLION	4,393	4,393
	TOTAL—PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS.	840,675	840,675

**SHIPBUILDING AND CONVERSION, NAVY
OTHER WARSHIPS**

001	CARRIER REPLACEMENT PROGRAM	739,269	739,269
002	ADVANCE PROCUREMENT (CY)	484,432	484,432
003	VIRGINIA CLASS SUBMARINE		
004	ADVANCE PROCUREMENT (CY)	1,964,317	1,964,317
005	CVN REFUELING OVERHAULS	1,959,725	1,959,725
006	ADVANCE PROCUREMENT (CY)	1,563,602	1,563,602
007	SSBN ERO	211,820	211,820
008	ADVANCE PROCUREMENT (CY)		
009	DDG 1000	1,084,161	1,084,161
010	ADVANCE PROCUREMENT (CY)		
011	DDG-51	1,912,267	1,912,267
012	ADVANCE PROCUREMENT (CY)	328,996	328,996
013	LITTORAL COMBAT SHIP	1,380,000	1,380,000
	AMPHIBIOUS SHIPS		
014	LPD-17		
015	ADVANCE PROCUREMENT (CY)	872,392	872,392
016	LHA REPLACEMENT	184,555	184,555
017	ADVANCE PROCUREMENT (CY)		
018	INTRATHEATER CONNECTOR	177,956	177,956

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST							
019	OUTFITTING		391,238				391,238
020	SERVICE CRAFT		3,694				3,694
021	LCAC SLEP	3	63,857			3	63,857
022	COMPLETION OF PY SHIPBUILDING PROGRAMS		454,586				454,586
	TOTAL—SHIPBUILDING AND CONVERSION, NAVY		13,776,867				13,776,867
OTHER PROCUREMENT, NAVY							
SHIPS SUPPORT EQUIPMENT							
SHIP PROPULSION EQUIPMENT							
001	LM-2500 GAS TURBINE		8,014				8,014
002	ALLISON 501K GAS TURBINE		9,162				9,162
003	OTHER PROPULSION EQUIPMENT						
NAVIGATION EQUIPMENT							
004	OTHER NAVIGATION EQUIPMENT		34,743				34,743
PERISCOPES							
005	SUB PERISCOPES & IMAGING EQUIP		75,127				75,127
OTHER SHIPBOARD EQUIPMENT							
006	DDG MOD		142,262				142,262
007	FIREFIGHTING EQUIPMENT		11,423				15,423
	Smart valves for fire suppression				4,000		[4,000]
008	COMMAND AND CONTROL SWITCHBOARD		4,383				4,383
009	POLLUTION CONTROL EQUIPMENT		24,992				24,992
010	SUBMARINE SUPPORT EQUIPMENT		16,867				16,867
011	VIRGINIA CLASS SUPPORT EQUIPMENT		103,153				103,153
012	SUBMARINE BATTERIES		51,482				51,482
013	STRATEGIC PLATFORM SUPPORT EQUIP		15,672				15,672

014	DSSP EQUIPMENT	10,641	10,641
015	CG MODERNIZATION	315,323	315,323
016	LCAC	6,642	6,642
017	MINESWEEPING EQUIPMENT		
018	UNDERWATER EOD PROGRAMS	19,232	19,232
019	ITEMS LESS THAN \$5 MILLION	127,554	127,554
020	CHEMICAL WARFARE DETECTORS	8,899	8,899
021	SUBMARINE LIFE SUPPORT SYSTEM	14,721	14,721
	REACTOR PLANT EQUIPMENT		
022	REACTOR POWER UNITS		
023	REACTOR COMPONENTS	262,354	262,354
	OCEAN ENGINEERING		
024	DIVING AND SALVAGE EQUIPMENT	5,304	5,304
	SMALL BOATS		
025	STANDARD BOATS	35,318	35,318
	TRAINING EQUIPMENT		
026	OTHER SHIPS TRAINING EQUIPMENT	15,113	15,113
	PRODUCTION FACILITIES EQUIPMENT		
027	OPERATING FORCES IPE	47,172	47,172
	OTHER SHIP SUPPORT		
028	NUCLEAR ALTERATIONS	136,683	136,683
029	LCS MODULES	137,259	137,259
	LOGISTIC SUPPORT		
030	LSD MIDLIFE	117,856	117,856
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT		
	SHIP RADARS		
031	RADAR SUPPORT	9,968	9,968
032	SPQ-9B RADAR	13,476	13,476
033	AN/SQQ-89 SURF ASW COMBAT SYSTEM	111,093	111,093
034	SSN ACOUSTICS	299,962	303,962
	TB-33 thinline towed array		4,000
			[4,000]
035	UNDERSEA WARFARE SUPPORT EQUIPMENT	38,705	38,705
036	SONAR SWITCHES AND TRANSDUCERS	13,537	13,537
	ASW ELECTRONIC EQUIPMENT		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
037	SUBMARINE ACOUSTIC WARFARE SYSTEM		20,681				20,681
038	SSTD		2,184				2,184
039	FIXED SURVEILLANCE SYSTEM		63,017				63,017
040	SURTASS		24,108				24,108
041	TACTICAL SUPPORT CENTER		22,464				22,464
042	ELECTRONIC WARFARE EQUIPMENT						
	AN/SLQ-32		34,264				34,264
043	RECONNAISSANCE EQUIPMENT						
	SHIPBOARD IW EXPLOIT		105,883				105,883
044	SUBMARINE SURVEILLANCE EQUIPMENT						
	SUBMARINE SUPPORT EQUIPMENT PROG		98,645				98,645
045	OTHER SHIP ELECTRONIC EQUIPMENT						
	NAVY TACTICAL DATA SYSTEM		30,522				30,522
046	COOPERATIVE ENGAGEMENT CAPABILITY		13,594				13,594
047	GCCS-M EQUIPMENT		35,933				35,933
048	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)		7,314				7,314
049	ATDLS		79,091				79,091
050	MINESWEEPING SYSTEM REPLACEMENT		7,835				7,835
051	SHALLOW WATER MCM		10,845				10,845
052	NAVSTAR GPS RECEIVERS (SPACE)		3,333				3,333
053	ARMED FORCES RADIO AND TV		4,149				4,149
054	STRATEGIC PLATFORM SUPPORT EQUIP		36,784				36,784
055	TRAINING EQUIPMENT						
	OTHER TRAINING EQUIPMENT		17,468				17,468
056	AVIATION ELECTRONIC EQUIPMENT						
	MATCALS		7,970				7,970
057	SHIPBOARD AIR TRAFFIC CONTROL		18,878				18,878
058	AUTOMATIC CARRIER LANDING SYSTEM						

059	NATIONAL AIR SPACE SYSTEM	28,988	28,988
060	AIR STATION SUPPORT EQUIPMENT	8,203	8,203
061	MICROWAVE LANDING SYSTEM	10,526	10,526
062	ID SYSTEMS	38,682	38,682
063	TAC A/C MISSION PLANNING SYS (TAMPS)	9,102	9,102
064	OTHER SHORE ELECTRONIC EQUIPMENT		
064	DEPLOYABLE JOINT COMMAND AND CONT	8,719	8,719
065	TADIX-B	793	793
066	GCOS-M EQUIPMENT TACTICAL/MOBILE	11,820	11,820
067	COMMON IMAGERY GROUND SURFACE SYSTEMS	27,632	27,632
068	CANES	1,181	1,181
069	RADIAC	5,990	5,990
070	GPETE	3,737	3,737
071	INTEG COMBAT SYSTEM TEST FACILITY	4,423	4,423
072	EMI CONTROL INSTRUMENTATION	4,778	4,778
073	ITEMS LESS THAN \$5 MILLION	65,760	65,760
074	SHIPBOARD COMMUNICATIONS		
074	SHIPBOARD TACTICAL COMMUNICATIONS		
075	PORTABLE RADIOS		
076	SHIP COMMUNICATIONS AUTOMATION		
077	AN/URC-82 RADIO		
078	COMMUNICATIONS ITEMS UNDER \$5M	310,605	310,605
079	SUBMARINE COMMUNICATIONS		
079	SUBMARINE BROADCAST SUPPORT	105	105
080	SUBMARINE COMMUNICATION EQUIPMENT	48,729	48,729
081	SATELLITE COMMUNICATIONS		
081	SATELLITE COMMUNICATIONS SYSTEMS	50,172	50,172
082	NAVY MULTIBAND TERMINAL (NMT)	72,496	72,496
083	SHORE COMMUNICATIONS		
083	JCS COMMUNICATIONS EQUIPMENT	2,322	2,322
084	ELECTRICAL POWER SYSTEMS	1,293	1,293
085	NAVAL SHORE COMMUNICATIONS	2,542	2,542
086	CRYPTOGRAPHIC EQUIPMENT		
086	INFO SYSTEMS SECURITY PROGRAM (ISSP)	119,054	119,054

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
087	CRYPTOLOGIC COMMUNICATIONS EQUIP		16,839				16,839
	OTHER ELECTRONIC SUPPORT						
088	COAST GUARD EQUIPMENT		18,892				18,892
	DRUG INTERDICTION SUPPORT						
089	OTHER DRUG INTERDICTION SUPPORT						
	AVIATION SUPPORT EQUIPMENT						
	SONOBUOYS						
090	SONOBUOYS—ALL TYPES		91,976				91,976
	AIRCRAFT SUPPORT EQUIPMENT						
091	WEAPONS RANGE SUPPORT EQUIPMENT		75,329				75,329
092	EXPEDITIONARY AIRFIELDS		8,343				8,343
093	AIRCRAFT REARMING EQUIPMENT		12,850				12,850
094	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT		48,670				48,670
095	METEOROLOGICAL EQUIPMENT		21,458				21,458
096	OTHER PHOTOGRAPHIC EQUIPMENT		1,582				1,582
097	AVIATION LIFE SUPPORT		27,367				27,367
098	AIRBORNE MINE COUNTERMEASURES		55,408				55,408
099	LAMPS MK III SHIPBOARD EQUIPMENT		23,694				23,694
100	PORTABLE ELECTRONIC MAINTENANCE AIDS		9,710				9,710
101	OTHER AVIATION SUPPORT EQUIPMENT		16,541				16,541
	ORDNANCE SUPPORT EQUIPMENT						
	SHIP GUN SYSTEM EQUIPMENT						
102	NAVAL FIRES CONTROL SYSTEM		1,391				1,391
103	GUN FIRE CONTROL EQUIPMENT		7,891				7,891
	SHIP MISSILE SYSTEMS EQUIPMENT						
104	NATO SEASPARROW		13,556				13,556
105	RAM GMLS		7,762				7,762
106	SHIP SELF DEFENSE SYSTEM		34,079				34,079

107	AEGIS SUPPORT EQUIPMENT	108,886	108,886
108	TOMAHAWK SUPPORT EQUIPMENT	88,475	88,475
109	VERTICAL LAUNCH SYSTEMS	5,513	5,513
	FBM SUPPORT EQUIPMENT		
110	STRATEGIC MISSILE SYSTEMS EQUIP	155,579	155,579
	ASW SUPPORT EQUIPMENT		
111	SSN COMBAT CONTROL SYSTEMS	118,528	118,528
112	SUBMARINE ASW SUPPORT EQUIPMENT	5,200	5,200
113	SURFACE ASW SUPPORT EQUIPMENT	13,646	13,646
114	ASW RANGE SUPPORT EQUIPMENT	7,256	7,256
	OTHER ORDNANCE SUPPORT EQUIPMENT		
115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	54,069	54,069
116	ITEMS LESS THAN \$5 MILLION	3,478	3,478
	OTHER EXPENDABLE ORDNANCE		
117	ANTI-SHIP MISSILE DECOY SYSTEM	37,128	37,128
118	SURFACE TRAINING DEVICE MODS	7,430	7,430
119	SUBMARINE TRAINING DEVICE MODS	25,271	25,271
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
120	PASSENGER CARRYING VEHICLES	4,139	4,139
121	GENERAL PURPOSE TRUCKS	1,731	1,731
122	CONSTRUCTION & MAINTENANCE EQUIP	12,931	12,931
123	FIRE FIGHTING EQUIPMENT	12,976	12,976
124	TACTICAL VEHICLES	25,352	25,352
125	AMPHIBIOUS EQUIPMENT	2,950	2,950
126	POLLUTION CONTROL EQUIPMENT	5,097	5,097
127	ITEMS UNDER \$5 MILLION	23,787	23,787
128	PHYSICAL SECURITY VEHICLES	1,115	1,115
	SUPPLY SUPPORT EQUIPMENT		
129	MATERIALS HANDLING EQUIPMENT	17,153	17,153
130	OTHER SUPPLY SUPPORT EQUIPMENT	6,368	6,368
131	FIRST DESTINATION TRANSPORTATION	6,217	6,217
132	SPECIAL PURPOSE SUPPLY SYSTEMS	71,597	71,597
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT		
	TRAINING DEVICES		

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
133	TRAINING SUPPORT EQUIPMENT		12,944				12,944
	COMMAND SUPPORT EQUIPMENT						
134	COMMAND SUPPORT EQUIPMENT		55,267		1,000		56,267
	National small unit center of excellence				[-3,000]		
	Man overboard indicators				[4,000]		
135	EDUCATION SUPPORT EQUIPMENT		2,084				2,084
136	MEDICAL SUPPORT EQUIPMENT		5,517				5,517
137	NAVAL MIP SUPPORT EQUIPMENT		1,537				1,537
139	OPERATING FORCES SUPPORT EQUIPMENT		12,250				12,250
140	C4ISR EQUIPMENT		5,324				5,324
141	ENVIRONMENTAL SUPPORT EQUIPMENT		18,183				18,183
142	PHYSICAL SECURITY EQUIPMENT		128,921				128,921
143	ENTERPRISE INFORMATION TECHNOLOGY		79,747				79,747
	OTHER						
144	CANCELLED ACCOUNT ADJUSTMENTS						
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		19,463				19,463
	SPARES AND REPAIR PARTS						
145	SPARES AND REPAIR PARTS		247,796				247,796
145a	Procurement of computer services/systems				-75,000		-75,000
	Eliminate redundant activities				[-75,000]		
	TOTAL—OTHER PROCUREMENT, NAVY		5,661,176		-66,000		5,595,176
	PROCUREMENT, MARINE CORPS						
	WEAPONS AND COMBAT VEHICLES						
	TRACKED COMBAT VEHICLES						
001	AAV7A1 PIP		9,127				9,127

002	LAV PIP	34,969		34,969
003	IMPROVED RECOVERY VEHICLE (IRV)			
004	MIAI FIREPOWER ENHANCEMENTS			
	ARTILLERY AND OTHER WEAPONS		20	
005	EXPEDITIONARY FIRE SUPPORT SYSTEM	19,591		19,591
006	155MM LIGHTWEIGHT TOWED HOWITZER	7,420		7,420
007	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	71,476		71,476
008	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION	25,949		25,949
	WEAPONS			
009	MODULAR WEAPON SYSTEM			
	OTHER SUPPORT			
010	MODIFICATION KITS	33,990		33,990
011	WEAPONS ENHANCEMENT PROGRAM	22,238		22,238
	GUIDED MISSILES AND EQUIPMENT			
	GUIDED MISSILES			
012	GROUND BASED AIR DEFENSE	11,387		11,387
013	JAVELIN			
014	FOLLOW ON TO SMAW	25,333		25,333
015	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	71,225		71,225
	OTHER SUPPORT			
016	MODIFICATION KITS	2,114		2,114
	COMMUNICATIONS & ELECTRONICS EQUIPMENT			
	COMMAND AND CONTROL SYSTEMS			
017	UNIT OPERATIONS CENTER	19,832		19,832
	REPAIR AND TEST EQUIPMENT			
018	REPAIR AND TEST EQUIPMENT	31,087		31,087
	OTHER SUPPORT (TEL)			
019	COMBAT SUPPORT SYSTEM	11,368		11,368
020	MODIFICATION KITS			
	COMMAND AND CONTROL SYSTEM (NON-TEL)			
021	ITEMS UNDER \$5 MILLION (COMM & ELSEC)	3,531		3,531
022	AIR OPERATIONS C2 SYSTEMS	45,084		45,084
	RADAR + EQUIPMENT (NON-TEL)			
023	RADAR SYSTEMS	7,428		7,428

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
INTELL/COMM EQUIPMENT (NON-TEL)							
024	FIRE SUPPORT SYSTEM		2,580				2,580
025	INTELLIGENCE SUPPORT EQUIPMENT		37,581				37,581
026	RQ-11 UAV	517	42,403			517	42,403
OTHER COMM/ELEC EQUIPMENT (NON-TEL)							
027	NIGHT VISION EQUIPMENT		10,360				10,360
OTHER SUPPORT (NON-TEL)							
028	COMMON COMPUTER RESOURCES		115,263				115,263
029	COMMAND POST SYSTEMS		49,820				49,820
030	RADIO SYSTEMS		61,954				61,954
031	COMM SWITCHING & CONTROL SYSTEMS		98,254				98,254
032	COMM & ELEC INFRASTRUCTURE SUPPORT		15,531				15,531
SUPPORT VEHICLES							
ADMINISTRATIVE VEHICLES							
033	COMMERCIAL PASSENGER VEHICLES		1,265				1,265
034	COMMERCIAL CARGO VEHICLES		13,610				13,610
035	TACTICAL VEHICLES	54	9,796			54	9,796
036	MOTOR TRANSPORT MODIFICATIONS		6,111				6,111
037	MEDIUM TACTICAL VEHICLE REPLACEMENT		10,792				10,792
038	LOGISTICS VEHICLE SYSTEM REP	495	217,390			495	217,390
039	FAMILY OF TACTICAL TRAILERS		26,497				26,497
040	TRAILERS		18,122				18,122
OTHER SUPPORT							
041	ITEMS LESS THAN \$5 MILLION		5,948				5,948
ENGINEER AND OTHER EQUIPMENT							
042	ENVIRONMENTAL CONTROL EQUIP ASSORT		5,121				5,121
043	BULK LIQUID EQUIPMENT		13,035				13,035
044	TACTICAL FUEL SYSTEMS		35,059				35,059

045	POWER EQUIPMENT ASSORTED	21,033	21,033		
046	AMPHIBIOUS SUPPORT EQUIPMENT	39,876	39,876		
047	EOD SYSTEMS	93,335	93,335		
	MATERIALS HANDLING EQUIPMENT				
048	PHYSICAL SECURITY EQUIPMENT	12,169	12,169		
049	GARRISON MOBILE ENGINEER EQUIPMENT (GMBE)	11,825	11,825		
050	MATERIAL HANDLING EQUIP	41,430	41,430		
051	FIRST DESTINATION TRANSPORTATION	5,301	5,301		
	GENERAL PROPERTY				
052	FIELD MEDICAL EQUIPMENT	6,811	6,811		
053	TRAINING DEVICES	14,854	14,854		
054	CONTAINER FAMILY	3,770	3,770		
055	FAMILY OF CONSTRUCTION EQUIPMENT	37,735	37,735		
056	FAMILY OF INTERNALLY TRANSPORTABLE VEH (ITV)	10,360	10,360	52	
057	BRIDGE BOATS				
058	RAPID DEPLOYABLE KITCHEN	2,159	2,159		
	OTHER SUPPORT				
059	ITEMS LESS THAN \$5 MILLION	8,792	8,792		
	SPARES AND REPAIR PARTS				
060	SPARES AND REPAIR PARTS	41,547	41,547		
	TOTAL—PROCUREMENT, MARINE CORPS	1,600,638	1,600,638		

	AIRCRAFT PROCUREMENT, AIR FORCE				
	COMBAT AIRCRAFT				
	TACTICAL FORCES				
001	F-35	10	2,048,830	10	2,048,830
002	ADVANCE PROCUREMENT (CY)		300,600		300,600
003	F-22A	7	95,163	7	1,812,898
	Use FY 09 funds to offset FY 10 requirements				1,717,735
	Purchase additional aircraft				[-32,265]
	Unneeded production shutdown costs				[1,750,000]
	Other program requirements				[-64,000]
	ADVANCE PROCUREMENT (CY)				[64,000]
004					

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	AIRLIFT AIRCRAFT						
	TACTICAL AIRLIFT						
005	C-17A (MYP)		88,510				88,510
	OTHER AIRLIFT						
006	C-130J	3	285,632			3	285,632
007	ADVANCE PROCUREMENT (CY)		108,000				108,000
008	HC/MC-130 RECAP	9	879,231			9	879,231
009	ADVANCE PROCUREMENT (CY)		137,360				137,360
010	JOINT CARGO AIRCRAFT	8	319,050			8	319,050
	TRAINER AIRCRAFT						
	UPT TRAINERS						
011	USAF A POWERED FLIGHT PROGRAM	13	4,144			13	4,144
	OPERATIONAL TRAINERS						
012	JPATS		15,711				15,711
	OTHER AIRCRAFT						
	HELICOPTERS						
013	V22 OSPREY	5	437,272			5	437,272
014	ADVANCE PROCUREMENT (CY)		13,835				13,835
	MISSION SUPPORT AIRCRAFT						
015	C-29A FLIGHT INSPECTION ACFT						
016	C-12 A						
017	C-40	3	154,044			3	154,044
018	CIVIL AIR PATROL A/C		2,426				2,426
	OTHER AIRCRAFT						
020	TARGET DRONES		78,511				78,511
021	C-37A	1	66,400			1	66,400
022	GLOBAL HAWK	5	554,775			5	554,775
	Reduction due to program delays						
							-50,000
							[-50,000]

023	ADVANCE PROCUREMENT (CY)	113,049		113,049
024	MQ-1			
025	MQ-9	489,469	24	469,569
	Gorgon Stare			-19,900
				[-19,900]
999	CLASSIFIED PROGRAMS	3,608		3,608
	CLASSIFIED PROGRAMS			
	MODIFICATION OF IN-SERVICE AIRCRAFT			
	STRATEGIC AIRCRAFT			
026	B-2A	283,955		283,955
027	ADVANCE PROCUREMENT (CY)			
028	B-1B	107,558		107,558
029	B-52	78,788		78,788
	TACTICAL AIRCRAFT			
030	A-10	252,488		252,488
031	F-15	92,921		92,921
032	F-16	224,642		224,642
033	F-22A	350,735		350,735
	Use FY 09 funds to offset FY 10 requirements			-350,735
				[-350,735]
	AIRLIFT AIRCRAFT			
034	C-5	606,993		606,993
035	ADVANCE PROCUREMENT (CY)	108,300		108,300
036	C-9C	10		10
037	C-17A	469,731		469,731
038	C-21	562		562
039	C-32A	10,644		10,644
040	C-37A	4,336		4,336
	TRAINER AIRCRAFT			
041	GLIDER MODS	119		119
042	T-6	33,074		33,074
043	T-1	35		35
044	T-38	75,274		75,274
045	T-43			
	OTHER AIRCRAFT			
046	KC-10A (ATCA)	9,441		9,441

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
047	C-12		472				472
048	MC-12W		63,000				63,000
049	C-20 MODS		734				734
050	VC-25A MOD		15,610				15,610
051	C-40		9,162				9,162
052	C-130		354,421		-209,500		144,921
	Use FY 08 & FY 09 resources to fund AMP production				[-209,500]		
053	C130J MODS		13,627				13,627
054	C-135		150,425				150,425
055	COMPASS CALL MODS		29,187				29,187
056	DARP		107,859				107,859
057	E-3		79,263				79,263
058	E-4		73,058				73,058
059	E-8		225,973				225,973
060	H-1		18,280				18,280
061	H-60		14,201				14,201
062	GLOBAL HAWK MODS		134,864				134,864
063	HC/MC-130 MODIFICATIONS		1,964				1,964
064	OTHER AIRCRAFT		103,274		24,000		127,274
	Litening ATP upgrade kits				[24,000]		
065	MQ-1 MODS		123,889				123,889
066	MQ-9 MODS		48,837				48,837
067	CV-22 MODS		24,429				24,429
	AIRCRAFT SPARES + REPAIR PARTS		418,604				418,604
068	INITIAL SPARES/REPAIR PARTS						
	AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES						
	COMMON SUPPORT EQUIP						
069	AIRCRAFT REPLACEMENT SUPPORT EQUIP		105,820				105,820

	POST PRODUCTION SUPPORT		
070	B-1	3,929	3,929
071	B-2A		
072	B-2A	24,481	24,481
073	C-5	2,259	2,259
074	C-5	11,787	11,787
075	KC-10A (ATCA)	4,125	4,125
076	C-17A	91,400	91,400
077	C-130	28,092	28,092
078	EC-130J	5,283	5,283
079	F-15	15,744	15,744
080	F-16	19,951	19,951
081	OTHER AIRCRAFT	51,980	51,980
082	T-1		
	INDUSTRIAL PREPAREDNESS		
083	INDUSTRIAL RESPONSIVENESS	25,529	25,529
	WAR CONSUMABLES		
084	WAR CONSUMABLES	134,427	134,427
	OTHER PRODUCTION CHARGES		
085	OTHER PRODUCTION CHARGES	490,344	490,344
	OTHER PRODUCTION CHARGES—SOF		
087	CANCELLED ACCT ADJUSTMENTS		
	DARP		
088	DARP	15,323	15,323
	CLASSIFIED PROGRAMS		
999	CLASSIFIED PROGRAMS	19,443	19,443
	TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE	11,966,276	11,111,600
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	PROCUREMENT OF AMMO, AIR FORCE		
	ROCKETS		
001	ROCKETS	43,461	43,461
	CARTRIDGES		
	TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE	13,077,876	13,077,876

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
002	CARTRIDGES		123,886				123,886
	BOMBS						
003	PRACTICE BOMBS		52,459				52,459
004	GENERAL PURPOSE BOMBS		225,145				225,145
005	JOINT DIRECT ATTACK MUNITION	3592	103,041			3592	103,041
	FLARE, IR MJU-7B						
006	CAD/PAD		40,522				40,522
007	EXPLOSIVE ORDNANCE DISPOSAL (EOD)		3,302				3,302
008	SPARES AND REPAIR PARTS		4,582				4,582
009	MODIFICATIONS		1,289				1,289
010	ITEMS LESS THAN \$5,000,000		5,061				5,061
	FUZES						
011	FLARES		152,515				152,515
012	FUZES		61,037				61,037
	WEAPONS						
	SMALL ARMS						
013	SMALL ARMS		6,162				6,162
	TOTAL—PROCUREMENT OF AMMUNITION, AIR FORCE		822,462				822,462
	MISSILE PROCUREMENT, AIR FORCE						
	BALLISTIC MISSILES						
	MISSILE REPLACEMENT EQUIPMENT-BALLISTIC						
001	MISSILE REPLACEMENT EQ-BALLISTIC		58,139				58,139
	OTHER MISSILES						
	TACTICAL						
002	JASSM		52,666				52,666
003	SIDEWINDER (AIM-9X)	219	78,753			219	78,753

004	AMRAAM	196	291,827	196	291,827
005	PREDATOR HELLFIRE MISSILE	792	79,699	792	79,699
006	SMALL DIAMETER BOMB	2340	134,801	2340	134,801
	INDUSTRIAL FACILITIES				
007	INDUSTRIAL PREPAREDNESS/POL PREVENTION		841		841
	MODIFICATION OF IN-SERVICE MISSILES				
	CLASS IV				
008	ADVANCED CRUISE MISSILE		32		32
009	MM III MODIFICATIONS		199,484		199,484
010	AGM-65D MAVERICK		258		258
011	AGM-88A HARM		30,280		30,280
012	AIR LAUNCH CRUISE MISSILE (ALCM)				
	SPARES AND REPAIR PARTS				
013	MISSILE SPARES + REPAIR PARTS		70,185		70,185
	INITIAL SPARES/REPAIR PARTS				
	OTHER SUPPORT				
	SPACE PROGRAMS				
014	ADVANCED EHF	1	1,843,475	1	1,843,475
015	ADVANCE PROCUREMENT (CY)				
016	WIDEBAND GAPPILLER SATELLITES (SPACE)		201,671		201,671
017	ADVANCE PROCUREMENT (CY)		62,380		62,380
018	SPACEBORNE EQUIP (COMSEC)		9,871		9,871
019	GLOBAL POSITIONING (SPACE)		53,140		53,140
020	ADVANCE PROCUREMENT (CY)				
021	NUDET DETECTION SYSTEM				
022	DEF METEOROLOGICAL SAT PROG (SPACE)		97,764		97,764
023	TITAN SPACE BOOSTERS (SPACE)				
024	EVOLVED EXPENDABLE LAUNCH VEH (SPACE)	5	1,295,325	5	1,102,325
	EELV reduction for GPS IP8				-193,000
	EELV reduction for AFSPC4				[-88,000]
					[-105,000]
025	MEDIUM LAUNCH VEHICLE (SPACE)				
026	SBR HIGH (SPACE)	1	307,456	1	307,456
027	ADVANCE PROCUREMENT (CY)		159,000		159,000
028	NATL POLAR-ORBITING OP ENV SATELLITE		3,900		3,900

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	SPECIAL PROGRAMS						
029	DEFENSE SPACE RECONN PROGRAM		105,152				105,152
031	SPECIAL UPDATE PROGRAMS		311,070				311,070
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		853,559				853,559
	TOTAL—MISSILE PROCUREMENT, AIR FORCE		6,300,728		-193,000		6,107,728
	OTHER PROCUREMENT, AIR FORCE						
	VEHICULAR EQUIPMENT						
	CARGO + UTILITY VEHICLES						
002	MEDIUM TACTICAL VEHICLE		25,922				25,922
003	CAP VEHICLES		897				897
	SPECIAL PURPOSE VEHICLES						
004	SECURITY AND TACTICAL VEHICLES		44,603				44,603
	FIRE FIGHTING EQUIPMENT						
005	FIRE FIGHTING/CRASH RESCUE VEHICLES		27,760				27,760
	MATERIALS HANDLING EQUIPMENT						
006	HALVERSEN LOADER				12,000		12,000
	Procure additional loaders				[12,000]		
	BASE MAINTENANCE SUPPORT						
007	RUNWAY SNOW REMOV AND CLEANING EQU		24,884				24,884
008	ITEMS LESS THAN \$5,000,000 (VEHICLES)		57,243				57,243
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		18,163				18,163
	ELECTRONICS AND TELECOMMUNICATIONS						
	COMM SECURITY EQUIPMENT (COMSEC)						
009	COMSEC EQUIPMENT		209,249				209,249

010	MODIFICATIONS (COMSEC)	1,570	1,570
	INTELLIGENCE PROGRAMS		
011	INTELLIGENCE TRAINING EQUIPMENT	4,230	4,230
012	INTELLIGENCE COMM EQUIPMENT	21,965	21,965
	ELECTRONICS PROGRAMS		
013	AIR TRAFFIC CONTROL & LANDING SYS	22,591	22,591
014	NATIONAL AIRSPACE SYSTEM	47,670	47,670
015	THEATER AIR CONTROL SYS IMPROVEMEN	56,776	56,776
016	WEATHER OBSERVATION FORECAST	19,357	19,357
017	STRATEGIC COMMAND AND CONTROL	35,116	35,116
018	CHEYENNE MOUNTAIN COMPLEX	28,608	28,608
019	DRUG INTERDICTION SPT	452	452
	SPCL COMM-ELECTRONICS PROJECTS		
020	GENERAL INFORMATION TECHNOLOGY	111,282	111,282
021	AF GLOBAL COMMAND & CONTROL SYS	15,499	15,499
022	MOBILITY COMMAND AND CONTROL	8,610	8,610
023	AIR FORCE PHYSICAL SECURITY SYSTEM	137,293	137,293
024	COMBAT TRAINING RANGES	40,633	46,833
	Unmanned modular threat emitter (UMTE)		6,200
	Joint threat emitter (JTE)		[3,000]
			[3,200]
025	C3 COUNTERMEASURES	8,177	8,177
026	GCSS-AF FOS	81,579	81,579
027	THEATER BATTLE MGT C2 SYSTEM	29,687	29,687
028	AIR & SPACE OPERATIONS CTR-WPN SYS	54,093	54,093
	AIR FORCE COMMUNICATIONS		
029	BASE INFO INFRASTRUCTURE	433,859	433,859
030	USCENTCOM	38,958	38,958
031	AUTOMATED TELECOMMUNICATIONS PRG		
	DISA PROGRAMS		
032	SPACE BASED IR SENSOR PGM SPACE	34,440	34,440
033	NAVSTAR GPS SPACE	6,415	6,415
034	NUDET DETECTION SYS SPACE	15,436	15,436
035	AF SATELLITE CONTROL NETWORK SPACE	58,865	58,865
036	SPACELIFT RANGE SYSTEM SPACE	100,275	100,275

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
037	MILSATCOM SPACE		110,575		9,000		119,575
	Application software assurance				[9,000]		
038	SPACE MODS SPACE		30,594				30,594
039	COUNTERSPACE SYSTEM		29,793				29,793
	ORGANIZATION AND BASE						
040	TACTICAL C-E EQUIPMENT		240,890				240,890
041	COMBAT SURVIVOR EVADER LOCATER		35,029				35,029
042	RADIO EQUIPMENT		15,536				15,536
043	TV EQUIPMENT (AFRTV)						
044	CCTV/AUDIOVISUAL EQUIPMENT		12,961				12,961
045	BASE COMM INFRASTRUCTURE		121,049				121,049
	MODIFICATIONS						
046	COMM ELECT MODS		64,087				64,087
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP						
	PERSONAL SAFETY & RESCUE EQUIP						
047	NIGHT VISION GOGGLES		28,226				28,226
048	ITEMS LESS THAN \$5,000,000 (SAFETY)		17,223				17,223
	DEPOT PLANT + MTRLS HANDLING EQ						
049	MECHANIZED MATERIAL HANDLING EQUIP		15,449				15,449
	BASE SUPPORT EQUIPMENT						
050	BASE PROCURED EQUIPMENT		14,300				14,300
051	CONTINGENCY OPERATIONS		22,973				22,973
052	PRODUCTIVITY CAPITAL INVESTMENT		3,020				3,020
053	MOBILITY EQUIPMENT		32,855				32,855
054	ITEMS LESS THAN \$5,000,000 (BASE S)		8,195				8,195
	SPECIAL SUPPORT PROJECTS						
056	DARP RC135		23,132				23,132
057	DISTRIBUTED GROUND SYSTEMS		293,640				293,640

059	SPECIAL UPDATE PROGRAM	471,234	471,234	
060	DEFENSE SPACE RECONNAISSANCE PROG.	30,041	30,041	
	CLASSIFIED PROGRAMS			
999	CLASSIFIED PROGRAMS	13,830,722	13,830,722	
	SPARES AND REPAIR PARTS			
061	SPARES AND REPAIR PARTS	19,460	19,460	
061a	Procurement of computer services/systems		-75,000	
	Eliminate redundant activities		[-75,000]	
	TOTAL—OTHER PROCUREMENT, AIR FORCE	17,293,141	-47,800	17,245,341
	MINE RESISTANT AMBUSH PROT VEH FUND			
	MINE RESISTANT AMBUSH PROT VEH FUND			
	MINE RESISTANT AMBUSH PROT VEH FUND		1,200,000	
	Additional MIRAP vehicles to meet new requirement		[1,200,000]	
	TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND		1,200,000	1,200,000
	PROCUREMENT, DEFENSE-WIDE			
	MAJOR EQUIPMENT			
	MAJOR EQUIPMENT, AFIS			
001	MAJOR EQUIPMENT, AFIS			
	MAJOR EQUIPMENT, BTA			
002	MAJOR EQUIPMENT, BTA	8,858	8,858	
	MAJOR EQUIPMENT, DCAA			
003	ITEMS LESS THAN \$5 MILLION	1,489	1,489	
	MAJOR EQUIPMENT, DCMA			
004	MAJOR EQUIPMENT	2,012	2,012	
	MAJOR EQUIPMENT, DHRA			
005	PERSONNEL ADMINISTRATION	10,431	10,431	
	MAJOR EQUIPMENT, DISA			
017	INTERDICTION SUPPORT			
018	INFORMATION SYSTEMS SECURITY	13,449	13,449	

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
019	GLOBAL COMMAND AND CONTROL SYSTEM		7,053				7,053
020	GLOBAL COMBAT SUPPORT SYSTEM		2,820				2,820
021	TELEPORT PROGRAM		68,037				68,037
022	ITEMS LESS THAN \$5 MILLION		196,232				196,232
023	NET CENTRIC ENTERPRISE SERVICES (NCES)		3,051				3,051
024	DEFENSE INFORMATION SYSTEM NETWORK (DISN)		89,725				89,725
025	PUBLIC KEY INFRASTRUCTURE		1,780				1,780
026	JOINT COMMAND AND CONTROL PROGRAM		2,835				2,835
027	CYBER SECURITY INITIATIVE		18,188				18,188
	MAJOR EQUIPMENT, DLA						
028	MAJOR EQUIPMENT		7,728				7,728
	MAJOR EQUIPMENT, DMACT						
029	MAJOR EQUIPMENT	4	10,149			4	10,149
	MAJOR EQUIPMENT, DODEA						
030	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS		1,463				1,463
	MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGEN-						
	CY						
031	EQUIPMENT						
032	VEHICLES		50				50
033	OTHER MAJOR EQUIPMENT		7,447				7,447
	MAJOR EQUIPMENT, DTSA						
034	MAJOR EQUIPMENT		436				436
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY						
035	THAAD SYSTEM		420,300				420,300
036	SM-3		168,723				168,723
	MAJOR EQUIPMENT, NSA						
044	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)		4,013				4,013
	MAJOR EQUIPMENT, OSD						

047	MAJOR EQUIPMENT, OSD	111,487	111,487
	MAJOR EQUIPMENT, TJS		
048	MAJOR EQUIPMENT, TJS	12,065	12,065
	MAJOR EQUIPMENT, WHS		
049	WHS MOTOR VEHICLES	26,945	26,945
050	MAJOR EQUIPMENT, WHS	818,766	818,766
999	CLASSIFIED PROGRAMS		
	SPECIAL OPERATIONS COMMAND		
	AVIATION PROGRAMS		
051	ROTARY WING UPGRADES AND SUSTAINMENT	101,936	101,936
052	MH-47 SERVICE LIFE EXTENSION PROGRAM	22,958	22,958
053	MH-60 SOF MODERNIZATION PROGRAM	146,820	146,820
054	NON-STANDARD AVIATION	227,552	227,552
055	UNMANNED VEHICLES		9
056	SOF TANKER RECAPITALIZATION	34,200	34,200
057	SOF U-28	2,518	2,518
058	MC-130H, COMBAT TALON II		
059	CV-22 SOF MOD	114,553	114,553
060	MQ-1 UAV	10,930	10,930
061	MQ-9 UAV	12,671	12,671
062	STUASLO	12,223	12,223
063	C-130 MODIFICATIONS	59,950	144,950
	MC-130W multi-mission modifications		85,000
			[85,000]
064	AIRCRAFT SUPPORT	973	973
	SHIPBUILDING		
065	ADVANCED SEAL DELIVERY SYSTEM (ASDS)	5,236	5,236
066	MKS MOD1 SEAL DELIVERY VEHICLE	1,463	1,463
	AMMUNITION PROGRAMS		
067	SOF ORDNANCE REPLENISHMENT	61,360	61,360
068	SOF ORDNANCE ACQUISITION	26,791	26,791
	OTHER PROCUREMENT PROGRAMS		
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	55,080	55,080
070	SOF INTELLIGENCE SYSTEMS	72,811	72,811

PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
071	SMALL ARMS AND WEAPONS		35,235		5,000		40,235
	Advanced lightweight grenade launcher				[5,000]		
072	MARITIME EQUIPMENT MODIFICATIONS		791				791
073	SPEC APPLICATION FOR CONT						
074	SOF COMBATANT CRAFT SYSTEMS		6,156				6,156
075	SPARES AND REPAIR PARTS		2,010				2,010
076	TACTICAL VEHICLES		18,821				18,821
077	MISSION TRAINING AND PREPARATION SYSTEMS		17,265				17,265
078	COMBAT MISSION REQUIREMENTS		20,000				20,000
079	MILCON COLLATERAL EQUIPMENT		6,835				6,835
081	SOF AUTOMATION SYSTEMS		60,836				60,836
082	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES		12,401				12,401
083	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE		26,070				26,070
084	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS		550				550
085	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS		33,741		15,400		49,141
	Special operations visual augmentation systems				[15,400]		
086	SOF TACTICAL RADIO SYSTEMS		53,034		31,300		84,334
	Special operations forces multi-band inter/intra team radio				[31,300]		
087	SOF MARITIME EQUIPMENT		2,777				2,777
088	DRUG INTERDICTION		7,576				7,576
089	MISCELLANEOUS EQUIPMENT		273,998				273,998
090	SOF OPERATIONAL ENHANCEMENTS		43,081				43,081
091	PSYOP EQUIPMENT						
999	CLASSIFIED PROGRAMS		5,573				5,573
	CHEMICAL/BIOLOGICAL DEFENSE						
	CBDP						
092	Installation Force Protection		65,590				65,590

093	Individual Force Protection	92,004	4,000	96,004
	M53 joint chemical biological protection mask		[4,000]	
094	Decontamination	22,008		22,008
095	Joint Bio Defense Program (Medical)	12,740		12,740
096	Collective Protection	27,938		27,938
097	Contamination Avoidance	151,765		151,765
097a	Procurement of computer services/systems		-75,000	-75,000
	Eliminate redundant activities		[-75,000]	
	TOTAL—PROCUREMENT, DEFENSE-WIDE	3,984,352	65,700	4,050,052
	RAPID ACQUISITION FUND			
001	JOINT RAPID ACQUISITION CELL	79,300		79,300
	TOTAL—RAPID ACQUISITION FUND	79,300		79,300
	Total Procurement	105,819,330	1,397,490	107,216,820

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
AIRCRAFT PROCUREMENT, ARMY							
AIRCRAFT							
FIXED WING							
003	MQ-1 UAV	12	250,000			12	250,000
004	RQ-11 (RAVEN)	86	44,640			86	44,640
004A	C-12A	6	45,000			6	45,000
ROTARY WING							
011	UH-60 BLACKHAWK (MYP)	4	74,340			4	74,340
013	CH-47 HELICOPTER	4	141,200			4	141,200
MODIFICATION OF AIRCRAFT							
018	GUARDRAIL MODS (MIP)		50,210				50,210
019	MULTI SENSOR ABN RECON (MIP)		54,000				54,000
020	AH-64 MODS	4	315,300			4	315,300
026	UTILITY HELICOPTER MODS		2,500				2,500
027	KIOWA WARRIOR	6	94,335			6	94,335
030	RQ-7 UAV MODS		326,400				326,400
030A	C-12A		60,000				60,000
SPARES AND REPAIR PARTS							
031	SPARE PARTS (AIR)		18,200				18,200
SUPPORT EQUIPMENT AND FACILITIES							
GROUND SUPPORT AVIONICS							
033	ASE INFRARED CM		111,600				111,600
OTHER SUPPORT							

035	COMMON GROUND EQUIPMENT	23,704	23,704
036	AIRCREW INTEGRATED SYSTEMS	24,800	24,800
	TOTAL—AIRCRAFT PROCUREMENT, ARMY	1,636,229	1,636,229
	MISSILE PROCUREMENT, ARMY		
	OTHER MISSILES		
	AIR-TO-SURFACE MISSILE SYSTEM		
005	HELLFIRE SYS SUMMARY	2133	2133
	ANTI-TANK/ASSAULT MISSILE SYSTEM		
006	JAVELIN (AAWS-M) SYSTEM SUMMARY	864	864
007	TOW 2 SYSTEM SUMMARY	1294	1294
008	GUIDED MLRS ROCKET (GMLRS)	678	678
	MODIFICATIONS		
014	MLRS MODS	18,772	18,772
015	HIMARS MODIFICATIONS	32,319	32,319
	TOTAL—MISSILE PROCUREMENT, ARMY	531,570	531,570
	PROCUREMENT OF WEAPONS & TRACKED COMBAT VEHICLES		
	MODIFICATION OF TRACKED COMBAT VEHICLES		
009	FIST VEHICLE (MOD)	36,000	36,000
010	BRADLEY PROGRAM (MOD)	243,600	243,600
011	HOWITZER, MED SP FT 155MM M109A6 (MOD)	37,620	37,620
	WEAPONS AND OTHER COMBAT VEHICLES		
027	XME20 GRENADE LAUNCHER MODULE (GLM)	3643	3643
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO)	1000	1000
033	HOWITZER LT WT 155MM (T)	36	36
	MOD OF WEAPONS AND OTHER COMBAT VEH		
036	M2 50 CAL MACHINE GUN MODS	27,600	27,600
037	M249 SAW MACHINE GUN MODS	20,900	20,900
038	M240 MEDIUM MACHINE GUN MODS	4,800	4,800
040	M119 MODIFICATIONS	21,250	21,250
041A	M14 7.62 RIFLE MODS	5,800	5,800

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
043	SUPPORT EQUIPMENT & FACILITIES ITEMS LESS THAN \$5.0M (WOCV-WTCV)		5,000				5,000
	TOTAL—PROCUREMENT OF WTCV, ARMY		759,466				759,466
	PROCUREMENT OF AMMUNITION, ARMY						
	AMMUNITION						
	SMALL/MEDIUM CALIBER AMMUNITION						
001	CTG, 5.56MM, ALL TYPES		22,000				22,000
002	CTG, 7.62MM, ALL TYPES		8,300				8,300
003	CTG, HANDGUN, ALL TYPES		500				500
004	CTG, .50 CAL, ALL TYPES		26,500				26,500
006	CTG, 30MM, ALL TYPES		530				530
	MORTAR AMMUNITION						
008	60MM MORTAR, ALL TYPES		20,000				20,000
	ARTILLERY AMMUNITION						
014	CTG, ARTY, 105MM, ALL TYPES		9,200				9,200
016	PROJ 155MM EXTENDED RANGE XM982		52,200				52,200
017	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T		10,000				10,000
	ARTILLERY FUZES						
018	ARTILLERY FUZES, ALL TYPES		7,800				7,800
	MINES						
019	MINES, ALL TYPES		5,000				5,000
020	MINE, CLEARING CHARGE, ALL TYPES		7,000				7,000
	ROCKETS						
024	ROCKET, HYDRA 70, ALL TYPES		169,505				169,505
	OTHER AMMUNITION						
027	SIGNALS, ALL TYPES		100				100

030	MISCELLANEOUS				32,000	
	NON-LETHAL AMMUNITION, ALL TYPES					32,000
	TOTAL—PROCUREMENT OF AMMUNITION, ARMY				370,635	370,635
	OTHER PROCUREMENT, ARMY					
	TACTICAL AND SUPPORT VEHICLES					
	TACTICAL VEHICLES					
001	TACTICAL TRAILERS/DOLLY SETS	185	1,948	185	1,948	
002	SEMITRAILERS, FLATBED	670	40,403	670	40,403	
003	SEMITRAILERS, TANKERS	44	8,651	44	8,651	
004	HI MOB MULTI-PURP WILD VEH (HIMWV)	8444	1,251,038	8444	1,251,038	
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	1643	461,657	1643	461,657	
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)		623,230		623,230	
009	ARMORED SECURITY VEHICLES (ASV)		13,206		13,206	
012	TRUCK, TRACTOR, LINE HAUL, M915/M916	259	62,654	259	62,654	
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT					
	COMM-JOINT COMMUNICATIONS					
023	WIN-T—GROUND FORCES TACTICAL NETWORK		13,500		13,500	
028	COMM—SATELLITE COMMUNICATIONS					
029	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)		53,486		53,486	
032	SMART-T (SPACE)		26,000		26,000	
	MOD OF IN-SVC EQUIP (TAC SAT)		23,900		23,900	
	COMM—COMBAT SUPPORT COMM					
032A	MOD-IN-SERVICE PROFILER		6,070		6,070	
034	COMM—COMBAT COMMUNICATIONS					
037	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)		239		239	
	SINCGARS FAMILY		128,180		128,180	
	Unjustified program growth					-75,000
038	AMC CRITICAL ITEMS—OPA2		100,000		100,000	
046	RADIO, IMPROVED HF (COTS) FAMILY		11,286		11,286	
047	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)		18		18	
	INFORMATION SECURITY					
050	INFORMATION SYSTEM SECURITY PROGRAM-ISSP		32,095		32,095	

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
COMM—BASE COMMUNICATIONS							
055	INFORMATION SYSTEMS		330,342				330,342
057	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(.....		227,733				227,733
	ELECT EQUIP—TACT INT REL ACT (TIARA)						
062	JTT/CIBS-M (MIP)		1,660				1,660
066	DIGITAL TOPOGRAPHIC SPT SYS (DTSS) (MIP)		265				265
069	DCGS-A (MIP)		167,100				167,100
073	CI HUMINT AUTO REPTING AND COLL(CHARCS) (MIP)		34,208				34,208
075	ITEMS LESS THAN \$5.0M (MIP)		5,064				5,064
	ELECT EQUIP—ELECTRONIC WARFARE (EW)						
076	LIGHTWEIGHT COUNTER MORTAR RADAR		58,590				58,590
077	WARLOCK		164,435				164,435
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES		126,030				126,030
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)						
082	NIGHT VISION DEVICES		93,183				93,183
084	NIGHT VISION, THERMAL WPN SIGHT		25,000				25,000
085	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF		15,000				15,000
087	COUNTER-ROCKET, ARTILLERY & MORTAR (C-RAM)		150,400				150,400
091	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE		1,900				1,900
094	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2)		242,999		179,000		421,999
	Unfunded requirement				[179,000]		
095	JOINT BATTLE COMMAND—PLATFORM (JBC-P)						
096	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD)		97,020				97,020
097	COMPUTER BALLISTICS: LHMC XM32		3,780				3,780
099	COUNTERFIRE RADARS		26,000				26,000
	ELECT EQUIP—TACTICAL C2 SYSTEMS						
103	FIRE SUPPORT C2 FAMILY		14,840				14,840
104	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC)		16				16

107	KNIGHT FAMILY	178,500	178,500
113	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	58,900	58,900
114	MANEUVER CONTROL SYSTEM (MCS)	5,000	5,000
115	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	1,440	1,440
	ELECT EQUIP—SUPPORT		
	CLASSIFIED PROGRAMS	760	760
	OTHER SUPPORT EQUIPMENT		
	CHEMICAL DEFENSIVE EQUIPMENT		
129	PROTECTIVE SYSTEMS	44,460	44,460
130	CBRN SOLDIER PROTECTION	38,811	38,811
	BRIDGING EQUIPMENT		
133	TACTICAL BRIDGE, FLOAT-RIBBON	13,525	13,525
136	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	10,800	10,800
	COMBAT SERVICE SUPPORT EQUIPMENT		
140	LAUNDRIES, SHOWERS AND LATRINES	21,561	21,561
142	LIGHTWEIGHT MAINTENANCE ENCLOSURE (LME)	1,955	1,955
146	FORCE PROVIDER	245,382	245,382
147	FIELD FEEDING EQUIPMENT	4,011	4,011
150	ITEMS LESS THAN \$5M (ENG SPT)	4,987	4,987
	PETROLEUM EQUIPMENT		
152	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	58,554	58,554
	WATER EQUIPMENT		
153	WATER PURIFICATION SYSTEMS	3,017	3,017
	MEDICAL EQUIPMENT		
154	COMBAT SUPPORT MEDICAL	11,386	11,386
	MAINTENANCE EQUIPMENT		
155	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	12,365	12,365
156	ITEMS LESS THAN \$5.0M (MAINT EQ)	546	546
	CONSTRUCTION EQUIPMENT		
162	LOADERS	1,100	1,100
163	HYDRAULIC EXCAVATOR	290	290
166	PLANT, ASPHALT MIXING	2,500	2,500
167	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE) FOS	16,500	16,500
169	ITEMS LESS THAN \$5.0M (CONST EQUIP)	360	360

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	RAIL FLOAT CONTAINERIZATION EQUIPMENT						
172	ITEMS LESS THAN \$5.0M (FLOAT/RAIL)		3,550				3,550
	GENERATORS						
173	GENERATORS AND ASSOCIATED EQUIP		62,210				62,210
	MATERIAL HANDLING EQUIPMENT						
174	ROUGH TERRAIN CONTAINER HANDLER (RTCH)		54,360				54,360
175	ALL TERRAIN LIFTING ARMY SYSTEM		49,319				49,319
	TRAINING EQUIPMENT						
176	COMBAT TRAINING CENTERS SUPPORT		60,200				60,200
177	TRAINING DEVICES, NONSYSTEM		28,200				28,200
	TEST MEASURE AND DIG EQUIPMENT (TMD)						
182	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)		1,524				1,524
183	TEST EQUIPMENT MODERNIZATION (TEMOD)		3,817				3,817
	OTHER SUPPORT EQUIPMENT						
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT		27,000				27,000
187	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3)		555,950				555,950
	TOTAL—OTHER PROCUREMENT, ARMY		6,225,966		104,000		6,329,966
	JOINT IMPROVED EXPLOSIVE DEVICE DEFEAT FUND						
	NETWORK ATTACK						
001	ATTACK THE NETWORK		812,000		203,100		1,015,100
	Transfer from base budget				[203,100]		
	JIEDDO DEVICE DEFEAT						
002	DEFEAT THE DEVICE		536,000		199,100		735,100
	Transfer from base budget				[199,100]		
	FORCE TRAINING						
003	TRAIN THE FORCE		187,000		41,100		228,100

	Transfer from base budget	[41,100]	
	STAFF AND INFRASTRUCTURE		
004	OPERATIONS	121,550	121,550
	Transfer from base budget	[121,550]	
	TOTAL—JOINT IED DEFEAT FUND	564,850	2,099,850
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
010	UH-1Y/AH-1Z	55,006	55,006
	MODIFICATION OF AIRCRAFT		
028	EA-6 SERIES	45,000	45,000
029	AV-8 SERIES	28,296	28,296
030	F-18 SERIES	96,000	96,000
031	H-46 SERIES	17,485	17,485
033	H-53 SERIES	164,730	164,730
034	SH-60 SERIES	11,192	11,192
035	H-1 SERIES	11,217	11,217
037	P-3 SERIES	74,900	74,900
039	E-2 SERIES	17,200	17,200
041	C-2A	14,100	14,100
042	C-130 SERIES	52,324	52,324
049	POWER PLANT CHANGES	4,456	4,456
052	COMMON ECM EQUIPMENT	263,382	263,382
054	COMMON DEFENSIVE WEAPON SYSTEM	5,500	5,500
056	V-22 (TILT/ROTOR ACFT) OSPREY	53,500	53,500
	AIRCRAFT SPARES AND REPAIR PARTS		
057	SPARES AND REPAIR PARTS	2,265	2,265
	TOTAL—AIRCRAFT PROCUREMENT, NAVY	916,553	916,553
	WEAPONS PROCUREMENT, NAVY		
	OTHER MISSILES		
	TACTICAL MISSILES		

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
010	HELLFIRE	782	73,700			782	73,700
	TOTAL—WEAPONS PROCUREMENT, NAVY		73,700				73,700
	PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS						
	PROC AMMO, NAVY						
	NAVY AMMUNITION						
001	GENERAL PURPOSE BOMBS		40,500				40,500
003	AIRBORNE ROCKETS, ALL TYPES		42,510				42,510
004	MACHINE GUN AMMUNITION		109,200				109,200
007	AIR EXPENDABLE COUNTERMEASURES		5,501				5,501
009	5 INCH/54 GUN AMMUNITION		352				352
011	OTHER SHIP GUN AMMUNITION		2,835				2,835
012	SMALL ARMS & LANDING PARTY AMMO		14,229				14,229
013	PYROTECHNIC AND DEMOLITION		1,442				1,442
	PROC AMMO, MC						
	MARINE CORPS AMMUNITION						
015	SMALL ARMS AMMUNITION		16,930				16,930
016	LINEAR CHARGES, ALL TYPES		5,881				5,881
017	40 MM, ALL TYPES		104,824				104,824
018	60MM, ALL TYPES		43,623				43,623
019	81MM, ALL TYPES		103,647				103,647
020	120MM, ALL TYPES		62,265				62,265
021	CTG 25MM, ALL TYPES		563				563
022	GRENADAES, ALL TYPES		6,074				6,074
023	ROCKETS, ALL TYPES		8,117				8,117
024	ARTILLERY, ALL TYPES		81,975				81,975
026	DEMOLITION MUNITIONS, ALL TYPES		9,241				9,241

027	FUZE, ALL TYPES	51,071	51,071
	TOTAL—PROCUREMENT OF AMMUNITION, NAVY & MARINE CORPS.	710,780	710,780
	OTHER PROCUREMENT, NAVY SHIPS SUPPORT EQUIPMENT		
	OTHER SHIPBOARD EQUIPMENT		
018	UNDERWATER EOD PROGRAMS	12,040	12,040
	SMALL BOATS		
025	STANDARD BOATS	13,000	13,000
	COMMUNICATIONS AND ELECTRONICS EQUIPMENT		
	AVIATION ELECTRONIC EQUIPMENT		
056	MATCALS	400	400
	SHIPBOARD COMMUNICATIONS		
076	SHIP COMMUNICATIONS AUTOMATION	1,500	1,500
	AVIATION SUPPORT EQUIPMENT		
	AIRCRAFT SUPPORT EQUIPMENT		
092	EXPEDITIONARY AIRFIELDS	37,345	37,345
097	AVIATION LIFE SUPPORT	17,883	17,883
	ORDNANCE SUPPORT EQUIPMENT		
115	OTHER ORDNANCE SUPPORT EQUIPMENT		
	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	43,650	43,650
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
120	PASSENGER CARRYING VEHICLES	25	25
121	GENERAL PURPOSE TRUCKS	93	93
122	CONSTRUCTION & MAINTENANCE EQUIP	11,167	11,167
124	TACTICAL VEHICLES	54,008	54,008
127	ITEMS UNDER \$5 MILLION	10,842	10,842
128	PHYSICAL SECURITY VEHICLES	1,130	1,130
	SUPPLY SUPPORT EQUIPMENT		
129	MATERIALS HANDLING EQUIPMENT	25	25
	PERSONNEL AND COMMAND SUPPORT EQUIPMENT		

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	COMMAND SUPPORT EQUIPMENT						
134	COMMAND SUPPORT EQUIPMENT		4,000				4,000
139	OPERATING FORCES SUPPORT EQUIPMENT		15,452				15,452
140	C4ISR EQUIPMENT		3,100				3,100
142	PHYSICAL SECURITY EQUIPMENT		89,521				89,521
	SPARES AND REPAIR PARTS						
145	SPARES AND REPAIR PARTS		2,837				2,837
	TOTAL—OTHER PROCUREMENT, NAVY		318,018				318,018
	PROCUREMENT, MARINE CORPS						
	WEAPONS AND COMBAT VEHICLES						
	TRACKED COMBAT VEHICLES						
002	LAV PIP		58,229				58,229
	ARTILLERY AND OTHER WEAPONS						
006	155MM LIGHTWEIGHT TOWED HOWITZER	18	54,000			18	54,000
008	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION		3,351				3,351
	OTHER SUPPORT						
010	MODIFICATION KITS		20,183				20,183
011	WEAPONS ENHANCEMENT PROGRAM		9,151				9,151
	GUIDED MISSILES AND EQUIPMENT						
	OTHER SUPPORT						
016	MODIFICATION KITS		8,506				8,506
	COMMUNICATIONS & ELECTRONICS EQUIPMENT						
	REPAIR AND TEST EQUIPMENT						
018	REPAIR AND TEST EQUIPMENT		11,741				11,741
	OTHER SUPPORT (TEL)						
019	COMBAT SUPPORT SYSTEM		462				462

021	COMMAND AND CONTROL SYSTEM (NON-TEL)		
	ITEMS UNDER \$5 MILLION (COMM & ELSEC)	4,153	4,153
022	AIR OPERATIONS C2 SYSTEMS	3,096	3,096
	RADAR + EQUIPMENT (NON-TEL)		
023	RADAR SYSTEMS	3,417	3,417
	INTELL/COMM EQUIPMENT (NON-TEL)		
024	FIRE SUPPORT SYSTEM	521	521
025	INTELLIGENCE SUPPORT EQUIPMENT	37,547	37,547
026	RQ-11 UAV	13,000	13,000
	OTHER COMME/LEEC EQUIPMENT (NON-TEL)		
027	NIGHT VISION EQUIPMENT	12,570	12,570
	OTHER SUPPORT (NON-TEL)		
028	COMMON COMPUTER RESOURCES	23,105	23,105
029	COMMAND POST SYSTEMS	23,041	23,041
030	RADIO SYSTEMS	32,497	32,497
031	COMM SWITCHING & CONTROL SYSTEMS	2,044	2,044
032	COMM & ELEC INFRASTRUCTURE SUPPORT	64	64
	SUPPORT VEHICLES		
035	TACTICAL VEHICLES	205,036	205,036
036	MOTOR TRANSPORT MODIFICATIONS	10,177	10,177
037	MEDIUM TACTICAL VEHICLE REPLACEMENT	131,044	131,044
038	LOGISTICS VEHICLE SYSTEM REP	59,219	59,219
039	FAMILY OF TACTICAL TRAILERS	13,388	13,388
	ENGINEER AND OTHER EQUIPMENT		
042	ENVIRONMENTAL CONTROL EQUIP ASSORT	5,119	5,119
043	BULK LIQUID EQUIPMENT	4,549	4,549
044	TACTICAL FUEL SYSTEMS	33,421	33,421
045	POWER EQUIPMENT ASSORTED	24,860	24,860
047	EOD SYSTEMS	47,697	47,697
	MATERIALS HANDLING EQUIPMENT		
048	PHYSICAL SECURITY EQUIPMENT	19,720	19,720
050	MATERIAL HANDLING EQUIP	56,875	56,875
	GENERAL PROPERTY		
053	TRAINING DEVICES	157,734	157,734

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
055	FAMILY OF CONSTRUCTION EQUIPMENT		35,818				35,818
058	RAPID DEPLOYABLE KITCHEN		55				55
	OTHER SUPPORT						
059	ITEMS LESS THAN \$5 MILLION		39,055				39,055
	TOTAL—PROCUREMENT, MARINE CORPS		1,164,445				1,164,445
	AIRCRAFT PROCUREMENT, AIR FORCE						
	AIRLIFT AIRCRAFT						
	OTHER AIRLIFT						
006	C-130J		72,000				72,000
	MODIFICATION OF IN-SERVICE AIRCRAFT						
	STRATEGIC AIRCRAFT						
028	B-1B		20,500				20,500
	TACTICAL AIRCRAFT						
030	A-10		10,000				10,000
032	F-16		20,025				20,025
	AIRLIFT AIRCRAFT						
034	C-5		57,400				57,400
037	C-17A		132,300				132,300
	OTHER AIRCRAFT						
052	C-130		210,800				210,800
054	C-135		16,916				16,916
056	DARP		10,300				10,300
063	HC/MC-130 MODIFICATIONS		7,000				7,000
064	OTHER AIRCRAFT		90,000				90,000
065	MQ-1 MODS		65,000				65,000
066	MQ-9 MODS		99,200				59,200
							-40,000

[-40,000]

Reflect USAF decision to change sensor payload

AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES

POST PRODUCTION SUPPORT

076	C-17A	11,000	11,000
085	OTHER PRODUCTION CHARGES	114,000	114,000
	TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE	936,441	896,441

PROCUREMENT OF AMMUNITION, AIR FORCE

PROCUREMENT OF AMMO, AIR FORCE

001	ROCKETS	3,488	3,488
002	CARTRIDGES	39,236	39,236
	BOMBS		
004	GENERAL PURPOSE BOMBS	34,085	34,085
005	JOINT DIRECT ATTACK MUNITION	97,978	97,978
007	FLARE, IR MJU-7B		
	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	3860	3860
	FUZES		
011	FLARES	4,800	4,800
012	FUZES	41,000	41,000
	WEAPONS		
	SMALL ARMS		
013	SMALL ARMS	21,637	21,637
	TOTAL—PROCUREMENT OF AMMUNITION, AIR FORCE	256,819	256,819

MISSILE PROCUREMENT, AIR FORCE

OTHER MISSILES

TACTICAL

005	PREDATOR HELLFIRE MISSILE	385	385
006	SMALL DIAMETER BOMB	100	100

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	TOTAL—MISSILE PROCUREMENT, AIR FORCE		36,625				36,625
	OTHER PROCUREMENT, AIR FORCE						
	VEHICULAR EQUIPMENT						
	CARGO + UTILITY VEHICLES						
002	MEDIUM TACTICAL VEHICLE		3,364				3,364
	SPECIAL PURPOSE VEHICLES						
004	SECURITY AND TACTICAL VEHICLES		11,337				11,337
	FIRE FIGHTING EQUIPMENT						
005	FIRE FIGHTING/CRASH RESCUE VEHICLES		8,626				8,626
	ELECTRONICS AND TELECOMMUNICATIONS						
	SPCL COMM-ELECTRONICS PROJECTS						
023	AIR FORCE PHYSICAL SECURITY SYSTEM		1,600				1,600
	DISA PROGRAMS						
037	MILSATCOM SPACE		714				714
	OTHER BASE MAINTENANCE AND SUPPORT EQUIP						
	PERSONAL SAFETY & RESCUE EQUIP						
047	NIGHT VISION GOGGLES		14,528				14,528
048	ITEMS LESS THAN \$5,000,000 (SAFETY)		4,900				4,900
	BASE SUPPORT EQUIPMENT						
051	CONTINGENCY OPERATIONS		11,300				11,300
	SPECIAL SUPPORT PROJECTS						
060	DEFENSE SPACE RECONNAISSANCE PROG.		34,400				34,400
	CLASSIFIED PROGRAMS						
999	CLASSIFIED PROGRAMS		2,230,780				2,230,780
	TOTAL—OTHER PROCUREMENT, AIR FORCE		2,321,549				2,321,549

	MINE RESISTANT AMBUSH PROT VEH FUND		
	MINE RESISTANT AMBUSH PROT VEH FUND		
	MINE RESISTANT AMBUSH PROT VEH FUND	5,456,000	5,456,000
	TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND	5,456,000	5,456,000
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT		
	MAJOR EQUIPMENT, DISA		
	GLOBAL COMMAND AND CONTROL SYSTEM	1,500	1,500
	TELEPORT PROGRAM	7,411	7,411
	CLASSIFIED PROGRAMS		
	CLASSIFIED PROGRAMS	304,794	304,794
	SPECIAL OPERATIONS COMMAND		
	AVIATION PROGRAMS		
	MH-47 SERVICE LIFE EXTENSION PROGRAM	5,900	5,900
	SOF U-28	3,000	3,000
	MQ-1 UAV	1,450	1,450
	STUASLO	12,000	12,000
	C-130 MODIFICATIONS	19,500	19,500
	AMMUNITION PROGRAMS		
	SOF ORDNANCE REPLENISHMENT	51,156	51,156
	SOF ORDNANCE ACQUISITION	17,560	17,560
	OTHER PROCUREMENT PROGRAMS		
	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	2,000	2,000
	SOF INTELLIGENCE SYSTEMS	23,260	23,260
	SMALL ARMS AND WEAPONS	3,800	3,800
	TACTICAL VEHICLES	6,865	6,865
	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,000	11,000
	SOF TACTICAL RADIO SYSTEMS	5,448	5,448
	SOF OPERATIONAL ENHANCEMENTS	11,900	11,900
	CLASSIFIED PROGRAMS		
019			
021			
999			
052			
057			
060			
062			
063			
067			
068			
069			
070			
071			
076			
083			
086			
090			

PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
999	CLASSIFIED PROGRAMS		2,886				2,886
	TOTAL—PROCUREMENT, DEFENSE-WIDE		491,430				491,430
	Total Procurement		23,741,226		628,850		24,370,076

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY					
BASIC RESEARCH					
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	19,671		19,671
002	0601102A	DEFENSE RESEARCH SCIENCES	173,024	5,500	178,524
		Ballistic materials research		[3,500]	
		Military operating environments research		[2,000]	
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	88,421	4,000	92,421
		Nanocomposite materials research		[2,000]	
		Open source intelligence research		[2,000]	
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	96,144	7,700	103,844
		Advanced nanomaterials design		[2,000]	
		Electrolyte research for batteries		[1,000]	
		Immersive simulation research		[1,200]	
		Materials processing research		[2,000]	
		Structural modeling and analysis		[1,500]	

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
SUBTOTAL, BASIC RESEARCH, ARMY			377,260	17,200	394,460
APPLIED RESEARCH					
005	0602105A	MATERIALS TECHNOLOGY	27,206		50,206
		Advanced manufacturing technologies		[2,000]	
		Advanced renewable jet fuels		[4,000]	
		Applied composite materials research		[3,000]	
		High strength fibers for ballistic armor applications		[3,000]	
		Moldable fabric armor		[2,500]	
		Nanosensor manufacturing research		[4,000]	
		Smart materials and structures		[4,500]	
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	50,641		53,141
		Nanoelectronic memory, sensor and energy devices		2,500	
		TRACTOR HIP		[2,500]	
007	0602122A	AVIATION TECHNOLOGY	14,324		14,324
008	0602211A	Manned-unmanned aerial system teaming technologies	41,332	2,000	43,332
		ELECTRONIC WARFARE TECHNOLOGY		[2,000]	
009	0602270A	MISSILE TECHNOLOGY	16,119		16,119
010	0602303A	ADVANCED WEAPONS TECHNOLOGY	50,716		50,716
011	0602307A	COGNITIVE MODELING AND SIMULATION RESEARCH	19,678		19,678
012	0602308A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	17,473	2,000	19,473
		Advanced composite materials research		[2,000]	
013	0602601A	ARMY VEHICLE MODERNIZATION RESEARCH	55,937	63,000	118,937
		Composite vehicle shelters		[4,000]	
		Fuel cell APU systems		[25,000]	
		Hybrid electric vehicle reliability research		[2,500]	
		Materials research for alternative energy and transportation		[3,000]	
		Tactical metal fabrication program		[2,000]	
				[1,500]	
				[3,000]	

014	0602618A	Tribology research	[2,000]		
		Vehicle systems engineering and integration activities	[20,000]		
		BALLISTICS TECHNOLOGY	26,000	61,843	87,843
		Army vehicle survivability research	[25,000]		
		Electromagnetic gun	[-2,000]		
		Reactive armor research	[3,000]		
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY		5,293	5,293
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM		7,674	7,674
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY		41,085	50,085
		Acoustic gun detection systems	9,000		
		Acoustic research	[2,000]		
		UGV weaponization	[3,000]		
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	[4,000]	61,404	67,404
		Hybrid battery systems	6,000		
		Hybrid portable power program	[2,500]		
019	0602709A	NIGHT VISION TECHNOLOGY	[3,500]	26,893	26,893
020	0602712A	COUNTERMINE SYSTEMS		18,945	18,945
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY		18,605	18,605
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY		15,902	15,902
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY		24,833	24,833
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY		5,639	5,639
025	0602784A	MILITARY ENGINEERING TECHNOLOGY		54,818	63,318
		Ballistic materials for force protection	8,500		
		Critical infrastructure monitoring and protection research	[3,000]		
		Geosciences research	[3,500]		
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	[2,000]	18,701	18,701
027	0602786A	WARFIGHTER TECHNOLOGY		27,109	35,609
		Airbeam shelter protection systems	8,500		
		Enhanced ballistic protection research	[3,000]		
		Thermal resistant fiber research	[3,000]		
		MEDICAL TECHNOLOGY	[2,500]		
028	0602787A	Bioengineering research	26,500	99,027	125,527
		Biomechanics research	[2,500]		
		Blast protection for ground soldiers	[3,500]		
			[2,000]		

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
		Blast wave modeling		[3,000]	
		Dengue fever research		[2,000]	
		Hemorrhage research		[3,000]	
		Malaria vaccine development		[2,500]	
		Nanomaterials for biological processes		[2,000]	
		Neurotrauma research		[3,500]	
		Secondary trauma research		[2,500]	
		SUBTOTAL, APPLIED RESEARCH, ARMY	781,197	177,000	958,197
		ADVANCED TECHNOLOGY DEVELOPMENT			
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	37,574		37,574
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	72,940	38,000	110,940
		Biosensor controller systems development		[2,000]	
		Body temperature conditioner systems		[2,500]	
		Gulf War illness research		[12,000]	
		Integrated medical technology program		[7,500]	
		Lower limb prosthetics research		[2,000]	
		Prosthetics technology transition		[8,000]	
		Regenerative medical research		[4,000]	
031	0603003A	AVIATION ADVANCED TECHNOLOGY	60,097	19,750	79,847
		Advanced Affordable Turbine Engine Program		[4,000]	
		Advanced ultrasonic inspections		[2,000]	
		Aviation weapons technology integration		[2,000]	
		Full authority digital engine control systems		[5,000]	
		Heavy fuel UAV propulsion systems		[3,000]	
		Integration facility enterprise resource planning system		[3,750]	
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	66,410	-4,500	61,910
		Electromagnetic gun		[-11,500]	

033	0603005A	Lightweight advanced metals program	[3,000]		
		Nanotechnology manufacturing research	[4,000]		
		COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	183,100	89,586	272,686
		Advanced APU development	[6,000]		
		Advanced battery development program	[20,000]		
		Advanced lithium ion battery systems	[3,000]		
		Advanced suspension systems for heavy vehicles	[3,500]		
		Advanced thermal management systems	[5,500]		
		Alternative energy research	[20,000]		
		Applied power management controls	[3,000]		
		Army vehicle modernization technologies	[50,000]		
		Dynamometer facility upgrade	[4,000]		
		Electric drive advanced tactical wheeled armored vehicle system	[5,500]		
		Fuel cell unmanned robotic system	[4,500]		
		Ground robotics reliability research	[2,000]		
		Heavy fuel engines for unmanned ground vehicles	[2,500]		
		Hybrid blast protected vehicle technologies	[4,000]		
		Hybrid engine development program	[8,000]		
		Hybrid truck development	[4,000]		
		Hydraulic hybrid vehicles for the tactical wheeled fleet	[3,000]		
		Next generation superchargers for military engines	[3,000]		
		Silicon carbide electronics for ground vehicles	[2,500]		
		Simulations for vehicle reliability and performance	[2,000]		
		Smart plug-in hybrid electric vehicle program	[4,100]		
		Threat cue research	[2,000]		
		Tire development for JLTV program	[1,500]		
		Unmanned ground vehicle initiative	[12,000]		
		Vehicle autonomy research	[1,500]		
		Vehicle prognostics technologies	[4,000]		
		Water analysis technologies	[2,000]		
034	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY		8,667	8,667
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY		7,410	7,410
036	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY		50,458	50,458
037	0603009A	TRACTOR HIKE		11,328	11,328

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	19,415	7,000	26,415
		Combat medic training systems		[2,500]	
		Joint Fires & Effects Trainer System enhancements		[4,500]	
039	0603020A	TRACTOR ROSE	14,569		14,569
040	0603103A	EXPLOSIVES DEMILITARIZATION TECHNOLOGY			
041	0603105A	MILITARY HIV RESEARCH	6,657	3,500	6,657
042	0603125A	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT	11,989	[3,500]	15,489
		Mid-sized unmanned ground vehicle		2,000	
043	0603270A	ELECTRONIC WARFARE TECHNOLOGY	19,192	[2,000]	21,192
		Laser systems for light aircraft missile defense		3,000	
044	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	63,951	[2,000]	66,951
		Discriminatory imaging research		[3,000]	
045	0603322A	TRACTOR CAGE	12,154		12,154
046	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	30,317		30,317
047	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	8,996		8,996
048	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	40,329	5,000	45,329
		Bradley third generation FLIR		[5,000]	
049	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	15,706		15,706
050	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	5,911	8,500	14,411
		Permafrost tunnel		[500]	
		Photovoltaic technology development		[8,000]	
051	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	41,561	4,000	45,561
		Wideband digital airborne electronic sensing array		[4,000]	
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, ARMY	695,217	269,350	964,567
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			
052	0603024A	UNIQUE ITEM IDENTIFICATION (UID)			
053	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (NON SPACE)	14,683		14,683

054	0603308A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION (SPACE)	117,471		117,471
055	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING	209,531	12,500	222,031
		Adaptive robotic technology		[3,500]	
		Advanced electronics integration		[4,000]	
		Advanced environmental controls		[5,000]	
056	0603460A	JOINT AIR-TO-GROUND MISSILE (JAGM)	17,536		17,536
057	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	4,920		4,920
058	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS—ADV DEV	33,934		33,934
059	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	90,299	50,000	140,299
060	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)		[50,000]	
		Advanced Tank Armament Systems			
061	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	31,752		31,752
062	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	18,228		18,228
063	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	4,770		4,770
064	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY	180,673		180,673
065	0603782A	WARFIGHTER INFORMATION NETWORK—TACTICAL	5,048		5,048
066	0603790A	NATO RESEARCH AND DEVELOPMENT	8,537	50,000	58,537
067	0603801A	AVIATION—ADV DEV		[50,000]	
		Joint Future Theater Lift			
068	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	56,373	-10,000	46,373
		Premature J/TV program growth		[-10,000]	
069	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS	9,868		9,868
070	0603807A	MEDICAL SYSTEMS—ADV DEV	31,275		31,275
071	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	71,832		71,832
072	0603850A	INTEGRATED BROADCAST SERVICE	1,476		1,476
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, ARMY	908,206	102,500	1,010,706
		SYSTEM DEVELOPMENT & DEMONSTRATION			
073	0604201A	AIRCRAFT AVIONICS	92,977		92,977
074	0604220A	ARMED, DEPLOYABLE HELOS	65,515		65,515
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT	248,463		248,463
076	0604321A	ALL SOURCE ANALYSIS SYSTEM	13,107		13,107
077	0604328A	TRACTOR CAGE	16,286		16,286

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
078	0604601A	INFANTRY SUPPORT WEAPONS	74,814	8,000	82,814
		Lightweight caliber .50 machine gun		[5,000]	
		Next generation helmet ballistic materials technology		[3,000]	
079	0604604A	MEDIUM TACTICAL VEHICLES	5,683	10,000	15,683
		Medium tactical vehicle development		[10,000]	
080	0604609A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS—SDD	978		978
081	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	7,477	10,000	17,477
		Heavy tactical vehicle development		[10,000]	
082	0604633A	AIR TRAFFIC CONTROL	7,578		7,578
083	0604646A	NON-LINE OF SIGHT LAUNCH SYSTEM	88,660		88,660
084	0604647A	NON-LINE OF SIGHT CANNON	58,216	-58,216	
		Excess termination costs		[-58,216]	
085	0604660A	FCS MANNED GRD VEHICLES & COMMON GRD VEHICLE	368,557	-323,557	45,000
		Excess termination costs		[-323,557]	
086	0604661A	FCS SYSTEMS OF SYSTEMS ENGR & PROGRAM MGMT	1,067,191		1,067,191
087	0604662A	FCS RECONNAISSANCE (UAV) PLATFORMS	68,701		68,701
088	0604663A	FCS UNMANNED GROUND VEHICLES	125,616		125,616
089	0604664A	FCS UNATTENDED GROUND SENSORS	26,919		26,919
090	0604665A	FCS SUSTAINMENT & TRAINING R&D	749,182		749,182
091	0604666A	SPIN OUT TECHNOLOGY/CAPABILITY INSERTION			
092	0604710A	NIGHT VISION SYSTEMS—SDD	55,410		55,410
093	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,092		2,092
094	0604715A	NON-SYSTEM TRAINING DEVICES—SDD	30,209	3,000	33,209
		Urban training development		[3,000]	
095	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—SDD	28,936		28,936
096	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	33,213		33,213
097	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	15,320		15,320
098	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—SDD	15,727		15,727
099	0604778A	POSITIONING SYSTEMS DEVELOPMENT (SPACE)	9,446		9,446

100	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	26,243		26,243
101	0604783A	JOINT NETWORK MANAGEMENT SYSTEM			
102	0604802A	WEAPONS AND MUNITIONS—SDD	34,878	7,500	42,378
		Common guidance control module		[7,500]	
103	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—SDD	36,018		36,018
104	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—SDD	88,995		88,995
105	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—SDD	33,893		33,893
106	0604808A	LANDMINE WAREFARE/BARRIER—SDD	82,260		82,260
107	0604814A	ARTILLERY MUNITIONS	42,452		42,452
108	0604817A	COMBAT IDENTIFICATION	20,070		20,070
109	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	90,864		90,864
110	0604820A	RADAR DEVELOPMENT			
111	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	6,002		6,002
112	0604823A	FIREFINDER	20,333		20,333
113	0604827A	SOLDIER SYSTEMS—WARRIOR DEMVAL	19,786		19,786
114	0604854A	ARTILLERY SYSTEMS	23,318	58,216	81,534
		Accelerate Paladin integration management		[58,216]	
115	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP)	569,182		569,182
116	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK	7,140		7,140
117	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	35,309		35,309
118	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	127,439		127,439
119	0605625A	MANNED GROUND VEHICLE	100,000		100,000
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, ARMY	4,640,455	-285,057	4,355,398
		RDT&E MANAGEMENT SUPPORT			
120	0604256A	THREAT SIMULATOR DEVELOPMENT	22,222		22,222
121	0604258A	TARGET SYSTEMS DEVELOPMENT	13,615		13,615
122	0604759A	MAJOR T&E INVESTMENT	51,846		51,846
123	0605103A	RAND ARROYO CENTER	16,305		16,305
124	0605301A	ARMY KWAJALEIN ATOLL	163,514		163,514
125	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	23,445		23,445
126	0605502A	SMALL BUSINESS INNOVATIVE RESEARCH			
127	0605601A	ARMY TEST RANGES AND FACILITIES	354,693	25,600	380,293

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
128	0605602A	Program increase		[25,600]	
		ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	72,911	10,000	82,911
		Common regional operational systems		[3,000]	
		Data fusion systems		[2,500]	
		Dugway field test improvements		[4,500]	
129	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	45,016		45,016
130	0605605A	DOD HIGH ENERGY LASER TEST FACILITY	2,891	6,000	8,891
		Program increase		[6,000]	
131	0605606A	AIRCRAFT CERTIFICATION	3,766		3,766
132	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	8,391		8,391
133	0605706A	MATERIEL SYSTEMS ANALYSIS	19,969		19,969
134	0605709A	EXPLOITATION OF FOREIGN ITEMS	5,432		5,432
135	0605712A	SUPPORT OF OPERATIONAL TESTING	77,877		77,877
136	0605716A	ARMY EVALUATION CENTER	66,309		66,309
137	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	5,357		5,357
138	0605801A	PROGRAMWIDE ACTIVITIES	77,823		77,823
139	0605803A	TECHNICAL INFORMATION ACTIVITIES	51,620		51,620
140	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	45,053	2,200	47,253
		3D woven preform technology for Army munitions		[2,200]	
141	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	5,191		5,191
142	0605898A	MANAGEMENT HQ—R&D	15,866		15,866
143	0909999A	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS			
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, ARMY	1,149,112	43,800	1,192,912
		OPERATIONAL SYSTEMS DEVELOPMENT			
144	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	27,693		27,693
145	0603820A	WEAPONS CAPABILITY MODIFICATIONS UAV			
146	0102419A	AEROSTAT JOINT PROJECT OFFICE	360,076	-20,000	340,076

147	0203726A	Program delay reduction			
148	0203735A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	23,727		23,727
149	0203740A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	190,301		190,301
150	0203744A	MANEUVER CONTROL SYSTEM	21,394		21,394
151	0203752A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	209,401		209,401
152	0203758A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	792		792
153	0203759A	DIGITIZATION	10,692		10,692
154	0203801A	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2)			
155	0203802A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	39,273		39,273
		OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS	5,000		5,000
		TOW LBS	[5,000]		[5,000]
156	0203808A	TRACTOR CARD	20,035		20,035
157	0208010A	JOINT TACTICAL COMMUNICATIONS PROGRAM (TRI-TAC)			
158	0208053A	JOINT TACTICAL GROUND SYSTEM	13,258		13,258
		Joint Tactical Ground System			
159	0208058A	JOINT HIGH SPEED VESSEL (JHSV)	3,082		3,082
160	0301359A	SPECIAL ARMY PROGRAM	[]		[]
161	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	2,144		7,144
		Collection management tools			
162	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	74,355		74,355
163	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	144,733		144,733
164	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	40,097		40,097
165	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	12,034		12,034
166	0303158A	JOINT COMMAND AND CONTROL PROGRAM (JC2)	20,365		20,365
167	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	202,521		288,521
		A160 Afghanistan deployment			
168	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	188,414		188,414
169	0305287A	BASE EXPED TARGETING SURVEILLANCE SYS—COMBINED			
170	0307207A	AERIAL COMMON SENSOR (ACS)	210,035		210,035
171	0702239A	AVIONICS COMPONENT IMPROVEMENT PROGRAM			
172	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	68,466		105,716
		Combat vehicle manufacturing technology			
		Manufacturing metrology research			
		Smart machine platform initiative			

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
999	99999999	Weapon systems repair technologies		[2,500]	3,883
		OTHER PROGRAMS	3,883		
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY	1,886,771	99,992	1,986,763
		TOTAL, RDT&E ARMY	10,438,218	424,785	10,863,003
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY			
		BASIC RESEARCH			
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	99,472	2,000	101,472
		Blast and impact resistant structures		[2,000]	
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,076	1,000	19,076
		S&T educational outreach		[1,000]	
003	0601153N	DEFENSE RESEARCH SCIENCES	413,743	2,000	415,743
		Nanoscale research program		[2,000]	
		SUBTOTAL, BASIC RESEARCH, NAVY	531,291	5,000	536,291
		APPLIED RESEARCH			
004	0602114N	POWER PROJECTION APPLIED RESEARCH	59,787	3,000	62,787
		Energetics research		[3,000]	
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	91,400	32,000	123,400
		Alternative energy research		[20,000]	
		Energy systems integration research		[4,000]	
		Port security technologies		[3,500]	
		Reconfigurable shipboard power systems		[2,500]	
		SOF combatant research		[2,000]	

006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	39,308		39,308
007	0602234N	MATERIALS, ELECTRONICS AND COMPUTER TECHNOLOGY			
008	0602235N	COMMON PICTURE APPLIED RESEARCH	83,163		83,163
009	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	104,169		109,169
		Anti-reverse engineering technologies		5,000	
		Asset lifecycle program		[1,000]	
010	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	64,816		67,816
		Photonic digital radar systems		3,000	
011	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	48,750		54,250
		Advanced UUV research		[3,500]	
		Laser underwater imaging and communications research		[2,000]	
012	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	6,008		6,008
013	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	55,694		59,444
		Littoral glider systems		3,750	
		Quiet power technologies		[3,000]	
		[750]			
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	40,880		42,880
		Electromagnetic signature assessment system		2,000	
		[2,000]			
		SUBTOTAL, APPLIED RESEARCH, NAVY	593,975	54,250	648,225
		ADVANCED TECHNOLOGY DEVELOPMENT			
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	107,969	4,000	111,969
		Mobile target tracking technologies		[4,000]	
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	66,035	8,000	74,035
		Advanced coatings for aviation components		[3,000]	
		Single generator operations lithium ion battery		[5,000]	
017	0603235N	COMMON PICTURE ADVANCED TECHNOLOGY	108,394	-59,100	49,294
		High-integrity GPS		[-59,100]	
018	0603236N	WARFIGHTER SUSTAINMENT ADVANCED TECHNOLOGY	86,239		86,239
019	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	65,827		65,827
020	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	107,363	9,500	116,863
		Acoustic combat sensors		[7,500]	
		Unmanned vehicle conversion kits		[2,000]	
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	10,998		10,998

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
022	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	18,609		18,609
023	0603747N	UNDERSEA WARFARE ADVANCED TECHNOLOGY	68,037		68,037
024	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	52,643		52,643
025	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY	28,782		28,782
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, NAVY	720,896	-37,600	683,296
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	116,082	1,400	117,482
		Semi-submersible for UAV sensor developments		[1,400]	
027	0603216N	AVIATION SURVIVABILITY	6,505		6,505
028	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	6,032		6,032
029	0603254N	ASW SYSTEMS DEVELOPMENT	16,585	4,000	20,585
		Sonobuoy wave energy module		[4,000]	
030	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	7,713		7,713
031	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,677		1,677
032	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	76,739		76,739
033	0603506N	SURFACE SHIP TORPEDO DEFENSE	57,538		57,538
034	0603512N	CARRIER SYSTEMS DEVELOPMENT	173,594		173,594
035	0603513N	SHIPBOARD SYSTEM COMPONENT DEVELOPMENT	1,691	9,300	10,991
		DDG-51 hybrid propulsion system		[9,300]	
036	0603525N	PILOT FISH	79,194		79,194
037	0603527N	RETRACT LARCH	99,757		99,757
038	0603536N	RETRACT JUNIPER	120,752		120,752
039	0603542N	RADIOLOGICAL CONTROL	1,372		1,372
040	0603553N	SURFACE ASW	21,995		21,995
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	551,836		551,836
042	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	10,172		10,172
043	0603563N	SHIP CONCEPT ADVANCED DESIGN	22,541	5,820	28,361

		Remote monitoring & troubleshooting project			
044	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	28,135	[5,820]	28,135
045	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	259,887		259,887
046	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	5,599		5,599
047	0603576N	CHALK EAGLE	443,555		443,555
048	0603581N	LITTORAL COMBAT SHIP (LCS)	360,518		360,518
049	0603582N	COMBAT SYSTEM INTEGRATION	22,558		22,558
050	0603609N	CONVENTIONAL MUNITIONS	3,458		3,458
051	0603611M	MARINE CORPS ASSAULT VEHICLES	293,466		293,466
052	0603612M	USMC MINE COUNTERMEASURES SYSTEMS—ADV DEV	73,798	-7,500	66,298
053	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM		[4,500]	
		Model-based management decision tools		[-12,000]	
		Premature J/TV program growth			
054	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	21,054		21,054
055	0603658N	COOPERATIVE ENGAGEMENT	56,586		56,586
056	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	17,328		17,328
057	0603721N	ENVIRONMENTAL PROTECTION	20,661		20,661
058	0603724N	NAVY ENERGY PROGRAM	8,476	1,774	10,250
		Fuel cell and hydrogen generation technologies		[2,500]	
		Molten carbonate fuel cell demonstrator		[3,000]	
		Solar heat reflective film development		[4,750]	
		Unjustified request		[-8,476]	
059	0603725N	FACILITIES IMPROVEMENT	4,002		4,002
060	0603734N	CHALK CORAL	70,772		70,772
061	0603739N	NAVY LOGISTIC PRODUCTIVITY	4,301	5,000	9,301
		Highly integrated optical interconnects for advanced air vehicles		[4,000]	
		RFID technology exploitation		[1,000]	
062	0603746N	RETRACT MAPLE	210,237		210,237
063	0603748N	LINK PLUMERIA	69,313		69,313
064	0603751N	RETRACT ELM	152,151		152,151
065	0603755N	SHIP SELF DEFENSE	6,960		6,960
066	0603764N	LINK EVERGREEN	123,660		123,660
067	0603787N	SPECIAL PROCESSES	54,115		54,115
068	0603790N	NATO RESEARCH AND DEVELOPMENT	10,194		10,194

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
069	0603795N	LAND ATTACK TECHNOLOGY	1,238		1,238
070	0603851M	NONLETHAL WEAPONS	46,971		46,971
071	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS	150,304		150,304
072	0603879N	SINGLE INTEGRATED AIR PICTURE (SIAP) SYSTEM ENGINEER (SE)	52,716		52,716
073	0603889N	COUNTERDRUG RDT&E PROJECTS			
074	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS	5,003		5,003
075	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM)	63,702		63,702
076	0604450N	JOINT AIR-TO-GROUND MISSILE (JAGM)			
077	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW)	67,843		67,843
078	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	40,926		40,926
079	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT	42,533		42,533
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY	4,163,795	19,794	4,183,589
		SYSTEM DEVELOPMENT & DEMONSTRATION			
080	0604212N	OTHER HELO DEVELOPMENT	54,092		54,092
081	0604214N	AV-SB AIRCRAFT—ENG DEV	20,886		20,886
082	0604215N	STANDARDS DEVELOPMENT	53,540		53,540
083	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	81,953		81,953
084	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	7,485		7,485
085	0604221N	P-3 MODERNIZATION PROGRAM	3,659		3,659
086	0604230N	WARFARE SUPPORT SYSTEM	6,307		6,307
087	0604231N	TACTICAL COMMAND SYSTEM	86,462		86,462
088	0604234N	ADVANCED HAWKEYE	364,557		364,557
089	0604245N	H-1 UPGRADES	32,830		32,830
090	0604261N	ACOUSTIC SEARCH SENSORS	56,369		56,369
091	0604262N	V-22A	89,512		89,512
092	0604264N	AIR CREW SYSTEMS DEVELOPMENT	14,265		14,265
093	0604269N	EA-18	55,446		55,446

094	0604270N	ELECTRONIC WARFARE DEVELOPMENT	97,635	97,635
095	0604273N	VH-71A EXECUTIVE HELO DEVELOPMENT	85,240	85,240
096	0604274N	NEXT GENERATION JAMMER (NGJ)	127,970	127,970
097	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS—NAVY)	876,374	876,374
098	0604300N	SC-21 TOTAL SHIP SYSTEM ENGINEERING	178,459	178,459
099	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	5,304	5,304
100	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION	43,902	43,902
101	0604329N	SMALL DIAMETER BOMB (SDB)	182,197	182,197
102	0604366N	STANDARD MISSILE IMPROVEMENTS	48,712	48,712
103	0604373N	AIRBORNE MCM	11,727	11,727
104	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING	236,078	236,078
105	0604501N	ADVANCED ABOVE WATER SENSORS	50,000	50,000
		Mobile maritime sensor technology development	[50,000]	
106	0604503N	SSN-688 AND TRIDENT MODERNIZATION	122,733	122,733
		SSN Communications	[5,000]	
107	0604504N	AIR CONTROL	6,533	6,533
108	0604512N	SHIPBOARD AVIATION SYSTEMS	80,623	80,623
109	0604518N	COMBAT INFORMATION CENTER CONVERSION	13,305	13,305
110	0604558N	NEW DESIGN SSN	154,756	154,756
		Common command & control system module	11,000	11,000
		Mold-in-place coating development	[9,000]	
111	0604561N	SSN-21 DEVELOPMENTS	13,000	13,000
112	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	[5,000]	[5,000]
		Artificial Intelligence-based combat system kernel	[4,000]	
		Submarine environment for evaluation & development	[4,000]	
		Weapon acquisition & firing system	2,000	2,000
113	0604567N	SHIP CONTRACT DESIGN/LIVE FIRE T&E	89,988	91,988
		Automated fiber optic manufacturing	[2,000]	
114	0604574N	NAVY TACTICAL COMPUTER RESOURCES	4,620	4,620
115	0604601N	MINE DEVELOPMENT	2,249	2,249
116	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	21,105	21,105
117	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	10,327	10,327
118	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	5,898	5,898
119	0604727N	JOINT STANDOFF WEAPON SYSTEMS	10,022	10,022

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
120	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL) AUSV	35,459	5,000 [5,000]	40,459
121	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL) Phalanx Next Generation	34,236	12,000 [12,000]	46,236
122	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) NULKA decoy R&D	88,895	9,000 [9,000]	97,895
123	0604761N	INTELLIGENCE ENGINEERING	14,438		14,438
124	0604771N	MEDICAL DEVELOPMENT Composite tissue transplantation research Custom body implant development Multivalent dengue vaccine program Orthopedic surgery instrumentation	9,888	10,500 [2,000] [2,000] [3,500] [3,000]	20,388
125	0604777N	NAVIGATION/ID SYSTEM	63,184		63,184
126	0604784N	DISTRIBUTED SURVEILLANCE SYSTEM			
127	0604800N	JOINT STRIKE FIGHTER (JSF) F136 development Excess management reserves	1,741,296	141,450 [219,450] [-78,000]	1,882,746
128	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	9,868		9,868
129	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT Information systems research Integrated network-centric technology systems	69,026	12,000 [7,000] [5,000]	81,026
130	0605212N	CH-53K RDTE	554,827		554,827
131	0605430N	C/KC-130 AVIONICS MODERNIZATION PROGRAM (AMP)			
132	0605450N	JOINT AIR-TO-GROUND MISSILE (JAGM)	81,434		81,434
133	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA) CG(X)	1,162,417		1,162,417
134	0204201N	DDG-1000	150,022		150,022
135	0204202N	TACTICAL CRYPTOLOGIC SYSTEMS	539,053		539,053
136	0304785N		19,016		19,016

			7,975,882	270,950	8,246,832
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION, NAVY			
		RDT&E MANAGEMENT SUPPORT			
137	0604256N	THREAT SIMULATOR DEVELOPMENT	25,534		25,534
138	0604258N	TARGET SYSTEMS DEVELOPMENT	79,603		79,603
139	0604739N	MAJOR T&E INVESTMENT	44,844	5,000	49,844
		Aviation enterprise interoperability upgrades		[5,000]	
140	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	11,422		11,422
141	0605154N	CENTER FOR NAVAL ANALYSES	49,821		49,821
142	0605502N	SMALL BUSINESS INNOVATIVE RESEARCH			
143	0605804N	TECHNICAL INFORMATION SERVICES	735		735
144	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	60,590		60,590
145	0605856N	STRATEGIC TECHNICAL SUPPORT	3,633		3,633
146	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	70,942		70,942
147	0605862N	RDT&E INSTRUMENTATION MODERNIZATION			
148	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	193,353		193,353
149	0605864N	TEST AND EVALUATION SUPPORT	380,733		380,733
150	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	12,010		12,010
151	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	2,703		2,703
152	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	20,921		20,921
153	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	19,004		19,004
154	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES	2,464		2,464
155	0804758N	SERVICE SUPPORT TO JFCOM, JNTC	4,197		4,197
156	0909999N	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS			
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, NAVY	982,509	5,000	987,509
		OPERATIONAL SYSTEMS DEVELOPMENT			
158	0604227N	HARPOON MODIFICATIONS			
159	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT	311,204		311,204
160	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	74,939	1,170	76,109
		LINAC		[1,170]	
161	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	34,479		34,479

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
162	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	7,211		7,211
163	0101402N	NAVY STRATEGIC COMMUNICATIONS	43,982		43,982
164	0203761N	RAPID TECHNOLOGY TRANSITION (RTT)	39,125		39,125
165	0204136N	F/A-18 SQUADRONS	127,733		127,733
166	0204152N	E-2 SQUADRONS	63,058		63,058
167	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	37,431		37,431
168	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	13,238		13,238
169	0204311N	INTEGRATED SURVEILLANCE SYSTEM	24,835		24,835
170	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	2,324		2,324
171	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	49,293		49,293
172	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,609		1,609
173	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	37,524		37,524
174	0205601N	HARM IMPROVEMENT	30,045		30,045
175	0205604N	TACTICAL DATA LINKS	25,003		25,003
176	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	41,803		41,803
177	0205632N	MK-48 ADCAP	28,438		28,438
178	0205633N	AVIATION IMPROVEMENTS	135,840		135,840
179	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM	3,716		3,716
180	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	72,031		72,031
181	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	287,348		287,348
182	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	120,379	8,200	128,579
		Expandable rigid wall composite shelters		[1,300]	
		Marine personnel carrier support system		[3,000]	
		Ultrasonic armor consolidation		[3,900]	
183	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	17,057	1,000	18,057
		High performance capabilities for military vehicles		[1,000]	
184	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	30,167		30,167
185	0207161N	TACTICAL AIM MISSILES	2,298		2,298
186	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	3,604		3,604

187	0208058N	JOINT HIGH SPEED VESSEL (JHSV)	8,431		8,431
188	0301303N	MARITIME INTELLIGENCE	[]		[]
189	0301323N	COLLECTION MANAGEMENT	[]		[]
190	0301327N	TECHNICAL RECONNAISSANCE AND SURVEILLANCE	[]		[]
191	0301372N	CYBER SECURITY INITIATIVE—GDIP	[]		[]
192	0303109N	SATELLITE COMMUNICATIONS (SPACE)	474,009	-32,000	442,009
		MUS program transfer to WPN		[-32,000]	
193	0303138N	CONSOLIDATED Afloat NETWORK ENTERPRISE SERVICES (CANES)	45,513		45,513
194	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	24,226	3,500	27,726
		Policy decision point for Consolidated Afloat Networks and Enterprise Services		[3,500]	
195	0303158M	JOINT COMMAND AND CONTROL PROGRAM (JC2)	2,453		2,453
196	0303158N	JOINT COMMAND AND CONTROL PROGRAM (JC2)	4,139		4,139
197	0305149N	COBRA JUDY	62,061		62,061
198	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS—SPACE (METOC)	28,094		28,094
199	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	4,600		4,600
200	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	8,971		8,971
201	0305205N	ENDURANCE UNMANNED AERIAL VEHICLES			
202	0305206N	AIRBORNE RECONNAISSANCE SYSTEMS	46,208		46,208
203	0305207N	MANNED RECONNAISSANCE SYSTEMS	22,599		22,599
204	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	18,079		18,079
205	0305220N	RQ-4 UAV	465,839		465,839
206	0305231N	MQ-8 UAV	25,639		25,639
207	0305232M	RQ-11 UAV	553		553
208	0305233N	RQ-7 UAV	986		986
209	0305234M	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	18,763		18,763
210	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	23,594		23,594
211	0307207N	AERIAL COMMON SENSOR (ACS)			
212	0307217N	EP-3E REPLACEMENT (EPX)	11,976		11,976
213	0308601N	MODELING AND SIMULATION SUPPORT	8,028		8,028
214	0702207N	DEPOT MAINTENANCE (NON-IF)	14,675		14,675
215	0702239N	AVIONICS COMPONENT IMPROVEMENT PROGRAM	2,725		2,725
216	0708011N	INDUSTRIAL PREPAREDNESS	56,691	7,500	64,191
		Integrated manufacturing enterprise		[5,000]	
		Life extension of weapon system structures research		[2,500]	

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
217	0708730N	MARITIME TECHNOLOGY (MARITECH)		20,000	20,000
		National Shipbuilding Research Program		[20,000]	
999	99999999	OTHER PROGRAMS	1,258,018		1,258,018
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, RDT&E	4,302,584	9,370	4,311,954
		TOTAL, RDT&E NAVY	19,270,932	326,764	19,597,696
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE			
		BASIC RESEARCH			
001	0601102F	DEFENSE RESEARCH SCIENCES	321,028	2,500	323,528
		Coal transformation research		[1,000]	
		Nanotechnology for portable power research		[1,500]	
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	132,249	13,500	145,749
		Cybersecurity for control networks research		[4,000]	
		End-user software safeguard research		[2,000]	
		Informatics research		[1,500]	
		Information security research		[4,000]	
		Integrated design and manufacturing research		[2,000]	
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	12,834		12,834
004	0301555F	CLASSIFIED PROGRAMS	[]		[]
005	0301556F	SPECIAL PROGRAM	[]		[]
		SUBTOTAL, BASIC RESEARCH, AIR FORCE	466,111	16,000	482,111
		APPLIED RESEARCH			
006	0602015F	MEDICAL DEVELOPMENT			

007	0602102F	MATERIALS	127,957	19,750	147,707
		Advanced aerospace heat exchangers		[3,000]	
		Aircraft active corrosion protection systems		[2,000]	
		Energy and automation technologies		[4,000]	
		Energy efficiency, recovery, and generation systems		[4,000]	
		Health monitoring sensors for aerospace components		[2,000]	
		Intelligent manufacturing research		[1,000]	
		Light alloy aerospace and automotive parts development		[1,000]	
		Mid-infrared laser source research		[2,750]	
008	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	127,129	2,500	129,629
		Unmanned aerial system collaboration technologies		[2,500]	
009	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	85,122		85,122
010	0602203F	AEROSPACE PROPULSION	196,529		214,529
		Hybrid bearing development		18,000	
		Integrated electrical starter/generator systems		[1,000]	
		Lithium battery manufacturing		[2,500]	
		Lithium ion technologies for aviation batteries		[5,000]	
		Seramjet research		[2,000]	
		Thermally efficient engine pumping system		[3,500]	
		Thermally efficient engine pumping system		[4,000]	
011	0602204F	AEROSPACE SENSORS	121,768	9,500	121,768
012	0602601F	SPACE TECHNOLOGY	104,148	[2,000]	113,648
		Reconfigurable electronics research		[7,500]	
		Seismic research program		58,289	58,289
013	0602602F	CONVENTIONAL MUNITIONS	105,677	-5,750	99,927
014	0602605F	DIRECTED ENERGY TECHNOLOGY		[-5,750]	
		Chemical laser technology			
015	0602702F	COMMAND CONTROL AND COMMUNICATIONS			
016	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	115,278		115,278
017	0602890F	HIGH ENERGY LASER RESEARCH	52,754	-4,100	48,654
		Advanced deformable mirrors for high energy laser weapons		[2,000]	
		Chemical laser technology		[-6,100]	
		SUBTOTAL, APPLIED RESEARCH, AIR FORCE	1,094,651	39,900	1,134,551

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
ADVANCED TECHNOLOGY DEVELOPMENT					
018	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	37,901	14,000	51,901
		Metals Affordability Initiative		[7,000]	
		Sewage-derived biofuels program		[5,000]	
		Sonic infrared imaging technology development		[2,000]	
019	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	2,955		2,955
020	0603203F	ADVANCED AEROSPACE SENSORS	51,482	4,000	55,482
		Reconfigurable secure computing technologies		[4,000]	
021	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	76,844		76,844
022	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	175,676		215,176
		Alternative energy research		[20,000]	
		Long range supersonic engine for high speed strike		[10,000]	
		Scalable UAV engines		[3,500]	
		Silicon carbide power electronics research		[6,000]	
023	0603231F	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY	31,021		31,021
024	0603270F	ELECTRONIC COMBAT TECHNOLOGY	83,909		83,909
025	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	5,813		5,813
026	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	24,565		24,565
027	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	14,356		14,356
028	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	30,056		30,056
029	0603605F	ADVANCED WEAPONS TECHNOLOGY	39,913	3,250	43,163
030	0603680F	MANUFACTURING TECHNOLOGY PROGRAM		[3,250]	
		Next generation casting initiative		2,500	
031	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION	39,708		42,208
		Optical interconnects research		[2,500]	
032	0603789F	C3I ADVANCED DEVELOPMENT	3,831		3,831
033	0603924F	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM			
SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, AIR FORCE			618,030	63,250	681,280

ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES

034	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	5,009	5,009
035	0603287F	PHYSICAL SECURITY EQUIPMENT	3,623	3,623
036	0603421F	NAVSTAR GLOBAL POSITIONING SYSTEM III		
037	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT		
038	0603430F	ADVANCED EHF MILSATCOM (SPACE)	464,335	464,335
039	0603432F	POLAR MILSATCOM (SPACE)	253,150	253,150
040	0603438F	SPACE CONTROL TECHNOLOGY	97,701	110,201
		Space protection program		12,500
		Space situational awareness		[6,500]
		COMBAT IDENTIFICATION TECHNOLOGY		[6,000]
041	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	27,252	27,252
042	0603790F	NATO RESEARCH AND DEVELOPMENT	4,351	4,351
043	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D	632	632
044	0603845F	TRANSFORMATIONAL SATCOM (TSAT)		
045	0603850F	INTEGRATED BROADCAST SERVICE	20,739	20,739
046	0603851F	INTERCONTINENTAL BALLISTIC MISSILE	66,079	61,079
		Program decrease		-5,000
		WIDEBAND GLOBAL SATCOM RDT&E (SPACE)		[-5,000]
047	0603854F	POLLUTION PREVENTION	70,956	70,956
048	0603859F	JOINT PRECISION APPROACH AND LANDING SYSTEMS	2,896	2,896
049	0603860F	NEXT GENERATION BOMBER	23,174	23,174
050	0604015F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	22,612	22,612
051	0604283F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM	20,891	20,891
052	0604327F	JOINT DUAL ROLE AIR DOMINANCE MISSILE	6,882	6,882
053	0604330F	REQUIREMENTS ANALYSIS AND MATURATION	35,533	35,533
054	0604337F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	18,778	18,778
055	0604635F	ALTERNATIVE FUELS	89,020	89,020
056	0604796F	AUTOMATED AIR-TO-AIR REFUELING	43,158	43,158
057	0604830F	COMMON AERO VEHICLE (CAV)		
058	0604856F	OPERATIONALLY RESPONSIVE SPACE	112,861	170,000
059	0604857F	ORS smallsat imaging prototyping		[115,000]
		ORS-1		[40,000]
		RSLV		[15,000]

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(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
060	0604858F	TECH TRANSITION PROGRAM	9,611		9,611
061	0305178F	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS). Program increase	396,641	80,000	476,641
061a	604xxxxF	NEXT GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT		[80,000]	53,000
		IRIS		[3,000]	53,000
		Next generation MILSATCOM technology development		[50,000]	
SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, AIR FORCE.			1,795,884	310,500	2,106,384
SYSTEM DEVELOPMENT & DEMONSTRATION					
062	0603840F	GLOBAL BROADCAST SERVICE (GBS)	31,124		31,124
063	0604222F	NUCLEAR WEAPONS SUPPORT	37,860		37,860
064	0604226F	B-1B		2,000	2,000
		B-1B AESA radar		[2,000]	
065	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	6,227		6,227
066	0604240F	B-2 ADVANCED TECHNOLOGY BOMBER			
067	0604261F	PERSONNEL RECOVERY SYSTEMS			
068	0604270F	ELECTRONIC WARFARE DEVELOPMENT	97,275		97,275
069	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	88,444		88,444
070	0604287F	PHYSICAL SECURITY EQUIPMENT	50		50
071	0604329F	SMALL DIAMETER BOMB (SDB)	153,815		153,815
072	0604421F	COUNTERSPACE SYSTEMS	64,248		64,248
073	0604425F	SPACE SITUATION AWARENESS SYSTEMS	308,134		308,134
074	0604429F	AIRBORNE ELECTRONIC ATTACK	11,107		11,107
075	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	512,642	15,000	527,642
		HEO ground and data exploitation		[15,000]	

076	0604443F	THIRD GENERATION INFRARED SURVEILLANCE (3GIRS)	143,169	143,169
077	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	18,671	18,671
078	0604604F	SUBMUNITIONS	1,784	1,784
079	0604617F	AGILE COMBAT SUPPORT	11,261	11,261
080	0604706F	LIFE SUPPORT SYSTEMS	10,711	10,711
081	0604735F	COMBAT TRAINING RANGES	29,718	29,718
082	0604740F	INTEGRATED COMMAND & CONTROL APPLICATIONS (IC2A)	10	10
083	0604750F	INTELLIGENCE EQUIPMENT	1,495	1,495
084	0604800F	JOINT STRIKE FIGHTER (JSF)	141,450	141,450
		F136 development	[219,450]	[219,450]
		Excess management reserves	[-78,000]	[-78,000]
085	0604851F	INTERCONTINENTAL BALLISTIC MISSILE	60,010	60,010
086	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)	26,545	38,545
		EELV metric tracking	12,000	12,000
087	0605011F	RDT&E FOR AGING AIRCRAFT	[12,000]	[12,000]
088	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT	439,615	439,615
089	0605277F	CSAR-X RDT&E	89,975	89,975
		Use available prior year funds	[-89,975]	[-89,975]
090	0605278F	HC/MC-130 RECAP RDT&E	20,582	20,582
091	0605452F	JOINT SIAP EXECUTIVE PROGRAM OFFICE	34,877	34,877
092	0207434F	LINK-16 SUPPORT AND SUSTAINMENT		
093	0207450F	E-10 SQUADRONS	13,466	13,466
094	0207451F	SINGLE INTEGRATED AIR PICTURE (SIAP)	99,807	99,807
095	0207701F	FULL COMBAT MISSION TRAINING		
096	0305176F	COMBAT SURVIVOR EVADER LOCATOR	9,353	9,353
097	0401138F	JOINT CARGO AIRCRAFT (JCA)	19,640	19,640
098	0401318F	CV-22	20,056	20,056
099	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)		
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, AIR FORCE	4,219,726	80,475
				4,300,201
100	0604256F	RDT&E MANAGEMENT SUPPORT	27,789	27,789
101	0604759F	THREAT SIMULATOR DEVELOPMENT	60,824	65,824
		MAJOR T&E INVESTMENT	5,000	5,000

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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
102	0605101F	Holloman High Speed Test Track		[5,000]	
103	0605502F	RAND PROJECT AIR FORCE	27,501		27,501
104	0605712F	SMALL BUSINESS INNOVATION RESEARCH			
105	0605807F	INITIAL OPERATIONAL TEST & EVALUATION	25,833		25,833
		TEST AND EVALUATION SUPPORT	736,488	20,000	756,488
		Program increase		[20,000]	
106	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	14,637		14,637
107	0605864F	SPACE TEST PROGRAM (STP)	47,215		47,215
108	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT	52,409		52,409
109	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT	29,683		29,683
110	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	18,947		18,947
111	0804731F	GENERAL SKILL TRAINING	1,450		1,450
112	0909999F	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS			
113	1001004F	INTERNATIONAL ACTIVITIES	3,748		3,748
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, AIR FORCE	1,046,524	25,000	1,071,524
		OPERATIONAL SYSTEMS DEVELOPMENT			
114	0604263F	COMMON VERTICAL LIFT SUPPORT PLATFORM	9,513		9,513
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	47,276		47,276
116	0605798F	ANALYSIS SUPPORT GROUP			
117	0101113F	B-52 SQUADRONS	93,930		93,930
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	3,652		3,652
119	0101126F	B-1B SQUADRONS	148,025		148,025
120	0101127F	B-2 SQUADRONS	415,414		415,414
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	33,836		33,836
122	0101314F	NIGHT FIST—USSTRATCOM	5,328		5,328
123	0101815F	ADVANCED STRATEGIC PROGRAMS			
124	0102325F	ATMOSPHERIC EARLY WARNING SYSTEM	9,832		9,832

125	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM	25,734	25,734
126	0102823F	STRATEGIC AEROSPACE INTELLIGENCE SYSTEM ACTIVITIES	18	18
127	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND	11,996	11,996
128	0205219F	MQ-9 UAV	39,245	39,245
129	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT	14,747	14,747
130	0207131F	A-10 SQUADRONS	9,697	9,697
131	0207133F	F-16 SQUADRONS	141,020	141,020
132	0207134F	F-15E SQUADRONS	311,167	311,167
133	0207136F	MANNED DESTRUCTIVE SUPPRESSION	10,748	10,748
134	0207138F	F-22A SQUADRONS	569,345	569,345
135	0207161F	TACTICAL AIM MISSILES	5,915	5,915
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	49,971	49,971
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	2,529	2,529
138	0207227F	COMBAT RESCUE—PARARESCUE	2,950	2,950
139	0207247F	AF TENCAP	11,643	11,643
140	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	2,950	2,950
141	0207253F	COMPASS CALL	13,019	13,019
142	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	166,563	166,563
143	0207277F	CSAF INNOVATION PROGRAM	4,621	4,621
144	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	29,494	29,494
145	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	99,405	99,405
146	0207412F	CONTROL AND REPORTING CENTER (CRC)	52,508	52,508
147	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	176,040	176,040
148	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS		
149	0207423F	ADVANCED COMMUNICATIONS SYSTEMS	63,782	63,782
150	0207424F	EVALUATION AND ANALYSIS PROGRAM	[]	[]
151	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	1,475	1,475
152	0207438F	THEATER BATTLE MANAGEMENT (TBM) C4I	19,067	19,067
153	0207445F	FIGHTER TACTICAL DATA LINK	72,106	72,106
154	0207446F	BOMBER TACTICAL DATA LINK		
155	0207448F	C2ISR TACTICAL DATA LINK	1,667	1,667
156	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION	26,792	26,792
157	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	140,670	92,000
		MP-RTIP integration & test on JSTARS aircraft		[92,000]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
158	0207590F	SEEK EAGLE	22,071		22,071
159	0207601F	USAF MODELING AND SIMULATION	27,245		27,245
160	0207605F	WARGAMING AND SIMULATION CENTERS	7,018		7,018
161	0207697F	DISTRIBUTED TRAINING AND EXERCISES	6,740		6,740
162	0208006F	MISSION PLANNING SYSTEMS	91,995		91,995
163	0208021F	INFORMATION WARFARE SUPPORT	12,271		12,271
164	0208161F	SPECIAL EVALUATION SYSTEM			
165	0301310F	NATIONAL AIR INTELLIGENCE CENTER			
166	0301314F	COBRA BALL			
167	0301315F	MISSILE AND SPACE TECHNICAL COLLECTION			
168	0301324F	FOREST GREEN			
169	0301386F	GDIP COLLECTION MANAGEMENT			
170	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)			
171	0303112F	AIR FORCE COMMUNICATIONS (AIRCUM)	26,107		26,107
172	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	72,694		72,694
173	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	196,621		196,621
174	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	3,375		3,375
175	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM	3,149		3,149
176	0303158F	JOINT COMMAND AND CONTROL PROGRAM (JC2)	3,087		3,087
177	0303601F	MILSATCOM TERMINALS	257,693		257,693
179	0304260F	AIRBORNE SIGINT ENTERPRISE	176,989		176,989
180	0304311F	SELECTED ACTIVITIES			
181	0304348F	ADVANCED GEOSPATIAL INTELLIGENCE (AGI)			
182	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	6,028		6,028
183	0305103F	CYBER SECURITY INITIATIVE	2,065		2,065
184	0305110F	SATELLITE CONTROL NETWORK (SPACE)	20,991		20,991
185	0305111F	WEATHER SERVICE	33,531		33,531
186	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCAL)	9,006		9,006
187	0305116F	AERIAL TARGETS	54,807		54,807

188	0305124F	SPECIAL APPLICATIONS PROGRAM	[]	[]
189	0305127F	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[]	[]
190	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	742	742
191	0305142F	APPLIED TECHNOLOGY AND INTEGRATION	[]	[]
192	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	39	39
194	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	137,692	137,692
195	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS)	52,039	52,039
196	0305172F	COMBINED ADVANCED APPLICATIONS	[]	[]
197	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	3,599	3,599
198	0305174F	SPACE WARFARE CENTER	3,009	3,009
199	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	9,957	9,957
200	0305193F	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	1,240	1,240
201	0305202F	DRAGON U-2		
202	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	73,736	38,736
		ISIS		-35,000
		AIRBORNE RECONNAISSANCE SYSTEMS		[-35,000]
203	0305206F	GORGON STARE	143,892	97,892
		MANNED RECONNAISSANCE SYSTEMS		[-46,000]
204	0305207F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	12,846	12,846
205	0305208F	MQ-1 PREDATOR A UAV	82,765	82,765
206	0305219F	Sense and avoid	18,101	22,101
207	0305220F	RQ-4 UAV	317,316	317,316
208	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	8,160	8,160
209	0305265F	GPS III SPACE SEGMENT	815,095	815,095
210	0305614F	JSPOC MISSION SYSTEM	131,271	137,271
		Karnac		6,000
211	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	5,267	5,267
212	0305906F	NCMC—TW/AA SYSTEM		
213	0305913F	NUDET DETECTION SYSTEM (SPACE)	84,021	84,021
214	0305924F	NATIONAL SECURITY SPACE OFFICE	10,634	10,634
215	0305940F	SPACE SITUATION AWARENESS OPERATIONS	54,648	54,648
216	0307141F	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEVELOPMENT	30,076	30,076
217	0308699F	SHARED EARLY WARNING (SEW)	3,082	3,082
218	0401115F	C-130 AIRLIFT SQUADRON	201,250	201,250

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
219	0401119F	C-5 AIRLIFT SQUADRONS (IF)	95,266		95,266
220	0401130F	C-17 AIRCRAFT (IF)	161,855		161,855
221	0401132F	C-130J PROGRAM	30,019		30,019
222	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCIM)	31,784		31,784
223	0401218F	KC-135S	10,297		10,297
224	0401219F	KC-10S	35,586		35,586
225	0401221F	KC-135 TANKER REPLACEMENT			
226	0401314F	OPERATIONAL SUPPORT ARLIFT	4,916		4,916
227	0401839F	AIR MOBILITY TACTICAL DATA LINK			
228	0408011F	SPECIAL TACTICS/COMBAT CONTROL	8,222		8,222
229	0702207F	DEPOT MAINTENANCE (NON-IF)	1,508		1,508
230	0702976F	FACILITIES RESTORATION & MODERNIZATION—LOGISTICS			
231	0708011F	INDUSTRIAL PREPAREDNESS			
232	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	246,483		246,483
233	0708611F	SUPPORT SYSTEMS DEVELOPMENT	6,288		6,288
234	0804743F	OTHER FLIGHT TRAINING	805		805
235	0804757F	JOINT NATIONAL TRAINING CENTER	3,220		3,220
236	0804772F	TRAINING DEVELOPMENTS	1,769		1,769
237	0808716F	OTHER PERSONNEL ACTIVITIES	116		116
238	0901202F	JOINT PERSONNEL RECOVERY AGENCY	6,376	5,000	11,376
		Biometric signature and passive physiological monitoring		[5,000]	
239	0901212F	SERVICE-WIDE SUPPORT (NOT OTHERWISE ACCOUNTED FOR)			
240	0901218F	CIVILIAN COMPENSATION PROGRAM	8,174		8,174
241	0901220F	PERSONNEL ADMINISTRATION	10,492		10,492
242	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	55,991		55,991
999	99999999	OTHER PROGRAMS	11,955,084	140,000	12,095,084
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE	18,751,901	166,000	18,917,901

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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
017	0602702E	TACTICAL TECHNOLOGY	276,075	-13,000	263,075
		EXACTO		[-10,000]	
		Submersible aircraft		[-3,000]	
018	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	268,859		268,859
019	0602716E	ELECTRONICS TECHNOLOGY	223,841		223,841
020	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	219,130	2,000	221,130
		Blast mitigation and protection		[2,000]	
021	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	27,384		27,384
022	1160407BB	SOF MEDICAL TECHNOLOGY DEVELOPMENT			
		SUBTOTAL, APPLIED RESEARCH, DEFENSE-WIDE	1,776,790	-34,122	1,742,668
		ADVANCED TECHNOLOGY DEVELOPMENT			
023	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	23,538		23,538
024	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	43,808		43,808
025	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	81,868	6,000	87,868
		Impact and blast loading laboratory testing program		[2,500]	
		Reconnaissance and data exploitation systems		[3,500]	
026	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT	233,203		233,203
027	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	109,760		109,760
028	0603200D8Z	JOINT ADVANCED CONCEPTS	7,817	3,000	10,817
		Joint Future Theater Lift joint advanced concepts		[3,000]	
029	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	23,276		23,276
030	0603286E	ADVANCED AEROSPACE SYSTEMS	338,360	-106,000	232,360
		Disc-rotor compound helicopter		[-5,000]	
		Endurance UAS programs		[-90,000]	
		Heliplane		[-4,000]	
		Triple target terminator		[-7,000]	
031	0603287E	SPACE PROGRAMS AND TECHNOLOGY	200,612		200,612

032	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT	282,235	282,235
033	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	10,838	10,838
034	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	198,352	173,352
		JCTD new starts	-25,000	
			[-25,000]	
035	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	28,212	28,212
036	0603663D8Z	JOINT DATA MANAGEMENT RESEARCH	4,935	4,935
037	0603665D8Z	BIOMETRICS SCIENCE AND TECHNOLOGY	10,993	10,993
038	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOP- MENT	11,480	11,480
039	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM	14,638	24,638
		High performance defense manufacturing technology	[10,000]	
040	0603711D8Z	JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS	9,110	11,110
		Robotics training systems	[2,000]	
041	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	19,043	60,293
		Alternative energy research	[20,000]	
		Biofuels program	[-4,000]	
		Biomass conversion research	[2,500]	
		Fuel cell manufacturing research	[3,750]	
		Renewable power for forward operating bases	[3,000]	
		Vehicle fuel cell and hydrogen logistics program	[8,000]	
042	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY	29,356	29,356
043	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	69,175	69,175
044	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT	26,310	26,310
045	0603727D8Z	JOINT WARFIGHTING PROGRAM	11,135	11,135
046	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	205,912	205,912
047	0603745D8Z	SYNTHETIC APERTURE RADAR (SAR) COHERENT CHANGE DETECTION (CDD)	4,864	4,864
048	0603750D8Z	ADVANCED CONCEPT TECHNOLOGY DEMONSTRATIONS		
049	0603755D8Z	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM		
		Computational design of novel materials	3,000	224,286
050	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	[3,000]	283,476
		Deep Green	-10,000	
			[-10,000]	
051	0603764E	LAND WARFARE TECHNOLOGY		
052	0603765E	CLASSIFIED DARPA PROGRAMS	186,526	186,526
053	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	135,941	135,941

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
054	0603767E	SENSOR TECHNOLOGY	243,056	-7,500	235,556
		SUDS		[-7,500]	
055	0603768E	GUIDANCE TECHNOLOGY	37,040		37,040
056	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	13,822		13,822
057	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	31,298		31,298
058	0603805S	DUAL USE TECHNOLOGY			
059	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	107,984	-13,200	94,784
		Quick Reaction Fund		[-15,000]	
		Special warfare domain awareness		[1,800]	
060	0603828D8Z	JOINT EXPERIMENTATION	124,480	-5,000	119,480
		Space control and GPS experimentation		[-5,000]	
061	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE	38,505		38,505
062	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	95,734		95,734
063	0603942D8Z	TECHNOLOGY TRANSFER	2,219		2,219
064	0909999D8Z	FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS			
065	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	31,675	1,600	33,275
		Lithium ion battery safety research		[1,600]	
066	1160422BB	AVIATION ENGINEERING ANALYSIS	3,544		3,544
067	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY	4,988		4,988
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, DEFENSE-WIDE	3,570,404	-99,850	3,470,554
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES			
068	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P	36,019		36,019
069	0603228D8Z	PHYSICAL SECURITY EQUIPMENT			
070	0603527D8Z	RETRACT LARCH	21,718		21,718
071	0603709D8Z	JOINT ROBOTICS PROGRAM	11,803		11,803
072	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM	17,771		17,771
073	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	31,613		31,613

074	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	719,465	719,465
075	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	982,922	982,922
076	0603883C	BALLISTIC MISSILE DEFENSE BOOST DEFENSE SEGMENT	186,697	186,697
077	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	205,952	205,952
		Real-time non-specific viral agent detector	2,000	2,000
078	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	636,856	636,856
		Airborne infrared surveillance technology	[2,000]	[2,000]
079	0603886C	BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR		[5,000]
080	0603888C	BALLISTIC MISSILE DEFENSE TEST & TARGETS	966,752	966,752
081	0603890C	BMD ENABLING PROGRAMS	369,145	369,145
082	0603891C	SPECIAL PROGRAMS—MDA	301,566	301,566
083	0603892C	AEGIS BMD	1,690,758	1,660,758
		Excess to execution	-30,000	-30,000
084	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	180,000	180,000
085	0603894C	MULTIPLE KILL VEHICLE		
086	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	12,549	12,549
087	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATION	340,014	340,014
088	0603897C	BALLISTIC MISSILE DEFENSE HERCULES	48,186	48,186
089	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARTIGHTER SUPPORT	60,921	60,921
090	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC)	86,949	86,949
091	0603906C	REGARDING TRENCH	6,164	6,164
092	0603907C	SEA BASED X-BAND RADAR (SBX)	174,576	174,576
093	0603908C	BMD EUROPEAN INTERCEPTOR SITE		
094	0603909C	BMD EUROPEAN CAPABILITY	50,504	50,504
095	0603911C	BMD EUROPEAN COMMUNICATIONS SUPPORT		
096	0603912C	ISRAELI COOPERATIVE PROGRAMS	119,634	119,634
097	0603913C	Short-range ballistic missile defense	25,000	25,000
098	0603920D8Z	HUMANITARIAN DEMINING	14,687	14,687
099	0603923D8Z	COALITION WARFARE	13,885	13,885
100	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	4,887	4,887
		Corrosion control research	3,500	3,500
			[3,500]	[3,500]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
101	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT.	55,289		55,289
102	0604648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	18,577		18,577
103	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING.	7,006		7,006
104	0604787D8Z	JOINT SYSTEMS INTEGRATION COMMAND (JSIC)	19,744	50,000	69,744
		Systems engineering and prototyping program		[50,000]	
105	0604828D8Z	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM	16,972		16,972
106	0605017D8Z	REDUCTION OF TOTAL OWNERSHIP COST	24,647		24,647
107	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	3,949		3,949
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, DEFENSE-WIDE.	7,438,177	55,500	7,493,677
		SYSTEM DEVELOPMENT & DEMONSTRATION			
108	0604051D8Z	DEFENSE ACQUISITION CHALLENGE PROGRAM (DACP)	28,862		28,862
109	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD	7,628		7,628
110	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	166,913		166,913
111	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	332,895		332,895
112	0604709D8Z	JOINT ROBOTICS PROGRAM	5,127		5,127
113	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	39,911		39,911
114	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	20,633		20,633
115	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	8,735		8,735
116	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	11,705		11,705
117	0605018BTA	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (DIMHRS)	70,000		70,000
118	0605020BTA	BUSINESS TRANSFORMED MILITARY AGENCY R&D ACTIVITIES	197,008		197,008
119	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	395		395
120	0605027D8Z	OUS(D) IT DEVELOPMENT INITIATIVES	5,000		5,000

121	0605140D8Z	TRUSTED FOUNDRY	41,223	41,223
122	0605648D8Z	DEFENSE ACQUISITION EXECUTIVE (DAE) PILOT PROGRAM	4,267	4,267
123	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	18,431	18,431
124	0303158K	JOINT COMMAND AND CONTROL PROGRAM (JC2)	49,047	49,047
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, DEFENSE-WIDE	1,007,780	1,007,780
125	0807708D8Z	RDT&E MANAGEMENT SUPPORT		
		WOUNDED ILL AND INJURED SENIOR OVERSIGHT COMMITTEE (WII-SOC) STAFF OFFICE	1,609	1,609
126	0603757D8Z	TRAINING TRANSFORMATION (T2)		
127	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	13,121	13,121
128	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	15,247	15,247
129	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	145,052	149,052
		SAM hardware simulators	4,000	4,000
130	0604943D8Z	THERMAL VICAR	9,045	9,045
131	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	9,455	9,455
132	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	44,760	44,760
133	0605110D8Z	USD (A&T)—CRITICAL TECHNOLOGY SUPPORT	4,914	4,914
134	0605117D8Z	FOREIGN MATERIAL ACQUISITION AND EXPLOITATION	94,921	94,921
135	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO)	96,909	96,909
136	0605128D8Z	CLASSIFIED PROGRAM USD(P)		
137	0605130D8Z	FOREIGN COMPARATIVE TESTING	35,054	35,054
138	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	6,474	6,474
139	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	14,916	14,916
140	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	5,888	5,888
141	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	106,477	106,477
142	0605502BR	SMALL BUSINESS INNOVATION RESEARCH		
143	0605502C	SMALL BUSINESS INNOVATIVE RESEARCH—MDA		
144	0605502D8Z	SMALL BUSINESS INNOVATIVE RESEARCH		
145	0605502E	SMALL BUSINESS INNOVATIVE RESEARCH		
146	0605502S	SMALL BUSINESS INNOVATIVE RESEARCH		
147	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH/CHALLENGE ADMINISTRATION	2,163	5,163
		Anti-tamper software systems	3,000	3,000
			[3,000]	[3,000]

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
148	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	11,005		11,005
149	0605798S	DEFENSE TECHNOLOGY ANALYSIS			
150	0605799D8Z	FORCE TRANSFORMATION DIRECTORATE	19,981		19,981
151	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	54,411		54,411
152	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	19,554		19,554
153	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	23,512		23,512
154	0605897E	DARPA AGENCY RELOCATION	45,000		45,000
155	0605898E	MANAGEMENT HQ—R&D	51,055		51,055
156	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	5,929		5,929
157	0606301D8Z	AVIATION SAFETY TECHNOLOGIES	8,000		8,000
158	0204571J	JOINT STAFF ANALYTICAL SUPPORT	1,250		1,250
159	0301555G	CLASSIFIED PROGRAMS	[]		[]
160	0301556G	SPECIAL PROGRAM	[]		[]
161	0303166D8Z	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	30,604		30,604
162	0303169D8Z	INFORMATION TECHNOLOGY RAPID ACQUISITION	4,667		4,667
163	0305103E	CYBER SECURITY INITIATIVE	50,000	-19,600	30,400
		Program decrease		[-19,600]	
164	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	20,648		20,648
165	0305193G	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	[]		[]
166	0305400D8Z	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT	829		829
167	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)	34,306		34,306
168	0901585C	PENTAGON RESERVATION	19,709		19,709
169	0901598C	MANAGEMENT HQ—MDA	57,403		57,403
170	0901598D8W	IT SOFTWARE DEV INITIATIVES	980		980
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, DEFENSE-WIDE	1,064,848	-12,600	1,052,248
		OPERATIONAL SYSTEMS DEVELOPMENT			
171	0604130V	DEFENSE INFORMATION SYSTEM FOR SECURITY (DISS)	1,384		1,384

172	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA.	2,001	2,001
173	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS)	292	292
174	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT)	6,198	6,198
175	0607828D8Z	JOINT INTEGRATION AND INTEROPERABILITY	46,214	46,214
176	0204571J	JOINT STAFF ANALYTICAL SUPPORT		
177	0208043J	CLASSIFIED PROGRAMS	2,179	2,179
178	0208045K	C4I INTEROPERABILITY	74,786	74,786
180	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	10,767	10,767
181	0301301L	GENERAL DEFENSE INTELLIGENCE PROGRAM		
182	0301318BB	HUMINT (CONTROLLED)		
183	0301371G	CYBER SECURITY INITIATIVE—CCP		
184	0301372L	CYBER SECURITY INITIATIVE—GDIP		
185	0301555BZ	CLASSIFIED PROGRAMS		
186	0301556BZ	SPECIAL PROGRAM		
187	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	548	548
188	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	17,655	17,655
189	0303126K	LONG-HAUL COMMUNICATIONS—DCS	9,406	9,406
190	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN)	9,830	9,830
191	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	8,116	8,116
192	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	41,002	41,002
193	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	13,477	13,477
194	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	408,316	410,116
		Software assurance courseware	1,800	410,116
				[1,800]
195	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM	1,205	1,205
196	0303148K	DISA MISSION SUPPORT OPERATIONS	4,098	4,098
197	0303149J	C4I FOR THE WARRIOR	23,761	23,761
198	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	18,944	18,944
199	0303153K	JOINT SPECTRUM CENTER	1,782	1,782
200	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	942	942
201	0303260D8Z	JOINT MILITARY DECEPTION INITIATIVE	5,239	5,239
202	0303610K	TELEPORT PROGRAM	16,381	16,381
203	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES		
204	0304345BQ	NATIONAL GEOSPATIAL-INTELLIGENCE PROGRAM (NGP)		

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
206	0305103D8Z	CYBER SECURITY INITIATIVE	993		993
207	0305103G	CYBER SECURITY INITIATIVE	[]		[]
208	0305103K	CYBER SECURITY INITIATIVE	10,080		10,080
209	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	12,725		12,725
210	0305127BZ	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[]		[]
211	0305127L	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[]		[]
212	0305146BZ	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	[]		[]
213	0305146L	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	[]		[]
214	0305183L	DEFENSE HUMAN INTELLIGENCE (HUMINT) ACTIVITIES	[]		[]
215	0305186D8Z	POLICY R&D PROGRAMS	6,948	-6,000	948
		Program reduction		[-6,000]	
216	0305193L	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)			
217	0305199D8Z	NET CENTRICITY	1,479		1,479
218	0305202G	DRAGON U-2	[]		[]
219	0305206G	AIRBORNE RECONNAISSANCE SYSTEMS	[]		[]
220	0305207G	MANNED RECONNAISSANCE SYSTEMS	[]		[]
221	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	1,407		1,407
222	0305208BQ	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[]		[]
223	0305208G	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[]		[]
224	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,158		3,158
225	0305208L	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	[]		[]
226	0305219BB	MQ-1 PREDATOR A UAV	2,067		2,067
227	0305229G	REAL-TIME ARCHITECTURE DEVELOPMENT (RT10)	[]		[]
228	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,963		2,963
229	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY ASSESSMENT, ADVANCEMENT AND INTEGRATION.	1,389		1,389
230	0305866L	DIA SUPPORT TO SOUTHCOM INTELLIGENCE ACTIVITIES			
231	0305880L	COMBATANT COMMAND INTELLIGENCE OPERATIONS			

232	0305883L	HARD AND DEEPLY BURIED TARGET (HDBT) INTEL SUPPORT	[]	[]	[]
233	0305884L	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES	[]	[]	[]
		Technology applications for security enhancement		[4,000]	[4,000]
235	0305889G	COUNTERDRUG INTELLIGENCE SUPPORT	[]	[]	[]
236	0307141G	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEV	[]	[]	[]
237	0307207G	AERIAL COMMON SENSOR (ACS)	[]	[]	[]
238	0708011S	INDUSTRIAL PREPAREDNESS	20,514	40,000	60,514
		Advanced microcircuit emulation		[4,500]	
		Castings for improved defense readiness		[3,000]	
		Industrial Base Innovation Fund		[30,000]	
		Insensitive munitions manufacturing		[2,500]	
239	0708012S	LOGISTICS SUPPORT ACTIVITIES	2,798		2,798
240	0902298J	MANAGEMENT HEADQUARTERS (JCS)	8,303		8,303
241	1001018D8Z	NATO AGS	74,485		74,485
242	1105219BB	MQ-9 UAV	4,380		4,380
243	1130435BB	STORM			
244	1160279BB	SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER PILOT PROG			
245	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT			
246	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT			
247	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT			
		Long endurance unattended ground sensor technologies			
248	1160408BB	SOF OPERATIONAL ENHANCEMENTS	60,310		60,310
249	1160421BB	SPECIAL OPERATIONS CV-22 DEVELOPMENT	12,687		12,687
250	1160423BB	JOINT MULTI-MISSION SUBMERSIBLE	43,412		43,412
251	1160425BB	SPECIAL OPERATIONS AIRCRAFT DEFENSIVE SYSTEMS			
252	1160426BB	OPERATIONS ADVANCED SEAL DELIVERY SYSTEM (ASDS) DEVELOPMENT	1,321		1,321
253	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	3,192		3,192
254	1160428BB	UNMANNED VEHICLES (UV)			
255	1160429BB	MCI30J SOF TANKER RECAPITALIZATION	5,957		5,957
256	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS	733		733
257	1160476BB	SOF TACTICAL RADIO SYSTEMS	2,368		2,368
258	1160477BB	SOF WEAPONS SYSTEMS	1,081		1,081
259	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	597		597
260	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS	3,369		3,369

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
261	1160480BB	SOF TACTICAL VEHICLES	1,973		1,973
262	1160482BB	SOF ROTARY WING AVIATION	18,863		18,863
263	1160483BB	SOF UNDERWATER SYSTEMS	3,452		3,452
264	1160484BB	SOF SURFACE CRAFT	12,250		12,250
265	1160488BB	SOF PSYOP	9,887		9,887
266	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	4,944		4,944
267	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	11,547		11,547
999	9999999	OTHER PROGRAMS	4,273,689	4,000	4,277,689
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE	5,459,920	44,800	5,504,720
		DARPA execution adjustment		-150,000	-150,000
		Total, RDT&E Defense-Wide	20,741,542	-186,272	20,555,270
		OPERATIONAL TEST & EVALUATION, DEFENSE			
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	58,647		58,647
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	12,285		12,285
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	119,838		119,838
		Total, Operational Test & Evaluation, Defense	190,770		190,770
		TOTAL RDT&E	78,634,289	1,266,402	79,900,691

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)					
Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
RESEARCH, DEVELOPMENT, TEST & EVALUATION, ARMY					
SYSTEM DEVELOPMENT & DEMONSTRATION					
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT	18,598		18,598
SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION, ARMY			18,598		18,598
OPERATIONAL SYSTEMS DEVELOPMENT					
160	0301359A	SPECIAL ARMY PROGRAM	[]		[]
161	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	7,644		7,644
162	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	2,220		2,220
167	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	29,500		29,500
SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY			39,364		39,364
TOTAL, RDT&E ARMY			57,962		57,962
RESEARCH, DEVELOPMENT, TEST & EVALUATION, NAVY					
ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES					

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
027	0603216N	AVIATION SURVIVABILITY	8,000		8,000
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	9,000		9,000
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES, NAVY ...	17,000		17,000
		OPERATIONAL SYSTEMS DEVELOPMENT			
188	0301303N	MARITIME INTELLIGENCE	[]		[]
189	0301323N	COLLECTION MANAGEMENT	[]		[]
190	0301327N	TECHNICAL RECONNAISSANCE AND SURVEILLANCE	[]		[]
191	0301372N	CYBER SECURITY INITIATIVE—GDIP	[]		[]
203	0305207N	MANNED RECONNAISSANCE SYSTEMS	51,900		51,900
210	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO)	6,000		6,000
999	99999999	OTHER PROGRAMS	32,280		32,280
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, RDT&E	90,180		90,180
		TOTAL, RDT&E NAVY	107,180		107,180
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, AIR FORCE			
		BASIC RESEARCH			
004	0301555F	CLASSIFIED PROGRAMS	[]		[]
005	0301556F	SPECIAL PROGRAM	[]		[]
		SUBTOTAL, BASIC RESEARCH, AIR FORCE			
		OPERATIONAL SYSTEMS DEVELOPMENT			
116	0605798F	ANALYSIS SUPPORT GROUP	[]		[]

123	0101815F	ADVANCED STRATEGIC PROGRAMS	[]	[]
128	0205219F	MQ-9 UAV	1,400	1,400
149	0207423F	ADVANCED COMMUNICATIONS SYSTEMS	9,375	9,375
150	0207424F	EVALUATION AND ANALYSIS PROGRAM	[]	[]
164	0208161F	SPECIAL EVALUATION SYSTEM	[]	[]
165	0301310F	NATIONAL AIR INTELLIGENCE CENTER	[]	[]
166	0301314F	COBRA BALL	[]	[]
167	0301315F	MISSILE AND SPACE TECHNICAL COLLECTION	[]	[]
168	0301324F	FOREST GREEN	[]	[]
169	0301386F	GDIP COLLECTION MANAGEMENT	[]	[]
180	0304311F	SELECTED ACTIVITIES	[]	[]
181	0304348F	ADVANCED GEOSPATIAL INTELLIGENCE (AGI)	[]	[]
188	0305124F	SPECIAL APPLICATIONS PROGRAM	[]	[]
189	0305127F	FOREIGN COUNTERINTELLIGENCE ACTIVITIES	[]	[]
191	0305142F	APPLIED TECHNOLOGY AND INTEGRATION	[]	[]
196	0305172F	COMBINED ADVANCED APPLICATIONS	[]	[]
206	0305219F	MQ-1 PREDATOR A UAV	1,400	1,400
999	9999999	OTHER PROGRAMS	17,111	17,111
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE	29,286	29,286
		TOTAL, RDT&E AIR FORCE	29,286	29,286
		RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE		
		RDT&E MANAGEMENT SUPPORT		
159	0301555G	CLASSIFIED PROGRAMS	[]	[]
160	0301556G	SPECIAL PROGRAM	[]	[]
165	0305193G	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	[]	[]
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT, DEFENSE-WIDE		
		OPERATIONAL SYSTEMS DEVELOPMENT		

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
181	0301301L	GENERAL DEFENSE INTELLIGENCE PROGRAM			
182	0301318BB	HUMINT (CONTROLLED)			
183	0301371G	CYBER SECURITY INITIATIVE—CCP			
184	0301372L	CYBER SECURITY INITIATIVE—GDIP			
185	0301555BZ	CLASSIFIED PROGRAMS			
186	0301556BZ	SPECIAL PROGRAM			
198	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	2,750		2,750
204	0304345BQ	NATIONAL GEOSPATIAL-INTELLIGENCE PROGRAM (NGP)			
207	0305103G	CYBER SECURITY INITIATIVE			
211	0305127L	FOREIGN COUNTERINTELLIGENCE ACTIVITIES			
212	0305146BZ	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES			
213	0305146L	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES			
214	0305183L	DEFENSE HUMAN INTELLIGENCE (HUMINT) ACTIVITIES			
218	0305202G	DRAGON U-2			
219	0305206G	AIRBORNE RECONNAISSANCE SYSTEMS			
221	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS			
222	0305208BQ	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS			
223	0305208G	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS			
225	0305208L	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS			
226	0305219BB	MQ-1 PREDATOR A UAV			
227	0305229G	REAL-TIME ARCHITECTURE DEVELOPMENT (RT10)			
231	0305880L	COMBATANT COMMAND INTELLIGENCE OPERATIONS			
232	0305883L	HARD AND DEEPLY BURIED TARGET (HDEBT) INTEL SUPPORT			
233	0305884L	INTELLIGENCE PLANNING AND REVIEW ACTIVITIES			
236	0307141G	INFORMATION OPERATIONS TECHNOLOGY INTEGRATION & TOOL DEV			
237	0307207G	AERIAL COMMON SENSOR (ACS)			
999	99999999	OTHER PROGRAMS	113,076		113,076
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE	115,826		115,826

Total, RDT&E Defense-Wide	115,826	115,826
TOTAL RDT&E	310,254	310,254

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

OPERATION AND MAINTENANCE (In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
Operation and Maintenance, Army					
BUDGET ACTIVITY 01: OPERATING FORCES					
LAND FORCES					
2020	010	MANUEVER UNITS	1,020,490		1,020,490
2020	020	MODULAR SUPPORT BRIGADES	105,178		105,178
2020	030	ECHELONS ABOVE BRIGADE	708,038		708,038
2020	040	THEATER LEVEL ASSETS	718,233		718,233
2020	050	LAND FORCES OPERATIONS SUPPORT	1,379,529		1,379,529
2020	060	AVIATION ASSETS	850,750		850,750
LAND FORCES READINESS					
2020	070	FORCE READINESS OPERATIONS SUPPORT	2,088,233	8,000	2,096,233
		Generation III extended cold weather clothing system		[8,000]	
2020	080	LAND FORCES SYSTEMS READINESS	633,704		633,704
2020	090	LAND FORCES DEPOT MAINTENANCE	692,601		692,601
LAND FORCES READINESS SUPPORT					
2020	100	BASE OPERATIONS SUPPORT	7,586,455		7,586,455

2020	110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	2,221,446	2,221,446	
2020	120	MANAGEMENT AND OPERATIONAL HQ	333,119	333,119	
2020	130	COMBATANT COMMANDERS CORE OPERATIONS	123,163	123,163	
2020	170	COMBATANT COMMANDERS ANCILLARY MISSIONS	460,159	460,159	
		TOTAL, BA 01: OPERATING FORCES	18,921,098	18,921,098	8,000
		BUDGET ACTIVITY 02: MOBILIZATION			
		MOBILITY OPERATIONS			
2020	180	STRATEGIC MOBILITY	228,376	228,376	
2020	190	ARMY PREPOSITIONING STOCKS	98,129	98,129	
2020	200	INDUSTRIAL PREPAREDNESS	5,705	5,705	
		TOTAL, BA 02: MOBILIZATION	332,210	332,210	
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		ACCESSION TRAINING			
2020	210	OFFICER ACQUISITION	125,615	125,615	
2020	220	RECRUIT TRAINING	87,488	87,488	
2020	230	ONE STATION UNIT TRAINING	59,302	59,302	
2020	240	SENIOR RESERVE OFFICERS TRAINING CORPS	449,397	449,397	
		BASIC SKILL/ADVANCE TRAINING			
2020	250	SPECIALIZED SKILL TRAINING	970,777	970,777	
		Rule of law increase		[500]	
2020	260	FLIGHT TRAINING	843,893	843,893	
2020	270	PROFESSIONAL DEVELOPMENT EDUCATION	166,812	166,812	
2020	280	TRAINING SUPPORT	702,031	702,031	
		RECRUITING/OTHER TRAINING			
2020	290	RECRUITING AND ADVERTISING	541,852	541,852	
2020	300	EXAMINING	147,915	147,915	

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
2020	310	OFF-DUTY AND VOLUNTARY EDUCATION	238,353		238,353
2020	320	CIVILIAN EDUCATION AND TRAINING	217,386		217,386
2020	330	JUNIOR ROTC	156,904		156,904
		TOTAL, BA 03: TRAINING AND RECRUITING	4,707,725		4,707,725
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SECURITY PROGRAMS			
2020	340	SECURITY PROGRAMS	1,017,055		1,017,055
		LOGISTICS OPERATIONS			
2020	350	SERVICEWIDE TRANSPORTATION	540,249		540,249
2020	360	CENTRAL SUPPLY ACTIVITIES	614,093		614,093
2020	370	LOGISTIC SUPPORT ACTIVITIES	481,318		481,318
2020	380	AMMUNITION MANAGEMENT	434,661		434,661
		SERVICEWIDE SUPPORT			
2020	390	ADMINISTRATION	776,866		776,866
2020	400	SERVICEWIDE COMMUNICATIONS	1,166,491		1,166,491
2020	410	MANPOWER MANAGEMENT	289,383		289,383
2020	420	OTHER PERSONNEL SUPPORT	221,779		221,779
2020	430	OTHER SERVICE SUPPORT	993,852		993,852
2020	440	ARMY CLAIMS ACTIVITIES	215,168		215,168
2020	450	REAL ESTATE MANAGEMENT	118,785		118,785
		SUPPORT OF OTHER NATIONS			
2020	460	SUPPORT OF NATO OPERATIONS	430,449		430,449
2020	470	MISC. SUPPORT OF OTHER NATIONS	13,700		13,700

	Unobligated balances			[-350,000]	-350,000
	TOTAL, EA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		7,313,849	-350,000	6,963,849
2020	Total Operation and Maintenance, Army		31,274,882	-342,000	30,932,882
	Operation and Maintenance, Navy				
	BUDGET ACTIVITY 01: OPERATING FORCES				
	AIR OPERATIONS				
1804	010 MISSION AND OTHER FLIGHT OPERATIONS	3,814,000			3,814,000
1804	020 FLEET AIR TRAINING	120,868			120,868
1804	030 AVIATION TECHNICAL DATA & ENGINEERING SERVICES	52,259			52,259
1804	040 AIR OPERATIONS AND SAFETY SUPPORT	121,649			121,649
1804	050 AIR SYSTEMS SUPPORT	485,321			485,321
1804	060 AIRCRAFT DEPOT MAINTENANCE	1,057,747		195,000	1,252,747
	Aviation depot maintenance increase			[195,000]	
1804	070 AIRCRAFT DEPOT OPERATIONS SUPPORT	32,083			32,083
	SHIP OPERATIONS				
1804	080 MISSION AND OTHER SHIP OPERATIONS	3,320,222			3,320,222
1804	090 SHIP OPERATIONS SUPPORT & TRAINING	699,581			699,581
1804	100 SHIP DEPOT MAINTENANCE	4,296,544		768,850	5,065,394
	Ship depot maintenance increase			[200,000]	
	Transfer to Base			[568,850]	
1804	110 SHIP DEPOT OPERATIONS SUPPORT	1,170,785			1,170,785
	COMBAT OPERATIONS/SUPPORT				
1804	120 COMBAT COMMUNICATIONS	601,595			601,595
1804	130 ELECTRONIC WARFARE	86,019			86,019
1804	140 SPACE SYSTEMS AND SURVEILLANCE	167,050			167,050

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
1804	150	WARFARE TACTICS	407,674		407,674
1804	160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	315,228		315,228
1804	170	COMBAT SUPPORT FORCES	758,789		758,789
1804	180	EQUIPMENT MAINTENANCE	186,794		186,794
1804	190	DEPOT OPERATIONS SUPPORT	3,305		3,305
1804	200	COMBATANT COMMANDERS CORE OPERATIONS	167,789		167,789
1804	210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	259,188	-7,000	252,188
		Reduction for National Program for Small Unit Excellence		[-7,000]	
		WEAPONS SUPPORT			
1804	220	CRUISE MISSILE	131,895		131,895
1804	230	FLEET BALLISTIC MISSILE	1,145,020		1,145,020
1804	240	IN-SERVICE WEAPONS SYSTEMS SUPPORT	64,731		64,731
1804	250	WEAPONS MAINTENANCE	448,777	12,000	460,777
		Gun depot overhauls			
1804	260	OTHER WEAPON SYSTEMS SUPPORT	326,535	[-12,000]	326,535
		BASE SUPPORT			
1804	270	ENTERPRISE INFORMATION	1,095,587		1,095,587
1804	280	SUSTAINMENT, RESTORATION AND MODERNIZATION	1,746,418		1,746,418
1804	290	BASE OPERATING SUPPORT	4,058,046		4,058,046
		TOTAL, BA 01: OPERATING FORCES	27,141,499	968,850	28,110,349
		BUDGET ACTIVITY 02: MOBILIZATION			
		READY RESERVE AND PREPOSITIONING FORCES			
1804	300	SHIP PREPOSITIONING AND SURGE	407,977		407,977

1804	310	ACTIVATIONS/INACTIVATIONS				
1804	320	AIRCRAFT ACTIVATIONS/INACTIVATIONS	7,491		7,491	
		SHIP ACTIVATIONS/INACTIVATIONS	192,401		192,401	
1804	330	MOBILIZATION PREPAREDNESS				
1804	340	FLEET HOSPITAL PROGRAM	24,546		24,546	
1804	350	INDUSTRIAL READINESS	2,409		2,409	
		COAST GUARD SUPPORT	25,727		25,727	
		TOTAL, BA 02: MOBILIZATION	660,551		660,551	
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING				
1804	360	ACCESSION TRAINING				
1804	370	OFFICER ACQUISITION	145,027		145,027	
1804	380	RECRUIT TRAINING	11,011		11,011	
		RESERVE OFFICERS TRAINING CORPS	127,490		127,490	
1804	390	BASIC SKILLS AND ADVANCED TRAINING				
		SPECIALIZED SKILL TRAINING	477,383	850	478,233	
		Naval strike air warfare center training		[850]		
1804	400	FLIGHT TRAINING	1,268,846		1,268,846	
1804	410	PROFESSIONAL DEVELOPMENT EDUCATION	161,922		161,922	
1804	420	TRAINING SUPPORT	158,685		158,685	
1804	430	RECRUITING, AND OTHER TRAINING AND EDUCATION				
1804	440	RECRUITING AND ADVERTISING	276,564		276,564	
1804	450	OFF-DUTY AND VOLUNTARY EDUCATION	154,979		154,979	
		CIVILIAN EDUCATION AND TRAINING	101,556		101,556	
1804	460	JUNIOR ROTC	49,161		49,161	
		TOTAL, BA 03: TRAINING AND RECRUITING	2,932,624	850	2,933,474	
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES				

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		SERVICEWIDE SUPPORT			
1804	470	ADMINISTRATION	768,048		768,048
1804	480	EXTERNAL RELATIONS	6,171		6,171
1804	490	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	114,675		114,675
1804	500	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	182,115		182,115
1804	510	OTHER PERSONNEL SUPPORT	298,729		298,729
1804	520	SERVICEWIDE COMMUNICATIONS	408,744		408,744
		LOGISTICS OPERATIONS AND TECHNICAL SUPPORT			
1804	540	SERVICEWIDE TRANSPORTATION	246,989		246,989
1804	560	PLANNING, ENGINEERING AND DESIGN	244,337		244,337
1804	570	ACQUISITION AND PROGRAM MANAGEMENT	778,501		778,501
1804	580	HULL, MECHANICAL AND ELECTRICAL SUPPORT	60,223		60,223
1804	590	COMBAT/WEAPONS SYSTEMS	17,328		17,328
1804	600	SPACE AND ELECTRONIC WARFARE SYSTEMS	79,065		79,065
		INVESTIGATIONS AND SECURITY PROGRAMS			
1804	610	NAVAL INVESTIGATIVE SERVICE	515,989		515,989
		SUPPORT OF OTHER NATIONS			
1804	670	INTERNATIONAL HEADQUARTERS AND AGENCIES	5,918		5,918
		OTHER PROGRAMS			
1804	999	OTHER PROGRAMS	608,840		608,840
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	4,335,672		4,335,672
		Unobligated balances		[-150,000]	-150,000

1804		Total Operation and Maintenance, Navy	35,070,346	819,700	35,890,046
1804		Operation and Maintenance, Marine Corps			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		EXPEDITIONARY FORCES			
1106	010	OPERATIONAL FORCES	730,931	11,000	741,931
		Advanced load bearing equipment		[3,000]	
		Family of shelter and tents		[3,000]	
		Cold weather layering system		[5,000]	
1106	020	FIELD LOGISTICS	591,020		591,020
1106	030	DEPOT MAINTENANCE	80,971		80,971
		USMC PREPOSITIONING			
1106	050	MARITIME PREPOSITIONING	72,182		72,182
1106	060	NORWAY PREPOSITIONING	5,090		5,090
		BASE SUPPORT			
1106	080	SUSTAINMENT, RESTORATION, & MODERNIZATION	666,330		666,330
1106	090	BASE OPERATING SUPPORT	2,250,191		2,250,191
		TOTAL, BA 01: OPERATING FORCES	4,396,715	11,000	4,407,715
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		ACCESSION TRAINING			
1106	100	RECRUIT TRAINING	16,129		16,129
1106	110	OFFICER ACQUISITION	418		418
		BASIC SKILLS AND ADVANCED TRAINING			

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
1106	120	SPECIALIZED SKILL TRAINING	67,336		67,336
1106	130	FLIGHT TRAINING	369		369
1106	140	PROFESSIONAL DEVELOPMENT EDUCATION	28,112		28,112
1106	150	TRAINING SUPPORT	330,885		330,885
		RECRUITING AND OTHER TRAINING EDUCATION			
1106	160	RECRUITING AND ADVERTISING	240,832		240,832
1106	170	OFF-DUTY AND VOLUNTARY EDUCATION	64,254		64,254
1106	180	JUNIOR ROTC	19,305		19,305
		TOTAL, BA 03: TRAINING AND RECRUITING	767,640		767,640
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
1106	210	SPECIAL SUPPORT	299,065		299,065
1106	220	SERVICEWIDE TRANSPORTATION	28,924		28,924
1106	230	ADMINISTRATION	43,879		43,879
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	371,868		371,868
1106		Total Operation and Maintenance, Marine Corps	5,536,223	11,000	5,547,223
1106		Operation and Maintenance, Air Force			
1106		BUDGET ACTIVITY 01: OPERATING FORCES			

AIR OPERATIONS				
3400	010	PRIMARY COMBAT FORCES	4,017,156	4,017,156
3400	020	COMBAT ENHANCEMENT FORCES	2,754,563	2,754,563
3400	030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,414,913	1,414,913
3400	050	DEPOT MAINTENANCE	2,389,738	2,389,738
3400	060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,420,083	1,420,083
3400	070	BASE SUPPORT	2,859,943	2,863,443
		Mission essential airfield operations equipment	3,500	
			[3,500]	
COMBAT RELATED OPERATIONS				
3400	080	GLOBAL C3I AND EARLY WARNING	1,411,813	1,411,813
3400	090	OTHER COMBAT OPS SPT PROGRAMS	880,353	883,353
		National security space institute	3,000	
		TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	[3,000]	
3400	110	Program decrease for Gorgon Stare	552,148	539,148
		Program decrease for Gorgon Stare	-13,000	
			[-13,000]	
SPACE OPERATIONS				
3400	120	LAUNCH FACILITIES	356,367	356,367
3400	130	SPACE CONTROL SYSTEMS	725,646	725,646
COCOM				
3400	140	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	608,796	608,796
3400	150	COMBATANT COMMANDERS CORE OPERATIONS	216,073	216,073
		TOTAL, BA 01: OPERATING FORCES	19,607,592	19,601,092
			-6,500	
BUDGET ACTIVITY 02: MOBILIZATION				
MOBILITY OPERATIONS				
3400	160	AIRLIFT OPERATIONS	2,932,080	2,932,080
3400	170	MOBILIZATION PREPAREDNESS	211,858	211,858
3400	180	DEPOT MAINTENANCE	332,226	332,226
3400	190	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	362,954	362,954
3400	200	BASE SUPPORT	657,830	657,830

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		TOTAL, BA 02: MOBILIZATION	4,496,948		4,496,948
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING			
		ACCESSION TRAINING			
3400	210	OFFICER ACQUISITION	120,870		120,870
3400	220	RECRUIT TRAINING	18,135		18,135
3400	230	RESERVE OFFICERS TRAINING CORPS (ROTC)	88,414		88,414
3400	240	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	372,788		372,788
3400	250	BASE SUPPORT	685,029		685,029
		BASIC SKILLS AND ADVANCED TRAINING			
3400	260	SPECIALIZED SKILL TRAINING	514,048		514,048
3400	270	FLIGHT TRAINING	833,005		833,005
3400	280	PROFESSIONAL DEVELOPMENT EDUCATION	215,676		215,676
3400	290	TRAINING SUPPORT	118,877		118,877
3400	300	DEPOT MAINTENANCE	576		576
		RECRUITING, AND OTHER TRAINING AND EDUCATION			
3400	320	RECRUITING AND ADVERTISING	152,983		152,983
3400	330	EXAMINING	5,584		5,584
3400	340	OFF-DUTY AND VOLUNTARY EDUCATION	188,198		188,198
3400	350	CIVILIAN EDUCATION AND TRAINING	174,151		174,151
3400	360	JUNIOR ROTC	67,549		67,549
		TOTAL, BA 03: TRAINING AND RECRUITING	3,555,883		3,555,883
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			

3400	LOGISTICS OPERATIONS			
3400	LOGISTICS OPERATIONS	1,055,672	1,055,672	1,055,672
3400	TECHNICAL SUPPORT ACTIVITIES	735,036	735,036	735,036
3400	DEPOT MAINTENANCE	15,411	15,411	15,411
3400	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	359,562	359,562	359,562
3400	BASE SUPPORT	1,410,097	1,410,097	1,410,097
3400	SERVICEWIDE ACTIVITIES			
3400	ADMINISTRATION	646,080	646,080	646,080
3400	SERVICEWIDE COMMUNICATIONS	581,951	581,951	581,951
3400	OTHER SERVICEWIDE ACTIVITIES	1,062,803	1,062,803	1,062,803
3400	CIVIL AIR PATROL	22,433	22,433	22,433
3400	SECURITY PROGRAMS			
3400	SECURITY PROGRAMS	1,148,704	1,148,704	1,148,704
3400	SUPPORT TO OTHER NATIONS			
3400	INTERNATIONAL SUPPORT	49,987	49,987	49,987
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	7,087,736	7,087,736	7,087,736
	Overstatement of civilian pay		[-538,100]	-538,100
	Unobligated balances		[-150,000]	-150,000
3400	Total Operation and Maintenance, Air Force	34,748,159	-694,600	34,053,559
3400	Operation and Maintenance, Defense-wide			
	BUDGET ACTIVITY 1: OPERATING FORCES			
	DEFENSEWIDE ACTIVITIES			

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
0100	010	JOINT CHIEFS OF STAFF	457,169		457,169
0100	020	SPECIAL OPERATIONS COMMAND	3,611,492		3,611,492
		TOTAL, BUDGET ACTIVITY 1:	4,068,661		4,068,661
		BUDGET ACTIVITY 3: TRAINING AND RECRUITING			
		DEFENSEWIDE ACTIVITIES			
0100	030	DEFENSE ACQUISITION UNIVERSITY	115,497		115,497
		RECRUITING AND OTHER TRAINING EDUCATION			
0100	040	NATIONAL DEFENSE UNIVERSITY	103,408		103,408
		TOTAL, BUDGET ACTIVITY 3:	218,905		218,905
		BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
		DEFENSEWIDE ACTIVITIES			
0100	060	CIVIL MILITARY PROGRAMS	132,231		132,231
0100	090	DEFENSE BUSINESS TRANSFORMATION AGENCY	139,579		139,579
0100	100	DEFENSE CONTRACT AUDIT AGENCY	458,316		458,316
0100	120	DEFENSE HUMAN RESOURCES ACTIVITY	665,743		665,743
0100	130	DEFENSE INFORMATION SYSTEMS AGENCY	1,322,163		1,322,163
0100	150	DEFENSE LEGAL SERVICES	42,532		42,532
0100	160	DEFENSE LOGISTICS AGENCY	405,873		405,873
0100	170	DEFENSE MEDIA ACTIVITY	253,667		253,667
0100	180	DEFENSE POW/MIA OFFICE	20,679		20,679
0100	190	DEFENSE TECHNOLOGY SECURITY AGENCY	34,325		34,325
0100	200	DEFENSE THREAT REDUCTION AGENCY	385,453		385,453

0100	210	DEPARTMENT OF DEFENSE EDUCATION AGENCY	2,302,116	5,000	2,307,116
		Family support for military children with autism		[5,000]	
0100	220	DEFENSE CONTRACT MANAGEMENT AGENCY	1,058,721		1,058,721
0100	230	DEFENSE SECURITY COOPERATION AGENCY	721,756		721,756
0100	240	DEFENSE SECURITY SERVICE	497,857		497,857
0100	260	OFFICE OF ECONOMIC ADJUSTMENT	37,166		37,166
0100	270	OFFICE OF THE SECRETARY OF DEFENSE	1,955,985	35,000	1,990,985
		Readiness and environmental protection initiative		[25,000]	
		Director of operational energy plans and programs		[5,000]	
		Acceleration of Defense Readiness Reporting System		[5,000]	
0100	280	WASHINGTON HEADQUARTERS SERVICE	589,309		589,309
		OTHER PROGRAMS			
0100	999	OTHER PROGRAMS	13,046,209		13,046,209
		TOTAL, BUDGET ACTIVITY 4:	24,069,680	40,000	24,109,680
		Impact aid		[30,000]	30,000
		Impact aid for children with severe disabilities		[5,000]	5,000
		Special assistance to local education agencies		[10,000]	10,000
		Undistributed Bulk Fuel Adjustment		[-596,249]	-596,249
		Decrease for software licenses		[-50,000]	-50,000
		Unobligated balances		[-150,000]	-150,000
0100		Total Operation and Maintenance, Defense-Wide	28,357,246	-711,249	27,645,997
0100		Operation and Maintenance, Army Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
2080	010	LAND FORCES			
		MANEUVER UNITS	1,403		1,403

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
2080	020	MODULAR SUPPORT BRIGADES	12,707		12,707
2080	030	ECHELONS ABOVE BRIGADE	468,288		468,288
2080	040	THEATER LEVEL ASSETS	152,439		152,439
2080	050	LAND FORCES OPERATIONS SUPPORT	520,420		520,420
2080	060	AVIATION ASSETS	61,063		61,063
		LAND FORCES READINESS			
2080	070	FORCE READINESS OPERATIONS SUPPORT	290,443		290,443
2080	080	LAND FORCES SYSTEMS READINESS	106,569	3,600	110,169
		Mobile corrosion protection		[3,600]	
2080	090	LAND FORCES DEPOT MAINTENANCE	94,499		94,499
		LAND FORCES READINESS SUPPORT			
2080	100	BASE OPERATIONS SUPPORT	522,310		522,310
2080	110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	234,748		234,748
		TOTAL, BA 01: OPERATING FORCES	2,464,889	3,600	2,468,489
		LOGISTICS OPERATIONS			
2080	130	SERVICEWIDE TRANSPORTATION	9,291		9,291
		SERVICEWIDE SUPPORT			
2080	140	ADMINISTRATION	72,075		72,075
2080	150	SERVICEWIDE COMMUNICATIONS	3,635		3,635
2080	160	MANPOWER MANAGEMENT	9,104		9,104
2080	170	RECRUITING AND ADVERTISING	61,202		61,202
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	155,307		155,307

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
SERVICEWIDE SUPPORT					
1806	150	ADMINISTRATION	3,323		3,323
1806	160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	13,897		13,897
1806	170	SERVICEWIDE COMMUNICATIONS	1,957		1,957
LOGISTICS OPERATIONS AND TECHNICAL SUPPORT					
1806	190	ACQUISITION AND PROGRAM MANAGEMENT	3,593		3,593
TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			22,770		22,770
1806		Total Operation and Maintenance, Navy Reserve	1,278,501		1,278,501
1806					
1806					
Operation and Maintenance, Marine Corps Reserve					
BUDGET ACTIVITY 01: OPERATING FORCES					
EXPEDITIONARY FORCES					
1107	010	OPERATING FORCES	61,117		61,117
1107	020	DEPOT MAINTENANCE	13,217		13,217
1107	030	TRAINING SUPPORT	29,373		29,373
BASE SUPPORT					
1107	040	SUSTAINMENT, RESTORATION AND MODERNIZATION	25,466		25,466
1107	050	BASE OPERATING SUPPORT	73,899		73,899

			203,072		203,072
		TOTAL, BA 01: OPERATING FORCES			
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE ACTIVITIES			
1107	060	SPECIAL SUPPORT	5,639		5,639
1107	070	SERVICEWIDE TRANSPORTATION	818		818
1107	080	ADMINISTRATION	10,642		10,642
1107	090	RECRUITING AND ADVERTISING	8,754		8,754
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	25,853		25,853
1107		Total Operation and Maintenance, Marine Corps Reserve	228,925		228,925
1107		Operation and Maintenance, Air Force Reserve			
1107		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
3740	010	PRIMARY COMBAT FORCES	2,049,303		2,049,303
3740	020	MISSION SUPPORT OPERATIONS	121,417		121,417
3740	030	DEPOT MAINTENANCE	441,958		441,958
3740	040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	78,763		78,763
3740	050	BASE SUPPORT	258,091		258,091
		TOTAL, BA 01: OPERATING FORCES	2,949,532		2,949,532
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE ACTIVITIES			
3740	060	ADMINISTRATION	77,476		77,476
3740	070	RECRUITING AND ADVERTISING	24,553		24,553

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
3740	080	MILITARY MANPOWER AND PERS MGMT (ARPC)	20,838		20,838
3740	090	OTHER PERS SUPPORT (DISABILITY COMP)	6,121		6,121
3740	100	AUDIOVISUAL	708		708
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	129,696		129,696
3740		Total Operation and Maintenance, Air Force Reserve	3,079,228		3,079,228
3740					
3740					
		Operation and Maintenance, Army National Guard			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		LAND FORCES			
2065	010	MANEUVER UNITS	876,269		876,269
2065	020	MODULAR SUPPORT BRIGADES	173,843		173,843
2065	030	ECHELONS ABOVE BRIGADE	615,160		615,160
2065	040	THEATER LEVEL ASSETS	253,997		253,997
2065	050	LAND FORCES OPERATIONS SUPPORT	34,441		34,441
2065	060	AVIATION ASSETS	819,031		819,031
		LAND FORCES READINESS			
2065	070	FORCE READINESS OPERATIONS SUPPORT	436,799		436,799
2065	080	LAND FORCES SYSTEMS READINESS	99,757	3,600	103,357
		Mobile corrosion protection		[3,600]	
2065	090	LAND FORCES DEPOT MAINTENANCE	379,646		379,646
		LAND FORCES READINESS SUPPORT			

2065	100	BASE OPERATIONS SUPPORT	798,343		798,343
2065	110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION	580,171		580,171
2065	120	MANAGEMENT AND OPERATIONAL HQ	573,452		573,452
		TOTAL, BA 01: OPERATING FORCES	5,640,909	3,600	5,644,509
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SERVICEWIDE SUPPORT			
2065	140	ADMINISTRATION	119,186		119,186
2065	150	SERVICEWIDE COMMUNICATIONS	48,020		48,020
2065	160	MANPOWER MANAGEMENT	7,920		7,920
2065	170	RECRUITING AND ADVERTISING	440,999		440,999
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	616,125		616,125
2065		Total Operation and Maintenance, Army National Guard	6,257,034	3,600	6,260,634
2065					
2065					
		Operation and Maintenance, Air National Guard			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
3840	010	AIRCRAFT OPERATIONS	3,347,685	2,700	3,350,385
		Controlled humidity protection		[2,700]	
3840	020	MISSION SUPPORT OPERATIONS	779,917		779,917
3840	030	DEPOT MAINTENANCE	780,347		780,347
3840	040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	302,949		302,949
3840	050	BASE SUPPORT	606,916		606,916
		TOTAL, BA 01: OPERATING FORCES	5,817,814	2,700	5,820,514

OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES					
SERVICEWIDE ACTIVITIES					
3840	060	ADMINISTRATION	35,174		35,174
3840	070	RECRUITING AND ADVERTISING	32,773		32,773
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	67,947		67,947
3840		Total Operation and Maintenance, Air National Guard	5,885,761	2,700	5,888,461
3840					
MISCELLANEOUS APPROPRIATIONS					
0104	010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	13,932		13,932
0111	010	ACQUISITION WORKFORCE DEVELOPMENT FUND	100,000		100,000
0819	010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	109,869		109,869
0134	010	COOPERATIVE THREAT REDUCTION	404,093	20,000	424,093
		Program increase		[20,000]	
0810	020	ENVIRONMENTAL RESTORATION, ARMY	415,864		415,864
0810	030	ENVIRONMENTAL RESTORATION, NAVY	285,869		285,869
0810	040	ENVIRONMENTAL RESTORATION, AIR FORCE	494,276		494,276
0810	050	ENVIRONMENTAL RESTORATION, DEFENSE	11,100		11,100
0811	060	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	267,700		267,700
0118	070	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND	5,000		5,000
		TOTAL, MISCELLANEOUS APPROPRIATIONS	2,107,703	20,000	2,127,703
		TOTAL TITLE III—OPERATION AND MAINTENANCE	156,444,204	-887,249	155,556,955

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)					
Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		Operation and Maintenance, Army			
		BUDGET ACTIVITY 01: OPERATING FORCES			
2020	140	ADDITIONAL ACTIVITIES	36,330,899		36,330,899
2020	150	COMMANDERS EMERGENCY RESPONSE PROGRAM	1,500,000	-100,000	1,400,000
		Program decrease		[-100,000]	
2020	160	RESET	7,867,551		7,867,551
		TOTAL, BA 01: OPERATING FORCES	45,698,450	-100,000	45,598,450
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES			
		SECURITY PROGRAMS			
2020	340	SECURITY PROGRAMS	1,426,309		1,426,309
		LOGISTICS OPERATIONS			
2020	350	SERVICEWIDE TRANSPORTATION	5,045,902		5,045,902
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	6,472,211		6,472,211

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
2020		Total Operation and Maintenance, Army	52,170,661	-100,000	52,070,661
		Operation and Maintenance, Navy			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
1804	010	MISSION AND OTHER FLIGHT OPERATIONS	1,138,398		1,138,398
1804	020	FLEET AIR TRAINING	2,640		2,640
1804	030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	1,212		1,212
1804	040	AIR OPERATIONS AND SAFETY SUPPORT	26,815		26,815
1804	050	AIR SYSTEMS SUPPORT	44,532		44,532
1804	060	AIRCRAFT DEPOT MAINTENANCE	158,559		158,559
		SHIP OPERATIONS			
1804	080	MISSION AND OTHER SHIP OPERATIONS	651,209		651,209
1804	090	SHIP OPERATIONS SUPPORT & TRAINING	22,489		22,489
1804	100	SHIP DEPOT MAINTENANCE	1,001,037	-568,850	432,187
		Transfer from OCO		[-568,850]	
		COMBAT OPERATIONS/SUPPORT			
1804	120	COMBAT COMMUNICATIONS	20,704		20,704
1804	150	WARFARE TACTICS	15,918		15,918
1804	160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	16,889		16,889
1804	170	COMBAT SUPPORT FORCES	1,891,799		1,891,799
1804	180	EQUIPMENT MAINTENANCE	306		306
1804	200	COMBATANT COMMANDERS CORE OPERATIONS	6,929		6,929
1804	210	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	7,344		7,344

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
1804	470	ADMINISTRATION	3,899		3,899
1804	480	EXTERNAL RELATIONS	463		463
1804	500	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	563		563
1804	510	OTHER PERSONNEL SUPPORT	2,525		2,525
1804	520	SERVICEWIDE COMMUNICATIONS	23,557		23,557
		LOGISTICS OPERATIONS AND TECHNICAL SUPPORT			
1804	540	SERVICEWIDE TRANSPORTATION	223,890		223,890
1804	570	ACQUISITION AND PROGRAM MANAGEMENT	642		642
		INVESTIGATIONS AND SECURITY PROGRAMS			
1804	610	NAVAL INVESTIGATIVE SERVICE	37,452		37,452
		OTHER PROGRAMS			
1804	999	OTHER PROGRAMS	25,299		25,299
1804		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	318,290		318,290
		Total Operation and Maintenance, Navy	6,219,583	-568,850	5,650,733
1804		Operation and Maintenance, Marine Corps			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		EXPEDITIONARY FORCES			
1106	010	OPERATIONAL FORCES	2,048,844		2,048,844
1106	020	FIELD LOGISTICS	486,014		486,014
1106	030	DEPOT MAINTENANCE	554,000		554,000

1106	060	USMC PREPOSITIONING	950	
		NORWAY PREPOSITIONING		950
1106	090	BASE SUPPORT	121,700	
		BASE OPERATING SUPPORT		121,700
		TOTAL, BA 01: OPERATING FORCES	3,211,508	3,211,508
		BUDGET ACTIVITY 03: TRAINING AND RECRUITING		
		BASIC SKILLS AND ADVANCED TRAINING		
1106	120	SPECIALIZED SKILL TRAINING	6,303	6,303
1106	140	PROFESSIONAL DEVELOPMENT EDUCATION	923	923
1106	150	TRAINING SUPPORT	205,625	205,625
		TOTAL, BA 03: TRAINING AND RECRUITING	212,851	212,851
		BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		
		SERVICEWIDE SUPPORT		
1106	210	SPECIAL SUPPORT	2,576	2,576
1106	220	SERVICEWIDE TRANSPORTATION	269,415	269,415
1106	230	ADMINISTRATION	5,250	5,250
		TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES	277,241	277,241
1106		Total Operation and Maintenance, Marine Corps	3,701,600	3,701,600
1106		Operation and Maintenance, Air Force		
1106		BUDGET ACTIVITY 01: OPERATING FORCES		

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		AIR OPERATIONS			
3400	010	PRIMARY COMBAT FORCES	1,582,431		1,582,431
3400	020	COMBAT ENHANCEMENT FORCES	1,460,018		1,460,018
3400	030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	109,255		109,255
3400	050	DEPOT MAINTENANCE	304,540		304,540
3400	060	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	121,881		121,881
3400	070	BASE SUPPORT	1,394,809		1,394,809
		COMBAT RELATED OPERATIONS			
3400	080	GLOBAL C3I AND EARLY WARNING	130,885		130,885
3400	090	OTHER COMBAT OPS SPT PROGRAMS	407,554		407,554
		SPACE OPERATIONS			
3400	130	SPACE CONTROL SYSTEMS	38,677		38,677
		COCOM			
3400	140	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	157,000		157,000
		TOTAL, BA 01: OPERATING FORCES	5,707,050		5,707,050
		BUDGET ACTIVITY 02: MOBILIZATION			
		MOBILITY OPERATIONS			
3400	160	AIRLIFT OPERATIONS	3,171,148		3,171,148
3400	170	MOBILIZATION PREPAREDNESS	169,659		169,659
3400	180	DEPOT MAINTENANCE	167,070		167,070
3400	190	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	942		942
3400	200	BASE SUPPORT	45,998		45,998

	TOTAL, BA 02: MOBILIZATION		3,554,817	3,554,817	
	BUDGET ACTIVITY 03: TRAINING AND RECRUITING				
	ACCESSION TRAINING				
3400	240 FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION		1,019	1,019	
3400	250 BASE SUPPORT		19,361	19,361	
	BASIC SKILLS AND ADVANCED TRAINING				
3400	260 SPECIALIZED SKILL TRAINING		48,442	48,442	
3400	270 FLIGHT TRAINING		291	291	
3400	280 PROFESSIONAL DEVELOPMENT EDUCATION		1,500	1,500	
3400	290 TRAINING SUPPORT		1,427	1,427	
	TOTAL, BA 03: TRAINING AND RECRUITING		72,040	72,040	
	BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES				
	LOGISTICS OPERATIONS				
3400	370 LOGISTICS OPERATIONS		328,009	328,009	
3400	420 BASE SUPPORT		35,322	35,322	
	SERVICEWIDE ACTIVITIES				
3400	430 ADMINISTRATION		9,000	9,000	
3400	440 SERVICEWIDE COMMUNICATIONS		178,470	178,470	
	SECURITY PROGRAMS				
3400	470 SECURITY PROGRAMS		142,160	142,160	
	TOTAL, BA 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES		692,961	692,961	
3400	Total Operation and Maintenance, Air Force		10,026,868	10,026,868	

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
3400					
		Operation and Maintenance, Defense-wide			
		BUDGET ACTIVITY 1: OPERATING FORCES			
		DEFENSEWIDE ACTIVITIES			
0100	010	JOINT CHIEFS OF STAFF	25,000		25,000
0100	020	SPECIAL OPERATIONS COMMAND	2,519,935		2,519,935
		TOTAL, BUDGET ACTIVITY 1:	2,544,935		2,544,935
		BUDGET ACTIVITY 4: ADMIN & SERVICEWIDE ACTIVITIES			
		DEFENSEWIDE ACTIVITIES			
0100	100	DEFENSE CONTRACT AUDIT AGENCY	13,908		13,908
0100	130	DEFENSE INFORMATION SYSTEMS AGENCY	245,117		245,117
0100	150	DEFENSE LEGAL SERVICES	115,000		115,000
0100	170	DEFENSE MEDIA ACTIVITY	13,364		13,364
0100	200	DEFENSE THREAT REDUCTION AGENCY	2,018		2,018
0100	210	DEPARTMENT OF DEFENSE EDUCATION AGENCY	553,600		553,600
0100	220	DEFENSE CONTRACT MANAGEMENT AGENCY	63,130		63,130
0100	230	DEFENSE SECURITY COOPERATION AGENCY	1,950,000		1,950,000
0100	270	OFFICE OF THE SECRETARY OF DEFENSE	79,047		79,047
		OTHER PROGRAMS			
0100	999	OTHER PROGRAMS	1,998,181		1,998,181
		TOTAL, BUDGET ACTIVITY 4:	5,033,365		5,033,365

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		SHIP OPERATIONS			
1806	060	MISSION AND OTHER SHIP OPERATIONS	7,416		7,416
1806	080	SHIP DEPOT MAINTENANCE	8,917		8,917
		COMBAT OPERATIONS SUPPORT			
1806	090	COMBAT COMMUNICATIONS	3,147		3,147
1806	100	COMBAT SUPPORT FORCES	13,428		13,428
		BASE SUPPORT			
1806	140	BASE OPERATING SUPPORT	4,478		4,478
		TOTAL, BA 01: OPERATING FORCES	68,059		68,059
1806		Total Operation and Maintenance, Navy Reserve	68,059		68,059
1806					
1806					
		Operation and Maintenance, Marine Corps Reserve			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		EXPEDITIONARY FORCES			
1107	010	OPERATING FORCES	77,849		77,849
		BASE SUPPORT			
1107	050	BASE OPERATING SUPPORT	8,818		8,818
		TOTAL, BA 01: OPERATING FORCES	86,667		86,667

1107	Total Operation and Maintenance, Marine Corps Reserve	86,667	86,667
1107	Operation and Maintenance, Air Force Reserve		
1107	BUDGET ACTIVITY 01: OPERATING FORCES		
	AIR OPERATIONS		
3740	010 PRIMARY COMBAT FORCES	3,618	3,618
3740	020 MISSION SUPPORT OPERATIONS	7,276	7,276
3740	030 DEPOT MAINTENANCE	114,531	114,531
3740	050 BASE SUPPORT	500	500
	TOTAL, BA 01: OPERATING FORCES	125,925	125,925
3740	Total Operation and Maintenance, Air Force Reserve	125,925	125,925
3740	Operation and Maintenance, Army National Guard		
3740	BUDGET ACTIVITY 01: OPERATING FORCES		
	LAND FORCES		
2065	010 MANUEVER UNITS	89,666	89,666
2065	020 MODULAR SUPPORT BRIGADES	1,196	1,196
2065	030 ECHELONS ABOVE BRIGADE	18,360	18,360
2065	040 THEATER LEVEL ASSETS	380	380
2065	060 AVIATION ASSETS	59,357	59,357
2065	LAND FORCES READINESS		
2065	070 FORCE READINESS OPERATIONS SUPPORT	94,458	94,458

OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		LAND FORCES READINESS SUPPORT			
2065	100	BASE OPERATIONS SUPPORT	22,536		22,536
2065	120	MANAGEMENT AND OPERATIONAL HQ	35,693		35,693
2065	130	ADDITIONAL ACTIVITIES			
		TOTAL, BA 01: OPERATING FORCES	321,646		321,646
2065		Total Operation and Maintenance, Army National Guard	321,646		321,646
2065					
2065					
		Operation and Maintenance, Air National Guard			
		BUDGET ACTIVITY 01: OPERATING FORCES			
		AIR OPERATIONS			
3840	010	AIRCRAFT OPERATIONS	103,259		103,259
3840	020	MISSION SUPPORT OPERATIONS	51,300		51,300
3840	030	DEPOT MAINTENANCE	135,303		135,303
		TOTAL, BA 01: OPERATING FORCES	289,862		289,862
3840		Total Operation and Maintenance, Air National Guard	289,862		289,862
3840					
3840					
		Afghanistan Security Forces Fund			

2091	010	INFRASTRUCTURE	868,320	868,320	
2091	020	EQUIPMENT AND TRANSPORTATION	1,615,192	1,615,192	
2091	030	TRAINING AND OPERATIONS	272,998	272,998	
2091	040	SUSTAINMENT	1,945,887	1,945,887	
2091	060	INFRASTRUCTURE	605,584	605,584	
2091	070	EQUIPMENT AND TRANSPORTATION	279,186	279,186	
2091	080	TRAINING AND OPERATIONS	648,217	648,217	
2091	090	SUSTAINMENT	1,219,966	1,219,966	
2091	120	SUSTAINMENT	5,919	5,919	
2091	130	TRAINING AND OPERATIONS	1,500	1,500	
2091		TOTAL, Afghanistan Security Forces Fund	7,462,769	7,462,769	
Pakistan Counterinsurgency Capability Fund					
2095		INFRASTRUCTURE	41,970	41,970	[-41,970]
2095		EQUIPMENT/TRANSPORTATION	397,907	397,907	[-397,907]
2095		TRAINING AND OPERATIONS	67,953	67,953	[-67,953]
2095		INFRASTRUCTURE	73,000	73,000	[-73,000]
2095		EQUIPMENT/TRANSPORTATION	107,000	107,000	[-107,000]
2095		TRAINING AND OPERATIONS	8,170	8,170	[-8,170]
2095		HUMANITARIAN ASSISTANCE	4,000	4,000	[-4,000]
2095		TOTAL, Pakistan Counterinsurgency Capability Fund	700,000	700,000	-700,000
MISCELLANEOUS APPROPRIATIONS					
0141	080	IRAQ FREEDOM FUND	115,300	115,300	115,300
		TOTAL, MISCELLANEOUS APPROPRIATIONS	115,300	115,300	115,300
		TOTAL TITLE III—OPERATION AND MAINTENANCE	89,071,566	87,702,716	-1,368,850

TITLE XLIV—OTHER AUTHORIZATIONS

SEC. 4401. OTHER AUTHORIZATIONS.

OTHER AUTHORIZATIONS (In Thousands of Dollars)				
Item	FY 2010 Request	Senate Change	Senate Authorized	
REVOLVING AND MANAGEMENT FUNDS				
DEFENSE WORKING CAPITAL FUNDS				
Defense Working Capital Funds	141,388		141,388	
Defense Commissary Agency	1,313,616		1,313,616	
NATIONAL DEFENSE SEALIFT FUND				
National Defense Sealift Fund	1,642,758	-400,000	1,242,758	
T-AKE Program Reduction		[-400,000]		
DEFENSE COALITION SUPPORT FUND				
Defense Coalition Support Fund	22,000	-22,000		
Total Revolving and Management Funds	3,119,762	-422,000	2,697,762	
MILITARY PROGRAMS				
DEFENSE HEALTH PROGRAM				
DEFENSE HEALTH PROGRAM—O&M	26,967,919	26,000	26,993,919	
TRICARE Continuation Pending MEDICARE Eligibility		[-4,000]		

Reimbursement for exceptional travel under TRICARE			[10,000]
TRICARE eligibility for Retired Reservists under the age of 60			[10,000]
Expansion of survivor eligibility for the TRICARE dental program			[2,000]
DEFENSE HEALTH PROGRAM—R&D	613,102		-15,300
Program Reduction (PE 67100HP)			[-10,000]
Cancer Center of Excellence (PE 63115HP)			[-5,300]
DEFENSE HEALTH PROGRAM—PROCUREMENT	322,142		
Total Defense Health Program	27,903,163		10,700

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION

CHEM DEMILITARIZATION—O&M	1,146,802		1,146,802
CHEM DEMILITARIZATION—RDT&E	401,269		401,269
CHEM DEMILITARIZATION—PROC	12,689		12,689
Total Chemical Agents and Munitions Destruction	1,560,760		1,560,760

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE			18,800
High Priority National Guard Counterdrug Programs	1,058,984		[30,000]
Mobile Sensor Barrier			[5,000]
United States European Command (EUCOM) Counternarcotics Support (Project Code (PC) 9205)			[-8,000]
EUCOM Headquarters Support (PC2346)			[-800]
EUCOM Interagency Fusion Centers (PC2365)			[-1,000]
Relocatable Over-the Horizon-Radar (PC3217)			[-5,000]
U.S. Special Operations Command Support to Combatant Commanders (PC6505)			[-200]
EUCOM Counternarcotics Reserve Support (PC9215)			[-1,200]
Total Drug Interdiction and Counter-Drug Activities	1,058,984		18,800

OFFICE OF THE INSPECTOR GENERAL

OFFICE OF THE INSPECTOR GENERAL—O&M	271,444		15,000
Second year growth plan			[15,000]
OFFICE OF THE INSPECTOR GENERAL—PROCUREMENT	1,000		1,000
Second year growth plan			[1,000]
Total Office of the Inspector General	272,444		16,000

			1,077,784
			286,444
			2,000
			288,444

OTHER AUTHORIZATIONS (In Thousands of Dollars)				
Item	FY 2010 Request	Senate Change	Senate Authorized	
TOTAL OTHER AUTHORIZATIONS	33,915,113	-376,500	33,538,613	
Memorandum: Civil Program (non-defense)				
Armed Forces Retirement Home (Budget Function 600)	134,000			134,000

SEC. 4402. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Item	FY 2010 Request	Senate Change	Senate Authorized	
REVOLVING AND MANAGEMENT FUNDS				
DEFENSE WORKING CAPITAL FUNDS				
Defense Working Capital Funds	396,915		396,915	
Total Revolving and Management Funds	396,915		396,915	
MILITARY PROGRAMS				
DEFENSE HEALTH PROGRAM				
DEFENSE HEALTH PROGRAM—O&M	1,155,235		1,155,235	
Total Defense Health Program	1,155,235		1,155,235	
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES				
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	324,603		324,603	
Total Drug Interdiction and Counter-Drug Activities	324,603		324,603	
OFFICE OF THE INSPECTOR GENERAL				
OFFICE OF THE INSPECTOR GENERAL—O&M	8,876		8,876	
Total Office of the Inspector General	8,876		8,876	
TOTAL OTHER AUTHORIZATIONS	1,885,629		1,885,629	

TITLE XLV—MILITARY CONSTRUCTION

SEC. 4501. MILITARY CONSTRUCTION.

MILITARY CONSTRUCTION (In Thousands of Dollars)					Budget Request	Senate Change	Senate Authorized
Account	State/Country	Installation	Project Title				
Air Force	AK	CLEAR AFS	POWER PLANT FACILITY	24,300			24,300
Air Force	AK	EIELSON AFB	ARCTIC UTILIDORS—PHASE 11		9,900		9,900
Air Force	AK	EIELSON AFB	TAXIWAY LIGHTING		3,450		3,450
Air Force	AK	ELMENDORF AFB	RED FLAG ALASKA ADD/ALTER OPERATIONS CENTER	3,100			3,100
Air Force	AK	ELMENDORF AFB	F-22 WEAPONS LOAD TRAINING FACILITY	12,600			12,600
Def-Wide	AK	ELMENDORF AFB	AEROMEDICAL SERVICES/MENTAL HEALTH CLINIC	25,017			25,017
Army	AK	FORT RICHARDSON	AIRBORNE SUSTAINMENT TRAINING COMPLEX	6,100			6,100
Army	AK	FORT RICHARDSON	TRAINING AIDS CENTER	2,050			2,050
Army	AK	FORT RICHARDSON	WARRIOR IN TRANSITION COMPLEX	43,000			43,000
Army	AK	FORT RICHARDSON	COMBAT PISTOL RANGE		4,900		4,900
Def-Wide	AK	FORT RICHARDSON	HEALTH CLINIC	3,518			3,518
Army	AK	FORT WAINWRIGHT	RAILHEAD COMPLEX	26,000			26,000
Army	AK	FORT WAINWRIGHT	AVIATION UNIT OPERATIONS COMPLEX	19,000			19,000
Army	AK	FORT WAINWRIGHT	AVIATION TASK FORCE COMPLEX, PH 1	125,000			125,000
Army	AK	FORT WAINWRIGHT	WARRIOR IN TRANSITION COMPLEX	28,000			28,000
ARNG	AL	FORT MC CLELLAN	URBAN ASSAULT COURSE	3,000			3,000
Army	AL	REDSTONE ARSENAL	GATE 7 ACCESS CONTROL POINT		3,550		3,550
Def-Wide	AL	REDSTONE ARSENAL	MISSILE AND SPACE INTEL CENTER EOE COMPLEX		12,000		12,000
Air Force	AR	LITTLE ROCK AFB	C-130 FLIGHT SIMULATOR ADDITION	5,800			5,800
Air Force	AR	LITTLE ROCK AFB	SECURITY FORCES OPERATIONS FACILITY		10,400		10,400
Army	AR	PINE BLUFF ARSENAL	FUSE & DETONATOR MAGAZINE, DEPOT LEVEL	25,000			25,000

ARNG	AZ	CAMP NAVAJO	COMBAT PISTOL QUALIFICATION COURSE	3,000	3,000
Air Guard	AZ	DAVIS-MONTHAN AFB	TPL-PREDATOR BEDDOWN-FOC	5,600	5,600
Air Force	AZ	DAVIS-MONTHAN AFB	DORMITORY (144 RM)	20,000	20,000
Air Force	AZ	DAVIS-MONTHAN AFB	CSAR HC-130J SIMULATOR FACILITY	8,400	8,400
Air Force	AZ	DAVIS-MONTHAN AFB	CSAR HC-130J RQS OPERATIONS FACILITY	8,700	8,700
Air Force	AZ	DAVIS-MONTHAN AFB	CSAR HC-130J INFRASTRUCTURE	4,800	4,800
Army	AZ	FORT HUACHUCA	UAV ER/MPER/MP	15,000	15,000
Army	AZ	FORT HUACHUCA	BATTALION HEADQUARTERS UAV	6,000	6,000
Naval Res	AZ	PHOENIX	RESERVE CENTER MOVE TO LUKE AFB, NOSC PHOENIX	10,986	10,986
Navy	AZ	YUMA	AIRCRAFT MAINTENANCE HANGAR (PHASE 1)	27,050	27,050
Navy	AZ	YUMA	AIRFIELD ELEC. DIST. AND CONTROL	1,720	1,720
Naval Res	CA	ALAMEDA	RESERVE TRAINING CENTER—ALAMEDA, CA	5,960	5,960
Navy	CA	BRIDGEPORT	FIRE STATION—RENOVATION—MWTC	4,460	4,460
Navy	CA	CAMP PENDLETON	ANGLICO OPERATIONS COMPLEX	25,190	25,190
Navy	CA	CAMP PENDLETON	RECON BN OPERATIONS COMPLEX	77,660	77,660
Navy	CA	CAMP PENDLETON	COMMELEC MAINTENANCE FACILITY	13,170	13,170
Navy	CA	CAMP PENDLETON	EXPANSION OF SRTP TO 7.5 MGD	55,180	55,180
Navy	CA	CAMP PENDLETON	NORTH REGION TERTIARY TREATMENT PLANT (PH 1)	142,330	142,330
Navy	CA	CAMP PENDLETON	GAS/ELECTRICAL UPGRADES	51,040	51,040
Navy	CA	CAMP PENDLETON	RECRUIT BARRACKS—SCHOOL OF INFANTRY	53,320	53,320
Navy	CA	CAMP PENDLETON	ENLISTED DINING FACILITY	32,300	32,300
Navy	CA	CAMP PENDLETON	RECRUIT BARRACKS—FIELD/K-SPAN	23,200	23,200
Navy	CA	CAMP PENDLETON	COMMUNICATIONS UPGRADES	79,492	79,492
Navy	CA	CAMP PENDLETON	ELECTRICAL DISTRIBUTION SYSTEM	76,950	76,950
Navy	CA	CAMP PENDLETON	OPERATIONS ACCESS POINTS	12,740	12,740
Navy	CA	CAMP PENDLETON	ENLISTED DINING FACILITY—EDSON RANGE	37,670	37,670
Navy	CA	CAMP PENDLETON	BEQ	39,610	39,610
Navy	CA	CAMP PENDLETON	RECRUIT MARKSMANSHIP TRAINING FACILITY	13,730	13,730
Navy	CA	CAMP PENDLETON	EXPAND COMBAT AIRCRAFT LOADING APRON	12,240	12,240
Navy	CA	CAMP PENDLETON	AVIATION TRANSMITTER/RECEIVER SITE	13,560	13,560
Navy	CA	CAMP PENDLETON	WFTEN SUPPORT FACILITIES	15,780	15,780
USAR	CA	CAMP PENDLETON	ARMY RESERVE CENTER	19,500	19,500
Def-Wide	CA	CORONADO	SOF CLOSE QUARTERS COMBAT TRAINING FACILITY	15,722	15,722
Navy	CA	EDWARDS AIR FORCE BASE	EDWARDS RAMP EXTENSION	3,007	3,007

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Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
DefWide	CA	EL CENTRO	AIRCRAFT DIRECT FUELING STATION	11,000		11,000
Army	CA	FORT IRWIN	MOUT ASSAULT COURSE, PH 4	9,500		9,500
ARNG	CA	FRESNO YOSEMITE IAP	144th SQUADRON OPERATIONS FACILITY		9,900	9,900
ARNG	CA	LOS ALAMITOS	READINESS CENTER PH1	31,000		31,000
USAR	CA	LOS ANGELES	ARMY RESERVE CENTER	29,000		29,000
Navy	CA	MIRAMAR	AIRCRAFT PARKING APRON MODIFICATION	9,280		9,280
DefWide	CA	POINT LOMA ANNEX	REPLACE FUEL STORAGE FAC INCR 2	92,300		92,300
Navy	CA	POINT LOMA ANNEX	PUBLIC WORKS SHOPS CONSOLIDATION	8,730		8,730
Navy	CA	SAN DIEGO	MESSHALL EXPANSION	23,590		23,590
Air Guard	CA	SOCAL LOGISTICS AIRPORT	TFL-PREDATOR BEDDOWN-FTU/LRE SITE	8,400		8,400
Air Force	CA	TRAVIS AFB	CONSTRUCT KC-10 CARGO LOAD TRAINING FACILITY	6,900		6,900
DefWide	CA	TRAVIS AFB	REPLACE FUEL DISTRIBUTION SYSTEM	15,357		15,357
Navy	CA	TWENTYNINE PALMS	STATION COMM FACILITY AND INFRASTRUCTURE	49,040		49,040
Navy	CA	TWENTYNINE PALMS	SUB-STATION AND ELECTRICAL UPGRADES	31,310		31,310
Navy	CA	TWENTYNINE PALMS	ELEC. INFRA. UPGRADE—34.5KV TO 115KV	46,220		46,220
Navy	CA	TWENTYNINE PALMS	ELEC. POWER PLANT/CO-GEN/GAS TURBINE—N	53,260		53,260
Navy	CA	TWENTYNINE PALMS	WATER IMPROVEMENTS AND STORAGE TANK	30,610		30,610
Navy	CA	TWENTYNINE PALMS	SEWAGE SYSTEM IMP. AND LIFT STATION	5,800		5,800
Navy	CA	TWENTYNINE PALMS	HTHW/CHILLED WATER SYSTEM	25,790		25,790
Navy	CA	TWENTYNINE PALMS	NATURAL GAS SYSTEM EXTENSION	19,990		19,990
Navy	CA	TWENTYNINE PALMS	INDUSTRIAL WASTE WATER PRETREATMENT SYS.	3,330		3,330
Navy	CA	TWENTYNINE PALMS	LAYDOWN SITE WORK—NORTH MAINSIDE	21,740		21,740
Navy	CA	TWENTYNINE PALMS	SECONDARY ELEC. DIST.—NORTH MAINSIDE	31,720		31,720
Navy	CA	TWENTYNINE PALMS	CONSTRUCT ROADS—NORTH MAINSIDE	29,360		29,360
Navy	CA	TWENTYNINE PALMS	MAINT. SHOP—WHEELED	16,040		16,040
Navy	CA	TWENTYNINE PALMS	MAINT. SUNSHADES—WHEELED	12,580		12,580
Navy	CA	TWENTYNINE PALMS	COMM/ELECT MAINT/STORAGE	12,660		12,660
Navy	CA	TWENTYNINE PALMS	DINING FACILITY—NORTH MAINSIDE	17,200		17,200
Navy	CA	TWENTYNINE PALMS	BEQ	37,290		37,290

Navy	CA	TWENTYNINE PALMS	MAINT. SHOP—TRACKED	19,780	19,780
Navy	CA	TWENTYNINE PALMS	BEQ	37,290	37,290
Navy	CA	TWENTYNINE PALMS	CONSOLIDATED ARMORY—TANKS	12,670	12,670
Air Force	CA	VANDENBERG AFB	CHILD DEVELOPMENT CENTER	13,000	13,000
Air Guard	CO	BUCKLEY ANG BASE	ADD/ALTER WEAPONS RELEASE	4,500	4,500
USAR	CO	COLORADO SPRINGS	ARMY RESERVE CENTER/LAND	13,000	13,000
Army	CO	FORT CARSON	TRAINING AIDS CENTER	18,500	18,500
Army	CO	FORT CARSON	BRIGADE COMPLEX	69,000	69,000
Army	CO	FORT CARSON	BRIGADE COMPLEX, PH 1	102,000	-102,000
Army	CO	FORT CARSON	RAILROAD TRACKS	14,000	14,000
Army	CO	FORT CARSON	WARRIOR IN TRANSITION (WT) COMPLEX	56,000	56,000
Army	CO	FORT CARSON	AUTOMATED QUALIFICATION TRAINING RANGE	11,000	11,000
Army	CO	FORT CARSON	MODIFIED RECORD FIRE RANGE	4,450	4,450
Army	CO	FORT CARSON	AUTOMATED MULTIPURPOSE MACHINE GUN RANGE	7,400	7,400
Army	CO	FORT CARSON	SCOUT/RECCE GUNNERY COMPLEX	16,000	16,000
Army	CO	FORT CARSON	URBAN ASSAULT COURSE	3,100	-3,100
Army	CO	FORT CARSON	CONVOY LIVE FIRE RANGE	6,500	6,500
Army	CO	FORT CARSON	COMMISSARY	35,000	35,000
Army	CO	FORT CARSON	BARRACKS & DINING, INCREMENT 2	60,000	60,000
Def:Wide	CO	FORT CARSON	HEALTH AND DENTAL CLINIC	52,773	52,773
Def:Wide	CO	FORT CARSON	SOF BATTALION OPS COMPLEX	45,200	45,200
Def:Wide	CO	FORT CARSON	SOF MILITARY WORKING DOG FACILITY	3,046	3,046
Air Force	CO	PETERSON AFB	C-130 SQUAD OPS/AMU (TFI)	5,200	5,200
Air Force	CO	PETERSON AFB	NATIONAL SECURITY SPACE INSTITUTE	19,900	19,900
Chem Demil	CO	PUEBLO DEPOT	AMMUNITION DEMILITARIZATION FACILITY, PH XI	92,500	92,500
AF Reserve	CO	SCHRIEVER AFB	WING HEADQUARTERS	10,200	10,200
Air Force	CO	U.S. AIR FORCE ACADEMY	ADD TO CADET FITNESS CENTER	17,500	17,500
Air Guard	CT	BRADLEY NATL AP	CNAF BEDDOWN UPGRADE FACILITIES	9,100	9,100
USAR	CT	BRIDGEPORT	ARMY RESERVE CENTER/LAND	18,500	18,500
Air Force	DE	DOVER AFB	C-5 CARGO AIRCRAFT MAINT TRAINING FACILITY P1	5,300	5,300
Air Force	DE	DOVER AFB	CONSOL COMM FAC	12,100	12,100
Air Force	DE	DOVER AFB	CHAPEL CENTER	7,500	7,500
Navy	FL	BLOUNT ISLAND	PORT OPERATIONS FACILITY	3,760	3,760
Air Force	FL	EGLIN AFB	F-35 DUKE CONTROL TOWER	3,420	3,420

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Air Force	FL	EGLIN AFB	CONSTRUCT DORMITORY (96 RM)	11,000		11,000
Air Force	FL	EGLIN AFB	F-35 POL OPS FACILITY	3,180		3,180
Air Force	FL	EGLIN AFB	F-35 HYDRANT REFUELING SYSTEM PHASE 1	8,100		8,100
Air Force	FL	EGLIN AFB	F-35 PARALLEL TAXIWAY LADDER	1,440		1,440
Air Force	FL	EGLIN AFB	F-35 JPS FLIGHTLINE FILLSTANDS	5,400		5,400
Air Force	FL	EGLIN AFB	F-35 JP-8 WEST SIDE BULK FUEL TANK UPGRADES	960		960
Air Force	FL	EGLIN AFB	F-35 LIVE ORDNANCE LOAD FACILITY	9,900		9,900
Air Force	FL	EGLIN AFB	F-35 A/C PARKING APRON	16,400		16,400
Army	FL	EGLIN AFB	OPERATIONS COMPLEX, PH 3	80,000		80,000
Army	FL	EGLIN AFB	INDOOR FIRING RANGE	8,900		8,900
Army	FL	EGLIN AFB	LIVE FIRE EXERCISE SHOOTHOUSE	8,000		8,000
Army	FL	EGLIN AFB	LIVE FIRE EXERCISE BREACH FACILITY	4,950		4,950
Army	FL	EGLIN AFB	NON-STANDARD SMALL ARMS RANGE	3,400		3,400
Army	FL	EGLIN AFB	GRENADE LAUNCHER RANGE	1,600		1,600
Army	FL	EGLIN AFB	HAND GRENADE QUALIFICATION COURSE	1,400		1,400
Army	FL	EGLIN AFB	URBAN ASSAULT COURSE	2,700		2,700
Army	FL	EGLIN AFB	ANTI-ARMOR, TRACKING & LIVE FIRE RANGE	3,400		3,400
Army	FL	EGLIN AFB	AUTOMATED QUALIFICATION/TRAINING RANGE	12,000		12,000
Army	FL	EGLIN AFB	LIGHT DEMOLITION RANGE	2,200		2,200
Army	FL	EGLIN AFB	BASIC 10M-25M FIRING RANGE (ZERO)	3,050		3,050
Def-Wide	FL	EGLIN AFB	SOF MILITARY WORKING DOG FACILITY	3,046		3,046
Navy	FL	EGLIN AFB	F-35 HYDRANT REFUELING SYS, PH 1	6,208		6,208
Navy	FL	EGLIN AFB	F-35 PARALLEL TAXIWAY LADDER	931		931
Navy	FL	EGLIN AFB	F-35 A/C PARKING APRON	11,252		11,252
Navy	FL	EGLIN AFB	BACHELOR ENLISTED QUARTERS, EOD SCHOOL, PHASE	26,287		26,287
Navy	FL	EGLIN AFB	F-35 JPS WEST SIDE BULK TANK UPGRADES	621		621
Navy	FL	EGLIN AFB	F-35 POL OPERATIONS FACILITY (EGLIN)	2,056		2,056
Navy	FL	EGLIN AFB	F-35 JPS FLIGHTLINE FILLSTANDS (EGLIN)	3,492		3,492
Army	FL	EGLIN AFB (CAMP RUDDER)	ELEVATED WATER STORAGE TANK		1,200	1,200

Air Force	FL	HURLBURT FIELD	REFUELING VEHICLE MAINTENANCE FACILITY	2,200	2,200
Air Force	FL	HURLBURT FIELD	ELECTRICAL DISTRIBUTION SUBSTATION	8,300	8,300
Def-Wide	FL	HURLBURT FIELD	SOF SIMULATOR FACILITY FOR MC-130 (RECAP)	8,156	8,156
Navy	FL	JACKSONVILLE	P-8/MMA FACILITIES MODIFICATION	5,917	5,917
Def-Wide	FL	JACKSONVILLE IAP	REPLACE JET FUEL STORAGE COMPLEX	11,500	11,500
Air Force	FL	MACDILL AFB	DORMITORY (120 ROOM)	16,000	16,000
Air Force	FL	MACDILL AFB	CHILD DEVELOPMENT CENTER	7,000	7,000
Air Force	FL	MACDILL AFB	CENTCOM COMMANDANT FACILITY	15,300	15,300
Navy	FL	MAYPORT	WHARF CHARLIE REPAIR	29,682	29,682
Navy	FL	MAYPORT	CHANNEL DREDGING	46,303	46,303
Army	FL	MIAMI DORAL	SOUTHCOM HEADQUARTERS, INCR 3	55,400	55,400
USAR	FL	PANAMA CITY	ARMY RESERVE CENTER/LAND	7,300	7,300
Air Force	FL	PATRICK AFB	COMBAT WEAPONS TRAINING FACILITY	8,400	8,400
Navy	FL	PENSACOLA	CORRY "A" SCHOOL BACHELOR ENLISTED QUARTERS R	22,950	22,950
Navy	FL	PENSACOLA	SIMULATOR ADDITION FOR UMFO PROGRAM	3,211	3,211
USAR	FL	WEST PALM BEACH	ARMY RESERVE CENTER/LAND	26,000	26,000
Navy	FL	WHITING FIELD	T-6B JPATS TRNG. OPS PARALOFT FACILITY	4,120	4,120
USAR	GA	ATLANTA	ARMY RESERVE CENTER/LAND	14,000	14,000
Army	GA	FORT BENNING	COMBINED ARMS COLLECTIVE TRAINING FACILITY	10,800	10,800
Army	GA	FORT BENNING	FIRE AND MOVEMENT RANGE	2,800	2,800
Army	GA	FORT BENNING	BATTLE LAB	30,000	30,000
Army	GA	FORT BENNING	TRAINING AREA TANK TRAILS	9,700	9,700
Army	GA	FORT BENNING	TRAINING BATTALION COMPLEX	38,000	38,000
Army	GA	FORT BENNING	DINING FACILITY	15,000	15,000
Army	GA	FORT BENNING	WARRIOR IN TRANSITION (WT) COMPLEX	53,000	53,000
Army	GA	FORT BENNING	TRAINING BATTALION COMPLEX, PH 1	31,000	31,000
Army	GA	FORT BENNING	TRAINING BATTALION COMPLEX, PH 1	31,000	31,000
Army	GA	FORT BENNING	TRAINEE BARRACKS COMPLEX, PH 1	74,000	74,000
ARNG	GA	FORT BENNING	READINESS CENTER	15,500	15,500
Def-Wide	GA	FORT BENNING	BLOOD DONOR CENTER REPLACEMENT	12,313	12,313
Def-Wide	GA	FORT BENNING	DENTAL CLINIC	4,887	4,887
Def-Wide	GA	FORT BENNING	SOF EXPAND BATTALION HEADQUARTERS	3,046	3,046
Def-Wide	GA	FORT BENNING	WILSON ES CONSTRUCT GYMNASIUM	2,330	2,330
Army	GA	FORT GILLEM	FORENSIC LAB	10,800	10,800

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Army	GA	FORT STEWART	BRIGADE COMPLEX	93,000	-45,000	48,000
Army	GA	FORT STEWART	AUTOMATED SNIPER FIELD FIRE RANGE	3,400	-3,400	
Army	GA	FORT STEWART	WARRIOR IN TRANSITION (WT) COMPLEX	49,000		49,000
Army	GA	FORT STEWART	BARRACKS & DINING, INCREMENT 2	80,000		80,000
Def-Wide	GA	FORT STEWART	HEALTH AND DENTAL CLINIC	26,386	-4,186	22,200
Def-Wide	GA	FORT STEWART	NEW ELEMENTARY SCHOOL	22,502	-22,502	
Def-Wide	GA	FORT STEWART	NEW ELEMENTARY SCHOOL	22,501		22,501
Army	GA	HUNTER ARMY AIRFIELD	AVIATION READINESS CENTER		8,967	8,967
Air Force	GA	MOODY AFB	RESCUE OPNS/MAINT HQ FAC		8,900	8,900
Def-Wide	HI	FORD ISLAND	PACIFIC OPERATIONS FACILITY UPGRADE	9,633		9,633
Air Guard	HI	HICKAM AFB	TPI—F-22 LO/COMPOSITE REPAIR FACILITY	26,000		26,000
Air Guard	HI	HICKAM AFB	TPI—F-22 PARKING APRON AND TAXIWAYS	7,000		7,000
Navy	HI	NAVSTA PEARL HARBOR	PRODUCTION SERVICES SUPPORT FACILITY		30,360	30,360
Navy	HI	OAHU	RANGE, 1000—PULOLO	5,380		5,380
Navy	HI	PEARL HARBOR	PACFLT SUB DRIVE-IN MAG SILENCING FAC (INCR3)	8,645		8,645
Navy	HI	PEARL HARBOR	APCSS CONF & TECH LEARNING CENTER	12,775		12,775
Navy	HI	PEARL HARBOR	MISSILE MAGAZINES (5), WEST LOCH	22,407		22,407
Army	HI	SCHOFIELD BARRACKS	VEHICLE MAINTENANCE SHOP	63,000		63,000
Army	HI	SCHOFIELD BARRACKS	VEHICLE MAINTENANCE SHOP	36,000		36,000
Army	HI	SCHOFIELD BARRACKS	WARRIOR IN TRANSITION (WT) BARRACKS	55,000		55,000
Army	HI	SCHOFIELD BARRACKS	WARRIOR IN TRANSITION COMPLEX	30,000		30,000
Air Force	HI	WHEELER AFB	CONSTRUCT ASOC COMPLEX	15,000		15,000
Army	HI	WHEELER AFB	REGIONAL SATCOM INFORMATION CENTER	7,500		7,500
Air Guard	IA	DES MOINES	DES MOINES ALT SECURITY FORCES FAC		4,600	4,600
ARNG	IA	JOHNSTON	US PROPERTY AND FISCAL OFFICE		4,000	4,000
ARNG	ID	GOWEN FIELD	COMBINED ARMS COLLECTIVE TRAINING FACILITY	16,100		16,100
Air Force	ID	MOUNTAIN HOME AFB	LOGISTICS READINESS CENTER	20,000		20,000
USAR	IL	CHICAGO	ARMY RESERVE CENTER	23,000		23,000
Naval Res	IL	JOLIET ARMY AMMO PLANT	RESERVE TRAINING CENTER—JOLIET, IL	7,957		7,957

ARNG	IL	MILAN	READINESS CENTER	5,600	5,600
Air Force	IL	SCOTT AIR FORCE BASE	ABROMEDICAL EVAC FACILITY	7,400	7,400
ARNG	IN	MUSCATATUCK	COMBINED ARMS COLLECTIVE TRAINING FACILITY PH	10,100	10,100
Navy	IN	NAVAL SUP ACT CRANE	STRATEGIC WEAPONS SYSTEMS ENG FACILITY	13,710	13,710
Army	KS	FORT RILEY	TRAINING AIDS CENTER	15,500	15,500
Army	KS	FORT RILEY	ADVANCED WASTE WATER TREATMENT PLANT	28,000	28,000
Army	KS	FORT RILEY	IGLOO STORAGE, INSTALLATION	7,200	7,200
Army	KS	FORT RILEY	BRIGADE COMPLEX	49,000	49,000
Army	KS	FORT RILEY	BATTALION COMPLEX	59,000	59,000
Army	KS	FORT RILEY	LAND VEHICLE FUELING FACILITY	3,700	3,700
Army	KS	FORT RILEY	ESTES ROAD ACCESS CONTROL POINT	6,100	6,100
ARNG	KS	SALINA ARNG AV FAC	TAXIWAY ALTERATIONS	2,227	2,227
Chem Demil	KY	BLUE GRASS ARMY DEPOT	AMMUNITION DEMILITARIZATION PH X	5,000	59,041
Army	KY	FORT CAMPBELL	INSTALLATION CHAPEL CENTER	14,400	14,400
Army	KY	FORT CAMPBELL	5TH SFG LANGUAGE SUSTAINMENT TRNG FAC	5,800	5,800
Def:Wide	KY	FORT CAMPBELL	HEALTH CLINIC	8,600	8,600
Def:Wide	KY	FORT CAMPBELL	SOF BATTALION OPERATIONS COMPLEX	29,289	29,289
Def:Wide	KY	FORT CAMPBELL	SOF MILITARY WORKING DOG FACILITY	3,046	3,046
Army	KY	FORT KNOX	WARRIOR IN TRANSITION (WT) COMPLEX	70,000	70,000
Air Force	LA	BARKSDALE AFB	PHASE FIVE RAMP REPLACEMENT—AIRCRAFT APRON ..	12,800	12,800
Army	LA	FORT POLK	WARRIOR IN TRANSITION (WT) COMPLEX	32,000	32,000
Army	LA	FORT POLK	LAND PURCHASES AND CONDEMNATION	17,000	17,000
ARNG	MA	HANSCOM AFB	ARMED FORCES RESERVE CENTER (JFHQ)	29,000	29,000
Air Guard	MA	OTIS ANGB	COMPOSITE OPERATIONS AND TRAINING FACILITY	12,800	12,800
Army	MD	ABERDEEN PG	ANALYTICAL CHEM WING—ADVANCED CHEM LAB	15,500	15,500
Def:Wide	MD	ABERDEEN PG	USAMRIID REPLACEMENT, INC II	111,400	111,400
Air Force	MD	ANDREWS AFB	REPLACE MUNITIONS STORAGE AREA	9,300	9,300
Air Guard	MD	ANDREWS AFB	RPL MUNITIONS MAINTENANCE AND STORAGE COM- PLEX	14,000	14,000
Army	MD	FORT DETRICK	SATELLITE COMMUNICATIONS CENTER	18,000	18,000
Army	MD	FORT DETRICK	SATELLITE COMMUNICATIONS FACILITY	21,000	21,000
Def:Wide	MD	FORT DETRICK	BOUNDARY GATE AT NALIN POND	10,750	10,750
Def:Wide	MD	FORT DETRICK	EMERGENCY SERVICE CENTER	16,125	16,125
Def:Wide	MD	FORT DETRICK	USAMRIID STAGE I, INC IV	108,000	108,000

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Def-Wide	MD	FORT DETRICK	NIBC TRUCK INSPECTION STATION & ROAD	2,932		2,932
Def-Wide	MD	FORT MEADE	SOUTH CAMPUS UTILITY PLANT PH 2	175,900		175,900
Def-Wide	MD	FORT MEADE	NSAW CAMPUS CHILLED WATER BACKUP	19,100		19,100
Def-Wide	MD	FORT MEADE	MISSION SUPPORT—PSAT	8,800		8,800
Air Guard	ME	BANGOR IAP	REPLACE AIRCRAFT MAINT HANGAR/SHOPS	28,000		28,000
Navy	ME	PORTSMOUTH NAV SHIP	GATE 2 SECURITY IMPROVEMENTS	7,100	7,100	7,100
Air Guard	MI	ALPENA CRTG	REPLACE TROOP QUARTERS	8,900	8,900	8,900
Air Guard	MI	BATTLE CREEK ANG BASE	CNAF BED DOWN FACILITIES	14,000	14,000	14,000
Air Guard	MI	SELFRIDGE ANG BASE	A-10 SQUAD OPERATIONS FACILITY	7,100	7,100	7,100
ARNG	MN	ARDEN HILLS	READINESS CENTER PH2	6,700		6,700
ARNG	MN	CAMP RIPLEY	URBAN ASSAULT COURSE	1,710		1,710
Def-Wide	MN	DULUTH IAP	JET FUEL STOARGE COMPLEX	15,000		15,000
USAR	MN	FORT SNELLING	ARMY RESERVE CENTER	12,000		12,000
Air Guard	MN	MINN/ST. PAUL IAP 133RD AW BASE	MINNESOTA STARBASE FACILITY ALTERATION	1,900	1,900	1,900
ARNG	MO	BOONVILLE	READINESS CENTER ADD/ALT	1,800		1,800
Army	MO	FORT LEONARD WOOD	AUTOMATED-AIDED INSTRUCTION FACILITY	27,000		27,000
Army	MO	FORT LEONARD WOOD	WHEELED VEHICLE DRIVERS COURSE	17,500		17,500
Army	MO	FORT LEONARD WOOD	WARRIOR IN TRANSITION COMPLEX	19,500		19,500
Army	MO	FORT LEONARD WOOD	TRANSIENT ADVANCED TRAINEE BARRACKS, PH 1	99,000		99,000
Def-Wide	MO	FORT LEONARD WOOD	DENTAL CLINIC ADDITION	5,570		5,570
Air Guard	MO	ROSECRANS MEM AP	REPLACE FIRE/CRASH RESCUE STATION PHASE II	9,300	9,300	9,300
ARNG	MS	CAMP SHELBY	COMBINED ARMS COLLECTIVE TNG FAC ADD/ALT	16,100		16,100
Air Guard	MS	COLUMBUS AFB	AIRCRAFT MAINTENANCE ADMINISTRATION FACILITY ..	10,000	10,000	10,000
AF Reserve	MS	KEESLER AFB	AERIAL PORT SQUADRON FACILITY	9,800		9,800
ARNG	MS	MONTECELLO	MONTECELLO NATIONAL GUARD READINESS CENTER	14,350	14,350	14,350
Air Guard	MT	MALMSTROM AFB	UPGRADE WEAPONS STORAGE AREA	9,600	9,600	9,600
Def-Wide	NC	CAMP LEJEUNE	SOF ACADEMIC INSTRUCTION FACILITY EXPANSION	11,791		11,791
Navy	NC	CAMP LEJEUNE	MAINTENANCE/OPS COMPLEX	52,390		52,390

Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	34,160	34,160
Navy	NC	CAMP LEJUNE	UTILITY EXPANSION—COURTHOUSE BAY	56,280	56,280
Navy	NC	CAMP LEJUNE	SOI—EAST FACILITIES—CAMP GEIGER	56,940	56,940
Navy	NC	CAMP LEJUNE	FIELD TRAINING FAC.—DEVIL DOG—SOI	37,170	37,170
Navy	NC	CAMP LEJUNE	ROAD NETWORK—WALLACE CREEK	15,130	15,130
Navy	NC	CAMP LEJUNE	MP WORKING DOG KENNEL—RELOCATION	8,370	8,370
Navy	NC	CAMP LEJUNE	CONSOLIDATED INFO TECH/TELECOM COMPLEX	46,120	46,120
Navy	NC	CAMP LEJUNE	NEW BASE ENTRY POINT AND ROAD (PHASE 1)	79,150	79,150
Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	43,480	43,480
Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	44,390	44,390
Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	44,390	44,390
Navy	NC	CAMP LEJUNE	BEQ—WALLACE CREEK	42,110	42,110
Navy	NC	CAMP LEJUNE	PRE-TRIAL DETAINEE FACILITY	18,580	18,580
Navy	NC	CAMP LEJUNE	PHYSICAL FITNESS CENTER	39,760	39,760
Navy	NC	CAMP LEJUNE	4TH INFANTRY BATTALION OPS COMPLEX	55,150	55,150
Navy	NC	CHERRY POINT MCAS	ORDNANCE MAGAZINES	12,360	12,360
Navy	NC	CHERRY POINT MCAS	EMS/FIRE VEHICLE FACILITY	10,600	10,600
Army	NC	FORT BRAGG	VEHICLE MAINTENANCE SHOP	19,500	19,500
Army	NC	FORT BRAGG	SIMULATIONS CENTER	50,000	50,000
Army	NC	FORT BRAGG	VEHICLE MAINTENANCE SHOP	17,500	17,500
Army	NC	FORT BRAGG	COMPANY OPERATIONS FACILITY	3,300	3,300
Army	NC	FORT BRAGG	TRANSIENT TRAINING BARRACKS COMPLEX	16,500	16,500
Army	NC	FORT BRAGG	AUTOMATED SNIPER FIELD FIRE RANGE	2,500	2,500
Army	NC	FORT BRAGG	AUTOMATED MULTIPURPOSE MACHINE GUN	4,350	4,350
Def:Wide	NC	FORT BRAGG	CONSOLIDATED HEALTH CLINIC	26,386	26,386
Def:Wide	NC	FORT BRAGG	HEALTH CLINIC	31,272	31,272
Def:Wide	NC	FORT BRAGG	SPECIAL OPS PREP & CONDITIONING COURSE	24,600	24,600
Def:Wide	NC	FORT BRAGG	SOF BATTALION & COMPANY HQ	15,500	15,500
Def:Wide	NC	FORT BRAGG	SOF OPERATIONS SUPPORT ADDITION	13,756	13,756
Def:Wide	NC	FORT BRAGG	SOF MILITARY WORKING DOG FACILITY	1,125	1,125
Def:Wide	NC	FORT BRAGG	SOF BATTALION HEADQUARTERS FACILITY	13,000	13,000
Def:Wide	NC	FORT BRAGG	SOF OPERATIONS ADDITION NORTH	27,513	27,513
Def:Wide	NC	FORT BRAGG	SOF TUAV HANGAR	2,948	2,948
Def:Wide	NC	FORT BRAGG	SOF MILITARY WORKING DOG FACILITY	3,046	3,046

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Def:Wide	NC	FORT BRAGG	ALBERTON JHS ADDITION	3,439		3,439
Navy	NC	NEW RIVER	APRON EXPANSION (PHASE 2)	35,600		35,600
Navy	NC	NEW RIVER	VMMT-204 MAINTENANCE HANGAR—PHASE 3	28,210		28,210
Navy	NC	NEW RIVER	PARALLEL TAXIWAY	17,870		17,870
Navy	NC	NEW RIVER	TACTICAL SUPPORT VAN PAD ADDITION	5,490		5,490
Navy	NC	NEW RIVER	GYMNASIUM/OUTDOOR POOL	19,920		19,920
Air Force	NC	POPE AFB	POPE AFB AIR TRAFFIC CONTROL TOWER		7,700	7,700
Army	NC	SUNNY POINT MOT	TOWERS	3,900		3,900
Army	NC	SUNNY POINT MOT	LIGHTNING PROTECTION SYSTEM	25,000		25,000
Air Force	ND	GRAND FORKS AFB	CONSOLIDATED SECURITY FORCES FACILITY		12,000	12,000
Air Force	ND	MINOT AFB	MUNITIONS TRAILER STORAGE FACILITY	1,500		1,500
Air Force	ND	MINOT AFB	MISSILE PROCEDURES TRNG OPERATIONS	10,000		10,000
ARNG	NE	LINCOLN	ARMED FORCES RESERVE CENTER (JFHQ)	23,000		23,000
Air Guard	NE	LINCOLN MAP	JOINT FORCES OPERATIONS CENTER—ANG SHARE	1,500		1,500
Air Force	NE	OFFUTT AIR FORCE BASE	STRATCOM GATE		10,400	10,400
Air Guard	NH	PEASE ANGB	REPLACE SQUADRON OPERATIONS FACILITIES		10,000	10,000
Air Guard	NJ	108TH AIR REFUEL WNG, MCGUIRE AFB	BASE CIVIL ENGINEERING COMPLEX		9,700	9,700
Air Force	NM	CANNON AFB	WB—CONSOLIDATED COMMUNICATION FAC	15,000		15,000
Def:Wide	NM	CANNON AFB	SOF FUEL CELL HANGAR (MC-130)	41,269		41,269
Def:Wide	NM	CANNON AFB	SOF AMU ADDITION (CV-22)	11,595		11,595
Air Force	NM	HOLLOMAN AFB	F-22A CONSOLIDATED MUNITIONS MAINT (TFI)	5,500		5,500
Air Force	NM	HOLLOMAN AFB	FIRE-CRASH RESCUE STATION		10,400	10,400
Air Force	NM	KIRTLAND AFB	MC-130J SIMULATOR FACILITY	8,000		8,000
Air Force	NM	KIRTLAND AFB	HC-130J SIMULATOR FACILITY	8,700		8,700
ARNG	NM	SANTA FE	ARMY AVIATION SUPPORT FACILITY	39,000		39,000
ARNG	NV	CARSON CITY	NATIONAL GUARD ENERGY SUSTAINABLE PROJECTS		2,000	2,000
Air Force	NV	CRECH AFB	UAS A/FWP SECURITY UPDATES	2,700		2,700
Navy	NV	NAV AIR STA FALLON	WARRIOR PHYSICAL TRAINING FACILITY		11,450	11,450

ARNG	NV	NORTH LAS VEGAS	READINESS CENTER	26,000		26,000
Air Guard	NV	RENO, NV	NV ANG FIRE STATION REPLACEMENT	10,800	10,800	10,800
Army	NY	FORT DRUM	WATER SYSTEM EXPANSION	6,500		6,500
Army	NY	FORT DRUM	BARRACKS	57,000		57,000
Army	NY	FORT DRUM	WARRIOR IN TRANSITION COMPLEX	21,000		21,000
AF Reserve	NY	NIAGRA FALLS ARB	INDOOR SMALL ARMS RANGE	5,700	5,700	5,700
USAR	NY	ROCHESTER	ARMY RESERVE CENTER/LAND	13,600		13,600
USAR	OH	CINCINNATI	ARMY RESERVE CENTER/LAND	13,000		13,000
Air Guard	OH	MANSFIELD LAHM AIRPORT	TFI—RED HORSE SQUADRON BEDDOWN	11,400		11,400
Air Force	OH	WRIGHT-PATTERSON AFB	INFO TECH COMPLEX PH 1	27,000		27,000
Air Force	OH	WRIGHT-PATTERSON AFB	CONVERSION FOR ADVANCED POWER RESEARCH LAB ...	21,000		21,000
Air Force	OH	WRIGHT-PATTERSON AFB	REPLACE WEST RAMP, PHASE II	10,600	10,600	10,600
Air Force	OK	ALTUS AFB	REPAIR TAXIWAYS	20,300		20,300
Def-Wide	OK	ALTUS AFB	REPLACE UPLOAD FACILITY	2,700		2,700
Army	OK	FORT SILL	AUTOMATED INFANTRY SQUAD BATTLE COURSE	3,500		3,500
Army	OK	FORT SILL	BARRACKS	65,000		65,000
Army	OK	FORT SILL	WARRIOR IN TRANSITION COMPLEX	22,000		22,000
Def-Wide	OK	FORT SILL	DENTAL CLINIC	10,554		10,554
Army	OK	MCALLESTER	HIGH EXPLOSIVE MAGAZINE, DEPOT LEVEL	1,300		1,300
Army	OK	MCALLESTER	GENERAL PURPOSE STORAGE BUILDING	11,200		11,200
Air Force	OK	TINKER AFB	BUILDING 3001 HANGER DOOR	13,037		13,037
Air Force	OK	VANCE, AIR FORCE BASE	CONTROL TOWER	10,700	10,700	10,700
Air Guard	OK	WILL ROGERS AP	TFI—AIR SUPT OPERS SQDN (ASOS) BEDDN	7,300		7,300
ARNG	OR	CLATSOP	CAMP RILEA INFRASTRUCTURE (WATER SUPPLY)	3,369	3,369	3,369
		WARRENTON				
USAR	PA	ASHLEY	ARMY RESERVE CENTER	9,800		9,800
FH Con DW	PA	DEF DISTRO DEPOT	DEF DISTRIBUTION DEPOT NEW CUMBERLAND	2,859		2,859
USAR	PA	HARRISBURG	ARMY RESERVE CENTER	7,600		7,600
USAR	PA	NEWTON SQUARE	ARMY RESERVE CENTER/LAND	20,000		20,000
AF Reserve	PA	PITTSBURGH AIR RES BASE	VISITING QUARTERS PHASE 1	12,400	12,400	12,400
USAR	PA	UNIONTOWN	ARMY RESERVE CENTER/LAND	11,800		11,800
Navy	RI	NEWPORT	OFFICER TRAINING COMMAND QUARTERS	45,803		45,803
Navy	RI	NEWPORT	VISITING QUARTERS PHASE 1	10,550	10,550	10,550
Air Guard	SC	AIR NATIONAL GUARD	JOINT FORCE HQ BUILDING MCENTRE	1,300	1,300	1,300

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Navy	SC	BEAUFORT	WIDEBODY AIRCRAFT FUEL LANE	1,280		1,280
Naval Res	SC	CHARLESTON	RESERVE VEHICLE MAINTENANCE FACILITY	4,240		4,240
Army	SC	CHARLESTON NWS	STAGING AREA	4,100		4,100
Army	SC	CHARLESTON NWS	RAILROAD TRACKS	12,000		12,000
Army	SC	CHARLESTON NWS	PIER AND LOADING/UNLOADING RAMPS	5,700		5,700
ARNG	SC	EASTOVER	ARMY AVIATION SUPPORT FACILITY ADD/ALT	26,000		26,000
Army	SC	FORT JACKSON	ADVANCED SKILLS TRAINEE BARRACKS	32,000		32,000
Army	SC	FORT JACKSON	MODIFIED RECORD FIRE RANGE	3,600		3,600
Army	SC	FORT JACKSON	TRAINING BATTALION COMPLEX	66,000		66,000
Army	SC	FORT JACKSON	INFILTRATION COURSE	1,900		1,900
ARNG	SC	GREENVILLE	ARMY AVIATION SUPPORT FACILITY	40,000		40,000
Navy	SC	PARRIS ISLAND	ELECTRICAL SUBSTATION AND IMPROVEMENTS	6,972		6,972
ARNG	SD	CAMP RAPID	JOINT FORCE HQ READINESS CENTER SUPPLEMENT	7,890	7,890	7,890
ARNG	SD	CAMP RAPID	TROOP MEDICAL CLINIC ADDITION AND ALTERATION	1,950	1,950	1,950
Air Force	SD	ELLSWORTH AFB	ADD/ALTER DEPLOYMENT CENTER	14,500	14,500	14,500
Air Guard	SD	JOE FOSS FIELD	ADD AND ALTER MUNITIONS MAINTENANCE COMPLEX	1,300	1,300	1,300
Air Guard	SD	JOE FOSS FIELD	ABOVE GROUND MULTI-CUBICLE MAGAZINE STORAGE	1,300	1,300	1,300
Air Guard	TN	164 AIRLIFT WING, MEM	164TH AIRLIFT WING ANG ENG MAINT TRNG FAC	9,800	9,800	9,800
ARNG	TX	AUSTIN	ARMED FORCES RESERVE CENTER	16,500		16,500
ARNG	TX	AUSTIN	FIELD MAINTENANCE SHOP, JOINT	5,700		5,700
USAR	TX	AUSTIN	ARMED FORCES RESERVE CENTER/AMSA	20,000		20,000
Navy	TX	CORPUS CHRISTI	OPERATIONAL FACILITIES FOR T-6	19,764		19,764
Air Force	TX	DYESS AFB	C-130J ALTER HANGAR	4,500		4,500
Army	TX	FORT BLISS	VEHICLE MAINTENANCE SHOP	16,000		16,000
Army	TX	FORT BLISS	BRIGADE STAGING AREA COMPLEX	14,800		14,800
Army	TX	FORT BLISS	DIGITAL MULTIPURPOSE RANGE COMPLEX	45,000		45,000
Army	TX	FORT BLISS	FIRE AND MILITARY POLICE STATIONS	16,500		16,500
Army	TX	FORT BLISS	AIRCRAFT FUEL STORAGE	10,800		10,800
Army	TX	FORT BLISS	VEHICLE MAINTENANCE SHOP	20,000		20,000

Army	TX	FORT BLISS	AUTOMATED SNIPER FIELD FIRE RANGE	4,250	4,250
Army	TX	FORT BLISS	KNOWN DISTANCE RANGE	4,750	4,750
Army	TX	FORT BLISS	AUTOMATED MULTIPURPOSE MACHINE GUN RANGE	6,900	6,900
Army	TX	FORT BLISS	SCOUT/RECCE GUNNERY COMPLEX	17,000	17,000
Army	TX	FORT BLISS	LIGHT DEMOLITION RANGE	2,400	2,400
Army	TX	FORT BLISS	AUTOMATED INFANTRY PLATOON BATTLE COURSE	7,000	7,000
Army	TX	FORT BLISS	SIMULATION CENTER	23,000	23,000
Army	TX	FORT BLISS	VEHICLE MAINTENANCE & COMPANY OPS FAC	31,000	31,000
Def:Wide	TX	FORT BLISS	HEALTH AND DENTAL CLINIC	30,295	24,600
Def:Wide	TX	FORT BLISS	HOSPITAL REPLACEMENT PHASE 1 (INCR 1)	86,975	62,975
USAR	TX	FORT BLISS	ARMY RESERVE CENTER	9,500	9,500
Army	TX	FORT HOOD	VEHICLE MAINTENANCE SHOP	23,000	23,000
Army	TX	FORT HOOD	URBAN ASSAULT COURSE	2,400	2,400
Army	TX	FORT HOOD	AUTOMATED MULTIPURPOSE MACHINE GUN RANGE	6,700	6,700
Def:Wide	TX	FORT HOOD	ALTER FUEL PUMP HOUSE AND FILL STAND	3,000	3,000
Army	TX	FORT SAM HOUSTON	ACCESS CONTROL POINT AND ROAD IMPROVEMENTS	10,800	10,800
Army	TX	FORT SAM HOUSTON	GENERAL INSTRUCTION BUILDING	9,000	9,000
Air Force	TX	GOODFELLOW AFB	JOINT INTEL TECH TRNG FAC, PH 1 (TFI)	18,400	18,400
Air Force	TX	GOODFELLOW AFB	STUDENT DORMITORY (100 RM)	14,000	14,000
Air Force	TX	GOODFELLOW AFB	CONSOLIDATED LEARNING CENTER	12,000	12,000
USAR	TX	HOUSTON	ARMY RESERVE CENTER/LAND	24,000	24,000
AF Reserve	TX	LACKLAND AFB	C-5 GROUND TRAINING SCHOOLHOUSE ADDITION	1,500	1,500
Air Force	TX	LACKLAND AFB	EVASION, CONDUCT AFTER CAPTURE TRNG	4,879	4,879
Air Force	TX	LACKLAND AFB	RECRUIT DORMITORY 2, PHASE 2	77,000	77,000
Air Force	TX	LACKLAND AFB	BMT SATELLITE CLASSROOM/DINING FAC	32,000	32,000
Def:Wide	TX	LACKLAND AFB	DENTAL CLINIC REPLACEMENT	29,318	29,318
Def:Wide	TX	LACKLAND AFB	AMBULATORY CARE CENTER, PHASE 1 (INCR 1)	72,610	72,610
Naval Res	TX	SAN ANTONIO	RESERVE TRAINING CENTER	2,210	2,210
USAR	TX	SAN ANTONIO	ARMY RESERVE CENTER	20,000	20,000
Air Force	TX	SHEPPARD AFB	ENJPT OPERATIONS COMPLEX, PHASE 1	11,600	11,600
Def:Wide	UT	CAMP WILLIAMS	IC CNCI DATA CENTER 1 (INCR 2)	800,000	600,000
Army	UT	DUGWAY PROVING GROUND	WATER TREATMENT SYSTEMS	25,000	25,000
AF Reserve	UT	HILL AFB	RESERVE SQUAD OPS/AMU FACILITY	3,200	3,200
Air Force	UT	HILL AFB	F-22A RADAR CROSS SECTION TESTING FAC	21,053	21,053

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Air-Guard	UT	HILL AFB	PCC APRON NORTHWEST END TAXIWAY		5,100	5,100
Def-Wide	VA	DAHLGREN	AEHGS BMD FACILITY EXPANSION	24,500		24,500
Navy	VA	DAHLGREN	ELECTROMAGNETIC RESEARCH AND ENG FACILITY		3,660	3,660
Def-Wide	VA	DAM NECK	SOF OPERATIONS FACILITY INC III	15,967		15,967
Army	VA	FORT A.P. HILL	AUTOMATED INFANTRY PLATOON BATTLE COURSE	4,900		4,900
Army	VA	FORT A.P. HILL	FIELD TRAINING AREA	9,000		9,000
Army	VA	FORT A.P. HILL	TRAINING AIDS CENTER	9,100		9,100
Army	VA	FORT BELVOIR	FLIGHT CONTROL TOWER	8,400		8,400
Army	VA	FORT BELVOIR	ROAD AND ACCESS CONTROL POINT	9,500		9,500
Army	VA	FORT BELVOIR	ROAD AND INFRASTRUCTURE IMPROVEMENTS	20,000	-20,000	
ARNG	VA	FORT PICKETT	REGIONAL TRAINING INSTITUTE PH2	32,000		32,000
Army	VA	FT. EUSTIS	UPGRADE MARSHALLING AREA		8,900	8,900
Air-Force	VA	LANGLEY AFB	WEST & LASALLE GATES FORCE PROTECTION/ACCESS	10,000		10,000
Def-Wide	VA	LITTLE CREEK	SOF SUPPORT ACTIVITY OPERATION FACILITY	18,669		18,669
Navy	VA	LITTLE CREEK	NAVAL CONSTRUCTION DIVISION OPERATIONS FAC	13,095		13,095
Navy	VA	NORFOLK	E-2D TRAINER FACILITY	11,737		11,737
Navy	VA	NORFOLK	FACILITY UPGRADES FOR E-2D PROGRAM	6,402		6,402
Naval Res	VA	OCEANA	C-40 HANGAR	30,400		30,400
Def-Wide	VA	PENTAGON	PENTAGON ELECTRICAL UPGRADE	19,272		19,272
Def-Wide	VA	PENTAGON	SECONDARY UNINTERRUPTIBLE POWER RAVEN ROCK ..	8,400		8,400
Navy	VA	PORTSMOUTH	SHIP REPAIR PIER REPLACEMENT (INCR 1)	226,969	-100,000	126,969
Navy	VA	QUANTICO	STUDENT QUARTERS—TBS (PHASE 4)	32,060		32,060
Navy	VA	QUANTICO	BATTALION TRAINING FACILITY—MSGBN	10,340		10,340
Navy	VA	QUANTICO	MC INFORMATION OPERATIONS CENTER—MCIOC	29,620		29,620
Navy	VA	QUANTICO	AIRCRAFT TRAINER	3,170		3,170
Navy	VA	QUANTICO	DINING FACILITY—TBS	14,780		14,780
Navy	VA	QUANTICO	SOUTH MAINSIDE ELECTRICAL SUBSTATION	15,270		15,270
Air-Guard	VT	BURLINGTON IAP	FIRE CRASH AND RESCUE STATION ADDITION		6,000	6,000
ARNG	VT	ETHAN ALLEN RANGE	BOQ ADDITIONS AND IMPROVEMENTS		1,996	1,996

Navy	WA	BANGOR	LIMITED AREA PRODUCTION/STRG CMPLX (INC 6)	87,292	87,292
Navy	WA	BREMERTON	ENCLAVE FENCING/PARKING, SILVERDALE WA (INCR 2)	67,419	67,419
Navy	WA	BREMERTON	CVN MAINTENANCE PIER REPLACEMENT (INC 2)	69,064	69,064
Air Force	WA	FAIRCHILD AFB	SERE FORCE SUPPORT COMPLEX, PHASE I	11,000	11,000
DefWide	WA	FAIRCHILD AFB	REPLACE FUEL DISTRIBUTION SYSTEM	7,500	7,500
Army	WA	FORT LEWIS	LIVE FIRE EXERCISE SHOOTHOUSE	2,550	2,550
Army	WA	FORT LEWIS	ANIMAL BUILDING	3,050	3,050
Army	WA	FORT LEWIS	BRIGADE COMPLEX, INC 4	102,000	102,000
Army	WA	FORT LEWIS	MODIFIED RECORD FIRE RANGE	4,100	4,100
DefWide	WA	FORT LEWIS	HEALTH AND DENTAL CLINIC	15,636	15,636
DefWide	WA	FORT LEWIS	SOF SUPPORT COMPANY FACILITY	14,500	14,500
Navy	WA	SPOKANE	JNT PERS RECOVERY AGENCY SPECIALIZED SERE TRA	12,707	12,707
USAR	WI	FORT MCCOY	COMBINED ARMS COLLECTIVE TRAINING FACILITY	25,000	25,000
USAR	WI	FORT MCCOY	RANGE UTILITY UPGRADE	3,850	3,850
Air Guard	WI	GENERAL MITCHELL IAP	UPGRADE CORROSION CONTROL HANGAR	5,000	5,000
Navy	WV	NAVAL SECY GRP ACT,	EMERGENCY SERVICES CENTER	9,560	9,560
		SUGAR GROVE			
Air Guard	WV	SHEPHERD AB, MARTINS-	C-5 TAXIWAY UPGRADES	19,500	19,500
		BURG			
ARNG	WV	ST. ALBANS ARMORY	LIFE SAFETY UPGRADE	2,000	2,000
Air Guard	WY	CHEYENNE AIRPORT	SQUADRON OPERATIONS	1,500	1,500
Air Force	WY	F. E. WARREN AFB	ADAL MISSILE SERVICE COMPLEX	9,100	9,100
BRAC 05	ZU	UNSPECIFIED WORLDWIDE	BASE REALIGNMENT AND CLOSURE 2005	7,479,498	7,479,498
BRAC IV	ZU	UNSPECIFIED WORLDWIDE	BASE REALIGNMENT AND CLOSURE IV	396,768	396,768
Air Force	AF	BAGRAM AIR BASE	PASSENGER TERMINAL	22,000	22,000
Army	AF	BAGRAM AIR BASE	FUEL SYSTEM PH 6	12,000	12,000
Army	AF	BAGRAM AIR BASE	FUEL SYSTEM PH 7	5,000	5,000
Army	AF	BAGRAM AIR BASE	COALITION OPERATION CENTER	49,000	49,000
Army	AF	BAGRAM AIR BASE	APS COMPOUND	38,000	38,000
Army	AF	BAGRAM AIR BASE	AVIATION SUPPORT FACILITY	2,600	2,600
Army	AF	BAGRAM AIR BASE	BARRACKS	18,500	-18,500
Army	AF	BAGRAM AIR BASE	COMMAND AND CONTROL FACILITY	38,000	-38,000
Army	AF	BAGRAM AIR BASE	PERIMETER FENCE AND GUARD TOWERS	7,000	-7,000
DefWide	BE	BRUSSELS	REPLACE ELEMENTARY SCHOOL (SHAPE) PHASE 1	38,124	38,124

MILITARY CONSTRUCTION
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Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Navy	BI	SW ASIA	WATERFRONT DEVELOPMENT PHASE 2	41,526		41,526
Air Force	CM	PALANQUERO AB	PALANQUERO AB DEVELOPMENT	46,000		46,000
Navy	DJ	CAMP LEMONIER	INTERIOR PAVED ROADS PHASE A	7,275		7,275
Navy	DJ	CAMP LEMONIER	AMMO SUPPLY POINT	21,689		21,689
Navy	DJ	CAMP LEMONIER	SECURITY FENCING I	8,109		8,109
Navy	DJ	CAMP LEMONIER	FIRE STATION	4,772		4,772
Def:Wide	GB	GUANTANAMO BAY	REPLACE FUEL STORAGE TANKS	12,500	50,000	12,500
Def:Wide	GE	BOEBLINGEN	NEW ELEMENTARY SCHOOL	24,000		50,000
Def:Wide	GR	SOU DA BAY	FUEL STORAGE TANKS & PIPELINE RPL	4,900		24,000
Def:Wide	GU	AGANA NAVAL AIR STATION	REPLACE GAS CYLINDER STORAGE FACILITY	4,900		4,900
Air Force	GU	ANDERSEN AFB	STRIKE FOL ELECTRICAL INFRASTRUCTURE	33,750		33,750
Air Force	GU	ANDERSEN AFB	NW FIELD ATPP PERIMETER FENCE AND ROAD	4,752		4,752
Air Force	GU	ANDERSEN AFB	COMMANDO WARRIOR OPERATIONS FAC	4,200		4,200
Air Force	GU	ANDERSEN AFB	NW FIELD COMBAT SPT VEHICLE MAINT FAC	15,500		15,500
ARNG	GU	BARRIGADA	READINESS CENTER	30,000		30,000
Army	GY	ANSBACH	BARRACKS	17,500		17,500
Army	GY	ANSBACH	BARRACKS	14,200		14,200
FH Con Army	GY	BAUMHOLDER	FAMILY HOUSING REPLACEMENT CONSTRU (138 UNITS)	18,000		18,000
Def:Wide	GY	KAISERLAUTERN AB	KAISERLAUTERN COMPLEX—PHASE 1	19,380		19,380
Def:Wide	GY	KAISERLAUTERN AB	KAISERLAUTERN HS REPLACE SCHOOL	74,165		74,165
Army	GY	KLEBER KASERNE	BARRACKS	20,000		20,000
Army	GY	LANDSTUHL	WARRIOR IN TRANSITION (WT) COMPLEX	25,000	-25,000	
Air Force	GY	RAMSTEIN AB	CONSTRUCT AGE MAINT COMPLEX	11,500		11,500
Air Force	GY	RAMSTEIN AB	CONTINGENCY RESPONSE GROUP COMMAND	23,200		23,200
Air Force	GY	SPANGDAHLEM AB	FITNESS CTR	23,500		23,500
Def:Wide	GY	WEISBADEN	WEISBADEN HS NEW CAFETERIA AND KITCHEN	5,379		5,379
FH Con Army	GY	WEISBADEN	FAMILY HOUSING REPLACEMENT CONST INC 2	10,000		10,000
FH Con Army	GY	WEISBADEN	FAMILY HOUSING REPLACEMENT CONST INC 2	11,000		11,000
FH Con Army	GY	WEISBADEN	FAMILY HOUSING REPLACEMENT CONST INC 2	11,000		11,000

Air Force	IT	SIGONELLA	GLOBAL HAWK AIRCRAFT MAINT AND OPS COMPLEX	31,300	-31,300	
Army	IT	VICENZA	BDE COMPLEX—OPERATIONS SPT FAC, INCR 3	23,500		23,500
Army	IT	VICENZA	BDE COMPLEX—BARRACKS/COMMUNITY, INCR 3	22,500		22,500
Army	JA	OKINAWA	TRAINING AIDS CENTER	6,000		6,000
Army	JA	SAGAMIHARA	TRAINING AIDS CENTER	6,000		6,000
Army	KR	CAMP HUMPHREYS	VEHICLE MAINTENANCE SHOP	19,000		19,000
Army	KR	CAMP HUMPHREYS	VEHICLE MAINTENANCE SHOP	18,000		18,000
Army	KR	CAMP HUMPHREYS	FIRE STATIONS	13,200		13,200
Def-Wide	KR	K-16 AIRFIELD	CONVERT WAREHOUSES	5,050		5,050
Def-Wide	KR	OSAN AB	REPLACE HYDRANT FUEL SYSTEM	28,000		28,000
FH Con Navy	KR	PUSAN	CONSTR CHINHAE WELCOME CTR/WAREHOUSE	4,376		4,376
Army	KU	CAMP ARIFJAN	APS WAREHOUSES	82,000		82,000
Def-Wide	ML	GUAM	HOSPITAL REPLACEMENT (INCR 1)	259,156	-59,156	200,000
FH Con Navy	ML	GUAM	REPLACE GUAM N. TIPALAO PH III	20,730		20,730
Navy	ML	GUAM	CONSOLIDATED SLC TRAINING & CSS-15 HQ FAC	45,309		45,309
Navy	ML	GUAM	MILITARY WORKING DOG RELOCATION, APRA HARBOR ..	27,070	-17,070	10,000
Navy	ML	GUAM	DEFENSE ACCESS ROAD IMPROVEMENTS	48,860		48,860
Navy	ML	GUAM	AAFB NORTH RAMP UTILITIES (PHASE 1)	21,500	-21,500	
Navy	ML	GUAM	AAFB NORTH RAMP PARKING (PHASE 1)	88,797	-88,797	
Navy	ML	GUAM	APRA HARBOR WHARVES IMP. (INCR 1)	167,033	-83,516	83,517
Navy	ML	GUAM	TORPEDO EXERCISE SUPPORT BUILDING	15,627		15,627
Air Force	OM	AL MUSANNAH AB	WAR RESERVE MATERIAL COMPOUND	47,000	-47,000	
Air Force	OM	AL MUSANNAH AB	AIRLIFT RAMP AND FUEL FACILITIES	69,000	-69,000	
USAR	PR	CAGUAS	ARMY RESERVE CENTER/LAND	12,400		12,400
Air Force	QA	AL UDEID, QATAR	BLATCHFORD-PRESTON COMPLEX PH II	60,000		60,000
Navy	SP	ROTA	RECEPTION AIRFIELD FACILITIES	26,278		26,278
Air Force	TK	INCIRLIK AB	CONSTRUCT CONSOLIDATED COMMUNITY CTR	9,200		9,200
Def-Wide	UK	MENWITH HILL STATION	MHS PSC CONSTRUCTION	37,588		37,588
Def-Wide	UK	RAF MILDENHALL	CONNECT FUEL TANK DISTRIBUTION PIPE LN	4,700		4,700
Def-Wide	UK	RAF ALCONBURY	MEDICAL/DENTAL CLINIC REPLACEMENT	14,227		14,227
Def-Wide	UK	RAF LAKENHEATH	LIBERTY IS—GYMNASIUM	4,509		4,509
ARNG	VI	ST. CROIX	REGIONAL TRAINING INSTITUTE PHI	20,000		20,000
Air Force	ZC	CLASSIFIED LOCATION	CLASSIFIED PLANNING & DESIGN	3,000		3,000
NSIP	ZU	NSIP	NATO SECURITY INVESTMENT PROGRAM	276,314		276,314

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
AF Reserve	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	1,976		1,976
Air Force	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	18,000		18,000
Air Force	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN	79,363		79,363
Air Guard	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION	9,000		9,000
Air Guard	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN	10,061		10,061
Army	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION FY10	23,000		23,000
Army	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN FY10	153,029		153,029
Army	ZU	UNSPECIFIED WORLDWIDE	HOST NATION SUPPORT FY10	25,000		25,000
ARNG	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	10,300		10,300
ARNG	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	23,981		23,981
Def:Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	3,575		3,575
Def:Wide	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION	4,525		4,525
Def:Wide	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	6,800		6,800
Def:Wide	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION	3,717		3,717
Def:Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	2,000		2,000
Def:Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	10,534		10,534
Def:Wide	ZU	UNSPECIFIED WORLDWIDE	JEP EXERCISE RELATED CONSTRUCTION	7,861		7,861
Def:Wide	ZU	UNSPECIFIED WORLDWIDE	ENERGY CONSERVATION IMPROVEMENT PROGRAM	90,000	33,013	123,013
Def:Wide	ZU	UNSPECIFIED WORLDWIDE	CONTINGENCY CONSTRUCTION	10,000		10,000
Def:Wide	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	3,000		3,000
Def:Wide	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	35,579		35,579
Def:Wide	ZU	UNSPECIFIED WORLDWIDE	CONSTRUCTION IMPROVEMENTS	61,737		61,737
FH Con AF	ZU	UNSPECIFIED WORLDWIDE	CLASSIFIED PROJECT	50		50
FH Con AF	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN	4,314		4,314
FH Con Army	ZU	UNSPECIFIED WORLDWIDE	CONSTRUCTION IMPROVEMENTS (2428 UNITS)	219,300		219,300
FH Con Army	ZU	UNSPECIFIED WORLDWIDE	FAMILY HOUSING P&D	3,936		3,936
FH Con Navy	ZU	UNSPECIFIED WORLDWIDE	IMPROVEMENTS	118,692		118,692
FH Con Navy	ZU	UNSPECIFIED WORLDWIDE	DESIGN	2,771		2,771
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	81,686		81,686

FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	1,557	1,557
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	51,334	51,334
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	SERVICES ACCOUNT	20,183	20,183
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT	39,182	39,182
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MISCELLANEOUS ACCOUNT	1,543	1,543
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	LEASING ACCOUNT	548	548
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	LEASING	102,858	102,858
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE ACCOUNT	1,911	1,911
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE (RPMA & RPMC)	148,318	148,318
FH Ops AF	ZU	UNSPECIFIED WORLDWIDE	HOUSING PRIVATIZATION	53,816	53,816
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	81,650	81,650
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	OPERATIONS	87,263	87,263
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	MISCELLANEOUS ACCOUNT	1,177	1,177
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	LEASING	205,685	205,685
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY	115,854	115,854
FH Ops Army	ZU	UNSPECIFIED WORLDWIDE	PRIVATIZATION SUPPORT COSTS	31,789	31,789
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	RECISSION (PUBLIC LAW 110-5)		
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	OPERATIONS	35	35
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	LEASING	10,108	10,108
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY	69	69
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT	4,426	4,426
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	LEASING	33,579	33,579
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	274	274
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT	19	19
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	SERVICES ACCOUNT	29	29
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	309	309
FH Ops DW	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY	366	366
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	UTILITIES ACCOUNT	53,956	53,956
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	FURNISHINGS ACCOUNT	14,624	14,624
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	MANAGEMENT ACCOUNT	60,278	60,278
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	MISCELLANEOUS ACCOUNT	457	457
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	SERVICES ACCOUNT	16,462	16,462
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	LEASING	101,432	101,432
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	MAINTENANCE OF REAL PROPERTY	94,184	94,184

MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	PRIVATIZATION SUPPORT COSTS	27,147		27,147
FHFF	ZU	UNSPECIFIED WORLDWIDE	FAMILY HOUSING IMPROVEMENT FUND	2,600		2,600
HOAP	ZU	UNSPECIFIED WORLDWIDE	HOMEOWNERS ASSISTANCE PROGRAM	23,225	350,000	373,225
Naval Res	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	2,371		2,371
Navy	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTR	12,483		12,483
Navy	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	166,896		166,896
USAR	ZU	UNSPECIFIED WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	3,600		3,600
USAR	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	22,262		22,262
AF Reserve	ZU	VARIOUS WORLDWIDE	MINOR CONSTRUCTION	800		800
Def:Wide	ZU	VARIOUS WORLDWIDE	PLANNING AND DESIGN	72,974		72,974
Def:Wide	ZU	VARIOUS WORLDWIDE	UNSPECIFIED MINOR CONST	6,022		6,022
Def:Wide	ZU	VARIOUS WORLDWIDE	PLANNING AND DESIGN	4,425		4,425
Def:Wide	ZU	VARIOUS WORLDWIDE	PLANNING AND DESIGN	8,855		8,855
Def:Wide	ZU	VARIOUS WORLDWIDE	UNSPECIFIED MINOR CONSTRUCTION	4,100		4,100
			TOTAL FY2010 AUTHORIZATIONS	22,946,036	-22,843	22,923,193
			Prior Year Savings		-112,500	
			GRAND TOTAL	22,946,036	-135,343	22,810,693

SEC. 4502. 2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING.

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING

(In Thousands of Dollars)

Account	Commission Recommendation	Location	State	Project Title	Project Authorization	Authorization of Appropriation
Army	11	Anniston (Pelham Range)	AL	Armed Forces Reserve Center	8,000	8,000
Army	11	Birmingham	AL	Armed Forces Reserve Center	10,000	10,000
Army	11	Mobile	AL	Armed Forces Reserve Center	20,430	20,430
Defense Wide	134	Redstone Arsenal	AL	Von Braun Complex	27,800	27,800
Army	11	Tuscaloosa	AL	Armed Forces Reserve Center	18,000	18,000
Army	13	Camden	AR	Armed Forces Reserve Center	9,800	9,800
Army	13	El Dorado	AR	Armed Forces Reserve Center	14,000	14,000
Army	13	Hot Springs	AR	Armed Forces Reserve Center	14,600	14,600
Army	13	Pine Bluff	AR	Armed Forces Reserve Center	15,500	15,500
Army	12	Marana	AZ	Armed Forces Reserve Center	31,000	31,000
Navy	57	Barstow	CA	Industrial Machine Shop Facility	14,131	14,130
Navy	184	China Lake	CA	Shipboard Shock Test Facility	3,160	3,160
Navy	184	China Lake	CA	Weapons Dynamics RDT&E Center	5,970	5,970
Army	15	Middletown	CT	Armed Forces Reserve Center, Iner 2	37,000	37,000
Navy	149	Washington	DC	Navy Systems Management Activity Relocation (INCR II of II)	71,929	71,929
Navy	149	Washington	DC	Renovate 3rd Floor Building 176, Washington Navy Yard	750	750
Army	04	Eglin AFB	FL	Special Forces Complex, Iner 2	8,000	8,000
Air Force	125	Eglin AFB	FL	BRAC F-35 Live Ordnance Load Area (LOLA)	6,624	6,624
Air Force	4B, 125	Eglin AFB	FL	CE Facility	2,000	2,000
Air Force	125	Eglin AFB	FL	F-35 (JSF) Duke Field Control Tower	2,280	2,280
Air Force	4B, 125	Eglin AFB	FL	Fitness Facility	2,750	2,750
Air Force	125	Eglin AFB	FL	STOVL Simulated Carrier Practice Landing Deck	27,690	27,690
Air Force	125	Eglin AFB	FL	School Age Facility	2,600	2,600
Air Force	125	Eglin AFB	FL	Security Forces Facility	890	890
Air Force	125	Eglin AFB	FL	Taxiway Extension	13,000	13,000

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	Commission Recommendation	Location	State	Project Title	Project Authorization	Authorization of Appropriation
Air Force	125	Eglin AFB	FL	Traffic Management Cargo Processing Facility	900	900
Army	9	Benning	GA	AAFES Troop Store	1,950	1,950
Army	17	Benning	GA	Armed Forces Reserve Center	18,000	18,000
Army	2	Benning	GA	Equipment Concentration Site	43,000	43,000
Army	9	Benning	GA	General Instruction Complex 2, Iner 2	58,000	58,000
Army	9	Benning	GA	Maneuver Ctr Hq & CDI Bldg Expansion	42,000	42,000
Army	9	Benning	GA	Medical Facility, Iner 2	77,000	77,000
Army	21	Cedar Rapids	IA	Armed Forces Reserve Center	42,000	42,000
Army	21	Iowa AAP	IA	Armed Forces Reserve Center	27,000	27,000
Army	21	Muscatine	IA	Armed Forces Reserve Center	8,800	8,800
Army	2	Rock Island	IL	Army Headquarters Building Renovation	20,000	20,000
Army	43	Campbell	KY	Armed Forces Reserve Center	5,900	5,900
Army	2	Campbell	KY	Headquarters Building, Group	14,800	14,800
Army	55	Knox	KY	Armed Forces Reserve Center	2,300	2,300
Army	5	Aberdeen PG	MD	C4ISR, Phase 2, Iner 2	156,000	156,000
Defense Wide	169	Bethesda (WRNMMC)	MD	Medical Center Addition—Increment 3	108,850	108,850
Defense Wide	169	Bethesda (WRNMMC)	MD	Traffic Mitigation Increment 1	18,400	18,400
Defense Wide	169	Bethesda (WRNMMC)	MD	Site Utility Infrastructure Upgrade for NiCoE	6,500	6,500
Army	174	Detrick	MD	Joint Bio-Med RDA Management Center	8,300	8,300
Army	169	Forest Glenn	MD	Museum	12,200	12,200
Defense Wide	140	Fort Meade	MD	Construct DISA Building	131,662	131,662
Army	141	Fort Meade	MD	Defense Media Activity, Iner 2	17,000	17,000
Navy	65	Brunswick	ME	Marine Corps Reserve Center	12,960	12,960
Army	176	Detroit Arsenal	MI	Administrative Office Buildings, Iner 2	21,384	21,384
Army	176	Detroit Arsenal	MI	Weapons Systems Support and Training	8,300	8,300
Army	26	Ft. Custer (Augusta)	MI	Armed Forces Reserve Center	18,500	18,500
Air Force	95	Selfridge ANGB	MI	A10 Arm/Disarm Apron	1,350	1,350
Air Force	95	Selfridge ANGB	MI	Repair Munitions Admin Building 891	3,100	3,100

Air Force	95	Selfridge ANGB	MI	Upgrade Munitions Maintenance Shop	1,650	1,650
Air Force	95	Selfridge ANGB	MI	Upgrade Munitions Missile Maintenance Bays	2,350	2,350
Army	28	Kirksville	MO	Armed Forces Reserve Center	6,600	6,600
Army	29	Great Falls	MT	Armed Forces Reserve Center	7,600	7,600
Army	3	Bragg	NC	Band Training Facility	4,200	4,200
Army	3	Bragg	NC	Headquarters Bldg, FORSCOM/USARC, Iner 3	124,000	124,000
Army	35	Wilmington	NC	Armed Forces Reserve Center	17,500	17,500
Army	36	Fargo	ND	Armed Forces Reserve Center	11,200	11,200
Army	30	Columbus	NE	Armed Forces Reserve Center	9,300	9,300
Army	30	McCook	NE	Armed Forces Reserve Center	7,900	7,900
Army	32	Camden	NJ	Armed Forces Reserve Center	21,000	21,000
Army	05	West Point	NY	US Military Academy Prep School, Iner 2	98,000	98,000
Army	37	Columbus	OH	Armed Forces Reserve Center, Iner 2	30,218	30,218
Navy	73	Akron	OH	Armed Forces Reserve Center	13,840	13,840
Army	126	Sill	OK	Joint Fires & Effects Simulator Building	28,000	28,000
Air Force	92	Will Rogers World APT	OK	Relocate Global Air Traffic Operation Program Office	1,200	1,200
Army	40	Allentown	PA	Armed Forces Reserve Center	15,000	15,000
Army	150	Tobyhanna	PA	Electronics Maintenance Shop, Depot Level	3,200	3,200
Air Force	68	Willow Grove ARS	PA	Establish Enclave	4,000	4,000
Army	42	Bristol	RI	Armed Forces Reserve Center	17,500	17,500
Navy	181	Charleston	SC	SPAWAR Data Center	9,670	9,670
Navy	138	Goose Creek	SC	Consolidated Brig Addition	9,790	9,790
Army	3	Shaw AFB	SC	Headquarters Building, Third US Army, Iner 2	55,000	55,000
Army	43	Chattanooga	TN	Armed Forces Reserve Center	8,900	8,900
Army	10	Bliss	TX	Brigade Combat Team Complex #3, Iner 3	110,000	110,000
Army	10	Bliss	TX	Combat Aviation Brigade Complex, Iner 3	94,000	94,000
Army	10	Bliss	TX	Hospital Add/Alt, WBAMC	24,000	24,000
Army	10	Bliss	TX	Hospital Replacement	89,000	89,000
Army	10	Bliss	TX	Tactical Equipment Maintenance Facility 2	104,000	104,000
Army	44	Brownsville	TX	Armed Forces Reserve Center	15,000	15,000
Army	44	Huntsville	TX	Armed Forces Reserve Center	16,000	16,000
Army	44	Kingsville	TX	Armed Forces Reserve Center	17,500	17,500
Air Force	146	Lackland AFB	TX	Joint Base San Antonio Headquarters Facility	8,500	8,500
Army	44	Lufkin	TX	Armed Forces Reserve Center	15,500	15,500

2005 BASE REALIGNMENT AND CLOSURE ROUND FY 2010 PROJECT LISTING
(In Thousands of Dollars)

Account	Commission Recommendation	Location	State	Project Title	Project Authorization	Authorization of Appropriation
Air Force	128	Randolph AFB	TX	Renovate Building 38	2,050	2,050
Army	44	Red River	TX	Armed Forces Reserve Center	14,200	14,200
Defense Wide	172	Fort Sam Houston	TX	San Antonio Military Medical Center (North) Iner 3		163,750
Army	148	Sam Houston	TX	Add/Alt Building 2270	18,000	18,000
Army	148	Sam Houston	TX	Housing, Enlisted Permanent Party	10,800	10,800
Army	148	Sam Houston	TX	IMCOM Campus Area Infrastructure	11,000	11,000
Army	148	Sam Houston	TX	Headquarters Bldg, IMCOM	48,000	48,000
Army	132	Belvoir	VA	Infrastructure Support, Iner 3	13,000	13,000
Army	168	Belvoir	VA	Infrastructure Support, Iner 3	39,400	39,400
Army	169	Belvoir	VA	NARMC HQ Building	17,500	17,500
Defense Wide	168	Fort Belvoir	VA	NGA Headquarters Facility		168,749
Defense Wide	169	Fort Belvoir	VA	Hospital Replacement—Increment 4	140,750	140,750
Defense Wide	169	Fort Belvoir	VA	Dental Clinic	12,600	12,600
Defense Wide	133	Fort Belvoir	VA	Office Complex Increment 3		360,533
Army	8	Eustis	VA	Bldg 705 Renv (AAA & 902d MI)	1,600	1,600
Army	8	Eustis	VA	Headquarters Bldg, IMCOM Eastern Region	5,700	5,700
Army	8	Eustis	VA	Headquarters Building, TRADOC, Iner 2	34,300	34,300
Army	8	Eustis	VA	-Joint Task Force—Civil Support	19,000	19,000
Army	3	Eustis	VA	Renovation for ACA and NETCOM	4,800	4,800
Army	121	Lee	VA	AAFES Troop Store	1,850	1,850
Army	133	Lee	VA	Administrative Building (DCMA)	28,000	28,000
Army	121	Lee	VA	Combat Service Support School, Ph 1, Iner 4		30,000
Army	121	Lee	VA	Combat Service Support School, Ph 2, Iner 3	137,000	137,000
Army	121	Lee	VA	Combat Service Support School, Ph 3, Iner 2	145,000	145,000
Army	121	Lee	VA	Consolidated Troop Med/Dntl Clinic	20,000	20,000
Army	122	Lee	VA	HQs, Transportation Management Detachment	1,200	1,200
Army	121	Lee	VA	USMC Training Facilities	25,000	25,000
Navy	149	Arlington	VA	Crystal Park 5 to Arlington Service Center	33,660	33,660

Navy	138	Chesapeake	VA	Joint Regional Correctional Facility (INCR II of II)	47,560
Navy	181	Norfolk	VA	Building 1558 Renovations for SPAWAR	2,510
Army	47	Elkins	WV	Armed Forces Reserve Center	22,000
Army	47	Fairmont	WV	Armed Forces Reserve Center	21,000
Army	47	Spencer-Ripley	WV	Armed Forces Reserve Center	19,540
Army	PM	Various	WW	Planning and Design	26,100
Army		Various	Various	Environmental	147,693
Navy		Various	Various	Environmental	16,529
Air Force		Various	Various	Environmental	19,454
Army		Various	Various	Operation and Maintenance	1,169,334
Navy		Various	Various	Operation and Maintenance	322,495
Air Force		Various	Various	Operation and Maintenance	288,459
Defense Wide		Various	Various	Operation and Maintenance	836,715
Navy		Various	Various	MilPers PCS	6,504
Air Force		Various	Various	MilPers PCS	3,970
Army		Various	Various	Other	311,138
Navy		Various	Various	Other	20,115
Air Force		Various	Various	Other	23,443
Defense Wide		Various	Various	Other	412,320
Subtotal BRAC 2005 FY 2010, Army					4,081,037
Subtotal BRAC 2005 FY 2010, Navy					591,572
Subtotal BRAC 2005 FY 2010, Air Force					418,260
Subtotal BRAC 2005 FY 2010, Defense Wide					2,388,629
Total BRAC 2005 FY 2010 All Categories					7,479,498
Army		Various	Various	Base Realignment and Closure IV, Army	98,723
Navy		Various	Various	Base Realignment and Closure IV, Navy	168,000
Air Force		Various	Various	Base Realignment and Closure IV, Air Force	127,364
Defense Wide		Various	Various	Base Realignment and Closure IV, Defense Wide	2,681
Total BRAC IV for FY 2010					396,768

SEC. 4503. AMERICAN RECOVERY AND REINVESTMENT ACT MILITARY CONSTRUCTION.

AMERICAN RECOVERY AND REINVESTMENT ACT MILITARY CONSTRUCTION
(In Thousands of Dollars)

State	Account	Installation	Project Title	Senate Authorized
AK	Air Force	Eielson AFB	Replace Military Family Housing—Phase 4 (Current Mission) (76 units)	53,900
AL	Air Force	Birmingham	Mobility Processing	2,300
AR	Air Force	Fort Smith	Replace Civil Engineering Complex	7,800
CA	Defense Wide	Camp Pendleton	Hospital Replacement	563,100
CA	ARNG	Fort Hunter-Liggett	Family Housing New Construction (1 Unit)	620
CA	ARNG	Fort Hunter-Liggett	Family Housing Replacement Construction (4 units)	1,750
CA	Navy	Marine Corps Base Camp Pendleton	Child Development Center	15,420
CA	Navy	Marine Corps Base Camp Pendleton	Photovoltaic System	10,731
CA	Navy	Marine Corps Base Camp Pendleton	Repair Bachelor Enlisted Quarters	8,901
CA	ARNG	Mather Air Field	Resurface Airfield Pavement	1,500
CA	Navy	Naval Air Station Lemoore	Expand Child Development Center	7,793
CA	Navy	Naval Base Coronado	Child Care Center 24/7	2,301
CA	Navy	Naval Base Coronado	Bachelor Enlisted Quarters	86,275
CA	Navy	Naval Base Point Loma	Child Development Center	11,844
CA	ARNG	Sierra AD	Family Housing Replacement Construction (1 unit)	707
CO	Army	Fort Carson	Child Development Center	12,500
CO	Air Force	Peterson AFB	Construct Child Development Center	11,200
FL	Air Force	Hurlburt Field	Child Development Center	11,000
FL	Defense Wide	Naval Air Station Jacksonville	Hospital Alteration	27,210
FL	Navy	Naval Station Mayport	Child Development Center	10,220
GA	Army	Fort Stewart (Hunter AAF)	Child Youth Services Center	8,600
GA	Air Force	Moody AFB	Child Development Center	11,400
HI	Navy	Marine Corps Base Hawaii	Child Development Center	19,360
IA	Air Force	Des Moines	Replace Communication Facility	6,000
IL	ARNG	Rock Island	Family Housing New Construction (2 Units)	930

KS	Air Force	Forbes	Add/Alter Fire Station	4,100
KY	Army	Fort Campbell	Warrior in Transition (WT) Complex	43,000
MD	Air Force	Andrews AFB	ANGRC Operations Center	8,000
MD	Navy	Naval Support Activity Annapolis	Replace Steam Generation Plant	1,994
MD	Navy	Naval Surface Warfare Center Carderock	Replace Underground Steam Lines	1,253
MS	Air Force	Keesler AFB	Dormitory (144 Rm)	20,800
MT	Air Force	Malmstrom AFB	Repair Structural Foundations In Minuteman Village (179 units)	26,200
NC	Army	Fort Bragg	Child Development Center	11,300
NC	Navy	Marine Corps Air Station New River	Repair Bachelor Enlisted Quarters	3,039
NC	Navy	Marine Corps Base Camp Lejeune	Facility and Photovoltaic Energy Upgrades	13,779
NC	ARENG	Raleigh	AFRC Raleigh (JFHQ-NC)	39,500
ND	Air Force	Minot AFB	Dormitory (168 Rm)	28,300
NE	ARENG	Camp Ashland	Dining Facility Add/Alt	2,900
NJ	Air Force	Atlantic City	Construct N&S Arm/Disarm Aprons	4,300
NM	Air Force	Cannon AFB	Child Development Center	12,000
NV	ARENG	Hawthorne AD	Family Housing Improvement (new water main)	950
NV	Air Force	Nellis AFB	Child Development Center	13,400
NY	ARENG	Brooklyn (Ft. Hamilton)	Ready Building (WMD CST)	1,500
NY	Army	Fort Drum	Child Development Center	10,700
OK	ARENG	McAlester AD	Family Housing Replacement Construction (6 units)	2,200
OR	ARENG	Camp Withycombe	Storm Sewer	1,300
PA	Air Force	Fort Indian Town Gap	Replace Troop Training Qtrs	7,000
PA	ARENG	Letterkenny AD	Family Housing New Construction (3 units)	1,050
PA	ARENG	Tobyhanna	Family Housing Replacement Construction (2 units)	1,000
SC	Air Force	Shaw AFB	Dormitory (144 Rm)	22,500
TN	Navy	Naval Support Activity Mid-South	Child Development Center	11,960
TX	Army	Fort Bliss	Warrior in Transition (WT) Complex	57,000
TX	Army	Fort Hood	Child Development Center	12,700
TX	Defense Wide	Fort Hood	Hospital Replacement Phase 1	621,000
TX	Air Force	Goodfellow AFB	Student Dormitory (200 Rm)	28,400
TX	Air Force	Lackland AFB	Add/Alter Child Development Center	6,000
UT	ARENG	Dugway Proving Grounds	Family Housing Replacement Construction (20 units)	10,000
UT	Air Force	Hill AFB	Child Development Center	15,000
UT	Air Force	Salt Lake City	Fire Station, Phase 2	5,100

AMERICAN RECOVERY AND REINVESTMENT ACT MILITARY CONSTRUCTION
(In Thousands of Dollars)

State	Account	Installation	Project Title	Senate Authorized
VA	Army	Fort Belvoir	Child Development Center	14,600
VA	Army	Fort Eustis	Child Development Center	9,600
VA	Navy	Hampton Roads	Install Photovoltaic Systems	26,098
VA	Navy	Naval Station Norfolk	Repair Steam Lines	1,054
VA	Navy	Naval Station Norfolk	Steam Plant Area Decentralization	23,593
VA	ARRG	Radford AAP	Family Housing Replacement Construction (4 units)	1,300
WA	Navy	Naval Air Station Whidbey Island	Replace Water Distribution System	20,054
WI	ARENG	Fort McCoy	Family Housing New Construction (23 units)	14,000
WI	Air Force	General Mitchell	Security Forces CATM/CATS	1,100
WV	Air Force	Eastern West Virginia Regional Airport	C-5 Avionics Shop	4,300
WV	ARRG	Gassaway	Readiness Center Add/Alt	3,300
	Defense Wide	Various Locations	Planning and Design (P&D)	118,690
	Navy	Various Locations	P&D—DoN Child Development Center Projects	1,102
	Navy	Various Locations	P&D—DoN Energy Projects	1,444
	Navy	Various Locations	P&D—DoN Bachelor Enlisted Quarter Projects	1,785

SEC. 4504. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Service	Country	Location	Project	Authoriza- tion	Authorized for Appro- priation
AF	AF	WOLVERINE	CARGO HANDLING AREA	4,900	4,900
ARMY	AF	WOLVERINE	DINING FACILITY	2,200	2,200
ARMY	AF	WOLVERINE	FUEL SYSTEM, PH 1	5,800	5,800
ARMY	AF	WOLVERINE	WASTE MANAGEMENT COMPLEX	6,900	6,900
AF	AF	TOMBSTONE/BASTION	STRATEGIC AIRLIFT APRON EXPANSION	32,000	32,000
AF	AF	TOMBSTONE/BASTION	CAS APRON EXPANSION	40,000	40,000
AF	AF	TOMBSTONE/BASTION	ISR APRON	41,000	41,000
AF	AF	TOMBSTONE/BASTION	SECURE RSOI FACILITY	10,000	10,000
AF	AF	TOMBSTONE/BASTION	CARGO HANDLING AREA	18,000	18,000
AF	AF	TOMBSTONE/BASTION	AVIATION OPERATIONS & MAINTENANCE FAC'S	8,900	8,900
AF	AF	TOMBSTONE/BASTION	EXPEDITIONARY FIGHTER SHELTER	6,300	6,300
ARMY	AF	TOMBSTONE/BASTION	BASIC LOAD AMMUNITION HOLDING AREA	7,500	7,500
ARMY	AF	TOMBSTONE/BASTION	DINING FACILITY	8,900	8,900
ARMY	AF	TOMBSTONE/BASTION	ENTRY CONTROL POINT AND ACCESS ROADS	14,200	14,200
ARMY	AF	TOMBSTONE/BASTION	FUEL SYSTEM, PH 2	14,200	14,200
ARMY	AF	TOMBSTONE/BASTION	ROADS	4,300	4,300
ARMY	AF	TOMBSTONE/BASTION	LEVEL 3 MEDICAL FACILITY	16,500	16,500
ARMY	AF	TOMBSTONE/BASTION	WATER SUPPLY AND DISTRIBUTION SYSTEM	6,200	6,200
AF	AF	TARIN KOWT	CARGO HANDLING AREA	4,900	4,900
ARMY	AF	TARIN KOWT	DINING FACILITY	4,350	4,350
ARMY	AF	TARIN KOWT	FUEL SYSTEM PHASE 2	11,800	11,800
ARMY	AF	TARIN KOWT	WASTE MANAGEMENT AREA	6,800	6,800
ARMY	AF	TARIN KOWT	AMMUNITION SUPPLY POINT	35,000	35,000
ARMY	AF	SHARANA	ROTARY WING PARKING	32,000	32,000
ARMY	AF	SHARANA	AMMUNITION SUPPLY POINT	14,000	14,000

MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Service	Country	Location	Project	Authoriza- tion	Authorized for Appro- priation
ARMY	AF	SHARANA	AIRCRAFT MAINTENANCE FACILITIES	12,200	12,200
ARMY	AF	SHARANA	ELECTRICAL DISTRIBUTION GRID	2,600	2,600
AF	AF	SHANK	CARGO HANDLING AREA	4,900	4,900
ARMY	AF	SHANK	DINING FACILITY	4,350	4,350
ARMY	AF	SHANK	ELECTRICAL DISTRIBUTION GRID	4,600	4,600
ARMY	AF	SHANK	WASTE MANAGEMENT COMPLEX	8,100	8,100
ARMY	AF	SHANK	WATER DISTRIBUTION SYSTEM	2,650	2,650
ARMY	AF	SHANK	TROOP HOUSING PHASE 2		
ARMY	AF	SALEarno	WASTE MANAGEMENT COMPLEX	5,500	5,500
ARMY	AF	SALEarno	ELECTRICAL DISTRIBUTION GRID	2,600	2,600
ARMY	AF	SALEarno	FUEL SYSTEM, PH 1	12,800	12,800
ARMY	AF	SALEarno	DINING FACILITY	4,300	4,300
ARMY	AF	SALEarno	RUNWAY UPGRADE	25,000	25,000
ARMY	AF	METHAR-LAM	WASTE MANAGEMENT AREA	4,150	4,150
ARMY	AF	MAYWAND	DINING FACILITY	6,600	6,600
ARMY	AF	MAYWAND	WASTE MANAGEMENT AREA	5,600	5,600
AF	AF	KANDAHAR	SECURE RSOI FACILITY	9,700	9,700
AF	AF	KANDAHAR	TACTICAL AIRLIFT APRON	29,000	29,000
AF	AF	KANDAHAR	REFUELER APRON/RELOCATE HCP	66,000	66,000
AF	AF	KANDAHAR	CAS APRON EXPANSION	25,000	25,000
AF	AF	KANDAHAR	ISR APRON EXPANSION	40,000	40,000
AF	AF	KANDAHAR	AVIATION OPERATIONS & MAINTENANCE FACILITIES	10,500	10,500
AF	AF	KANDAHAR	EXPEDITIONARY FIGHTER SHELTER	6,400	6,400
AF	AF	KANDAHAR	CARGO HELICOPTER APRON	32,000	32,000
AF	AF	KANDAHAR	RELOCATE NORTH AIRFIELD ROAD	16,000	16,000
ARMY	AF	KANDAHAR	TROOP HOUSING PHASE 2		
ARMY	AF	KANDAHAR	COMMAND AND CONTROL FACILITY	4,500	4,500
ARMY	AF	KANDAHAR	TANKER TRUCK OFFLOAD FACILITY	23,000	23,000

ARMY	AF	KANDAHAR	COMMAND AND CONTROL FACILITY	4,500	4,500
ARMY	AF	KANDAHAR	COMMAND AND CONTROL FACILITY	4,500	4,500
ARMY	AF	KANDAHAR	SOUTHPARK ROADS	11,000	11,000
ARMY	AF	KANDAHAR	WASTE MANAGEMENT COMPLEX	10,000	10,000
ARMY	AF	KANDAHAR	WAREHOUSE	20,000	20,000
ARMY	AF	KANDAHAR	THEATER VEHICLE MAINTENANCE FACILITY	55,000	55,000
ARMY	AF	KABUL	USFOR-A HEADQUARTERS & HOUSING	98,000	98,000
ARMY	AF	KABUL	CAMP PHOENIX WEST EXPANSION	39,000	39,000
ARMY	AF	JOYCE	DINING FACILITY	2,100	2,100
ARMY	AF	JOYCE	WASTE MANAGEMENT AREA	5,600	5,600
ARMY	AF	JALALABAD	DINING FACILITY	4,350	4,350
ARMY	AF	JALALABAD	AMMUNITION SUPPLY POINT	35,000	35,000
ARMY	AF	JALALABAD	CONTINGENCY HOUSING		
ARMY	AF	JALALABAD	PERIMETER FENCING	2,050	2,050
ARMY	AF	JALALABAD	WASTE MANAGEMENT COMPLEX	5,500	5,500
ARMY	AF	GHAZNI	TACTICAL RUNWAY	28,000	28,000
ARMY	AF	GARDEZ	DINING FACILITY	2,200	2,200
ARMY	AF	GARDEZ	CONTINGENCY HOUSING		
ARMY	AF	GARDEZ	FUEL SYSTEM, PH 1	6,000	6,000
ARMY	AF	FRONTENAC	DINING FACILITY	2,200	2,200
ARMY	AF	FRONTENAC	CONTINGENCY HOUSING		
AF	AF	DWYER	CONTINGENCY HOUSING PHASE 1		
AF	AF	DWYER	CONTINGENCY HOUSING PHASE 2		
AF	AF	DWYER	CARGO HANDLING AREA	4,900	4,900
ARMY	AF	DWYER	FUEL SYSTEM, PH 1	5,800	5,800
ARMY	AF	DWYER	WASTE MANAGEMENT COMPLEX	6,900	6,900
ARMY	AF	DWYER	DINING FACILITY	2,200	2,200
ARMY	AF	BOSTICK	WASTE MANAGEMENT AREA	5,500	5,500
ARMY	AF	BLESSING	WASTE MANAGEMENT AREA	5,600	5,600
AF	AF	BAGRAM AIR BASE	CARGO TERMINAL	13,800	13,800
AF	AF	BAGRAM AIR BASE	AVIATION OPERATIONS & MAINTENANCE FACILITIES	8,900	8,900
AF	AF	BAGRAM AIR BASE	EXPEDITIONARY FIGHTER SHELTER	6,400	6,400
ARMY	AF	BAGRAM AIR BASE	TROOP HOUSING PHASE 3		
ARMY	AF	BAGRAM AIR BASE	DRAINAGE SYSTEM, PH 2	21,000	21,000

MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Service	Country	Location	Project	Authoriza- tion	Authorized for Appro- priation
ARMY	AF	BAGRAM AIR BASE	BARRACKS	18,500	18,500
ARMY	AF	BAGRAM AIR BASE	PERIMETER FENCE AND GUARD TOWERS	7,000	7,000
ARMY	AF	BAGRAM AIR BASE	COMMAND AND CONTROL FACILITY	38,000	38,000
ARMY	AF	BAGRAM AIR BASE	ACCESS ROADS	21,000	21,000
ARMY	AF	BAGRAM AIR BASE	COMMAND AND CONTROL FACILITY	4,500	4,500
ARMY	AF	BAGRAM AIR BASE	MEDLOG WAREHOUSE	3,350	3,350
ARMY	AF	ASADABAD	WASTE MANAGEMENT AREA	5,500	5,500
ARMY	AF	ALTIMUR	DINING FACILITY	2,150	2,150
ARMY	AF	ALTIMUR	WASTE MANAGEMENT AREA	5,600	5,600
ARMY	AF	AIRBORNE	DINING FACILITY	2,200	2,200
ARMY	AF	AIRBORNE	WASTE MANAGEMENT AREA	5,600	5,600
ARMY	BE	MONS	NATO SOF OPERATIONAL SUPPORT, TRAINING	20,000	20,000
AF	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN	20,000	35,000
ARMY	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION	20,000	20,000
ARMY	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN		75,884
NSA	ZU	UNSPECIFIED WORLDWIDE	CLASSIFIED PROJECT		
NSA	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN		
Grand Total Military Construction				1,294,100	1,404,984

TITLE XLVI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4601. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS (In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
Electricity Delivery & Energy Reliability			
Electricity Delivery & Energy Reliability			
Infrastructure security & energy restoration	6,188	-6,188	
Weapons Activities			
Directed stockpile work			
Life extension programs			
W76 Life extension program	209,196		209,196
Total, Life extension programs	209,196		209,196
Stockpile systems			
B61 Stockpile systems	124,456		124,456
W76 Stockpile systems	65,497		65,497
W78 Stockpile systems	50,741		50,741
W80 Stockpile systems	19,064		19,064
B83 Stockpile systems	35,682		35,682

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
W87 Stockpile systems	51,817		51,817
W88 Stockpile systems	43,043		43,043
Total, Stockpile systems	390,300		390,300
Weapons dismantlement and disposition			
Operation and maintenance	84,100	15,000	99,100
Total, Weapons dismantlement and disposition	84,100	15,000	99,100
Stockpile services			
Production support	301,484		301,484
Research and development support	37,071		37,071
R&D certification and safety	143,076	30,000	173,076
Management, technology, and production	200,223		200,223
Plutonium infrastructure sustainment	149,201		149,201
Total, Stockpile services	831,055	30,000	861,055
Total, Directed stockpile work	1,514,651	45,000	1,559,651
Campaigns:			
Science campaign			
Advanced certification	19,400	5,000	24,400
Primary assessment technologies	80,181		80,181
Dynamic materials properties	86,617		86,617
Academic alliances	30,251		30,251
Advanced radiography	22,328		22,328
Secondary assessment technologies	77,913		77,913
Total, Science campaign	316,690	5,000	321,690
Engineering campaign			
Enhanced surety	42,000	5,000	47,000

Weapon systems engineering assessment technology	18,000	18,000
Nuclear survivability	21,000	21,000
Enhanced surveillance	69,000	10,000
Total, Engineering campaign	150,000	15,000
Inertial confinement fusion ignition and high yield campaign		
Ignition	106,734	106,734
NIF diagnostics, cryogenics and experimental support	72,252	72,252
Pulsed power inertial confinement fusion	5,000	5,000
Joint program in high energy density laboratory plasmas	4,000	4,000
Facility operations and target production	248,929	6,500
Omega operations	[6,500]	[6,500]
Total, Inertial confinement fusion and high yield campaign	436,915	6,500
Advanced simulation and computing campaign		
Operation and maintenance	556,125	9,000
Readiness Campaign		
Stockpile readiness	5,746	5,746
High explosives and weapon operations	4,608	4,608
Nonnuclear readiness	12,701	12,701
Tritium readiness	68,246	48,246
Advanced design and production technologies	8,699	8,699
Total, Readiness campaign	100,000	80,000
Total, Campaigns	1,559,730	15,500
Readiness in technical base and facilities (RTBF)		
Operation of facilities		
Operation of facilities	1,342,303	1,342,303
Total, Operation of facilities	1,342,303	1,342,303
Program readiness	73,021	73,021
Material recycle and recovery	69,542	69,542
Containers	23,392	23,392

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
Storage	24,708		24,708
Subtotal, Readiness in technical base and facilities (RTBF)	1,532,966		1,532,966
Construction:			
10-D-501, Nuclear facilities risk reduction Y-12 National Security Complex, Oakridge, TN	12,500		12,500
99-D-141, Pit disassembly and conversion facility, Savannah River Site, Aiken, SC	30,321		30,321
09-D-007, LANSCE-Refurbishment, Los Alamos National Laboratory, NM		30,000	30,000
08-D-801, High pressure fire loop (HPFL), Pantex, TX	31,910		31,910
06-D-140, Project engineering design (PED), various locations	70,678		70,678
06-D-402, NTS replace fire stations 1 & 2 Nevada Test Site, NV	1,473		1,473
04-D-125, Chemistry and metallurgy facility replacement, Los Alamos National Laboratory, Los Alamos, NM	55,000	-20,000	35,000
04-D-128, TA-18 Criticality experiments facility (CEF), Los Alamos National Laboratory, Nevada Test Site, NV ..	1,500		1,500
Total, Construction	203,382	10,000	213,382
Total, Readiness in technical base and facilities	1,736,348	10,000	1,746,348
Secure transportation asset			
Operation and equipment	138,772		138,772
Program direction	96,143		96,143
Total, Secure transportation asset	234,915		234,915
Nuclear counterterrorism incident response	221,986	5,688	227,624
National technical forensics		[5,688]	
Facilities and infrastructure recapitalization program			
Operation and maintenance	144,959		144,959
Construction:			
07-D-253, TA 1 heating systems modernization (HSM) Sandia National Laboratory, NM	9,963		9,963
Total, Construction	9,963		9,963
Total, Facilities and infrastructure recapitalization program	154,922		154,922

Site stewardship			
Environmental projects and operations	41,288	41,288	
Nuclear materials integration	20,000	20,000	
Stewardship planning	29,086	29,086	
Total, Site stewardship	90,374	90,374	
Safeguards and security			
Defense nuclear security			
Operation and maintenance	700,044	700,044	
Construction:			
10-D-701, Security improvements project Y-12 National Security Complex, Oak Ridge, TN	49,000	49,000	
Total, Construction	49,000	49,000	
Total, Defense nuclear security	749,044	749,044	
Cyber security	122,511	122,511	
Total, Safeguards and security	871,555	871,555	
Support to intelligence	30,000	30,000	
Total, Weapons Activities	6,384,431	106,188	6,490,619
Defense Nuclear Nonproliferation			
Nonproliferation and verification research and development			
Operation and maintenance	297,300	50,000	347,300
Nonproliferation and international security	207,202	-14,000	193,202
Nuclear noncompliance verification		[-12,000]	
Global initiatives for proliferation prevention		[-2,000]	
International nuclear materials protection and cooperation	552,300		552,300

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
Elimination of weapons-grade plutonium production program	24,507		24,507
Fissile materials disposition			
U.S. surplus fissile materials disposition			
Operation and maintenance			
U.S. plutonium disposition	90,896		90,896
U.S. uranium disposition	34,691	-2,000	32,691
Supporting activities	1,075		1,075
Total, Operation and maintenance	126,662	-2,000	124,662
Construction:			
99-D-143, Mixed oxide fuel fabrication facility, Savannah River Site, SC	504,238		504,238
99-D-141-02, Waste solidification building, Savannah River Site, SC	70,000		70,000
Total, Construction	574,238		574,238
Total, U.S. surplus fissile materials disposition	700,900	-2,000	698,900
Russian surplus materials disposition	1,000	6,000	7,000
Total, Fissile materials disposition	701,900	4,000	705,900
Global threat reduction initiative			
Gap nuclear material	353,500	-40,000	313,500
[-40,000]			
Subtotal, Defense Nuclear Nonproliferation	2,136,709		2,136,709
Total, Defense Nuclear Nonproliferation	2,136,709		2,136,709
Naval Reactors			
Naval reactors development			
Operation and maintenance			
Operation and maintenance	935,533		935,533
Total, Operation and maintenance	935,533		935,533
Construction:			

10-D-903, KAPL Security upgrades, Schmeectady, NY	1,500	1,500
10-D-904, NRF infrastructure upgrades, ID	700	700
09-D-190, PED, Infrastructure upgrades, KAPL, Schmeectady, NY	1,000	1,000
09-D-902, NRF Production Support Complex, ID	6,400	6,400
08-D-190, NRF Project engineering and design Expanded Core Facility M-290 receiving/discharge station, ID	9,500	9,500
07-D-190, Materials research and technology complex, BAPL, Pittsburgh, PA	11,700	11,700
Total, Construction	30,800	30,800
Total, Naval reactors development	966,333	966,333
Program direction	36,800	36,800
Total, Naval Reactors	1,003,133	1,003,133

Office Of The Administrator		
Office of the administrator	431,074	431,074
Use of prior year balances	-10,320	-10,320
Total, Office Of The Administrator	420,754	420,754

Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	8,225	8,225
Miamisburg	33,243	33,243
Total, Closure sites	41,468	41,468

Hanford site:		
2012 accelerated completions		
Nuclear facility D&D river corridor closure project	327,955	327,955
Nuclear material stabilization and disposition PFP	118,087	118,087
SNF stabilization and disposition	55,325	55,325
Total, 2012 accelerated completions	501,367	501,367

2035 accelerated completions		
Nuclear facility D&D—remainder of Hanford	70,250	70,250
Richland community and regulatory support	21,940	21,940
Soil and water remediation—groundwater vadose zone	176,766	176,766
Solid waste stabilization and disposition 200 area	132,757	132,757

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
Total, 2035 accelerated completions	401,713		401,713
Total, Hanford site	903,080		903,080
Idaho National Laboratory:			
SNF stabilization and disposition—2012	14,768		14,768
Solid waste stabilization and disposition	137,000		137,000
Radioactive liquid tank waste stabilization and disposition	95,800		95,800
Construction:			
06-D-401, Sodium bearing waste treatment project, Idaho	83,700		83,700
Soil and water remediation—2012	71,000		71,000
Idaho community and regulatory support	3,900		3,900
Total, Idaho National Laboratory	406,168		406,168
NNSA sites			
Lawrence Livermore National Laboratory	910		910
NNSA Service Center/SPRU	17,938		17,938
Nevada	65,674		65,674
California site support	238		238
Sandia National Laboratories	2,864		2,864
Los Alamos National Laboratory	189,000		189,000
Total, NNSA sites and Nevada off-sites	276,624		276,624
Oak Ridge Reservation:			
Building 3019	38,900		38,900
Nuclear facility D & D ORNL	38,900		38,900
Nuclear facility D & D Y-12	34,000		34,000
Nuclear facility D & D E. Tennessee technology park	100		100
OR reservation community and regulatory support	6,253		6,253
Solid waste stabilization and disposition—2012	35,615		35,615

Total, Oak Ridge Reservation	153,768	153,768
Office of River Protection:		
Waste treatment and immobilization plant		
Construction:		
01-D-416 Waste treatment and immobilization plant	100,000	100,000
01-D-16A Low activity waste facility	55,000	55,000
01-D-16B Analytical laboratory	50,000	50,000
01-D-16C Balance of facilities	160,000	160,000
01-D-16D High level waste facility	325,000	325,000
01-D-16E Pretreatment facility	690,000	690,000
Total, Waste treatment and immobilization plant		
Tank farm activities		
Rad liquid tank waste stabilization and disposition	408,000	408,000
Total, Office of River protection	1,098,000	1,098,000
Savannah River Site:		
Nuclear material stabilization and disposition		
Nuclear material stabilization and disposition	385,310	385,310
Construction:		
08-D-414 Project engineering and design Plutonium Vitrification Facility, VL	6,315	6,315
Total, Nuclear material stabilization and disposition	391,625	391,625
2035 accelerated completions		
SR community and regulatory support	18,300	18,300
Spent nuclear fuel stabilization and disposition	38,768	38,768
Total, 2035 accelerated completions	57,068	57,068
Tank farm activities		
Radioactive liquid tank waste stabilization and disposition	527,138	527,138
Construction:		
05-D-405, Salt waste processing facility, Savannah River Site, SC	234,118	234,118
Total, Tank farm activities	761,256	761,256

DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
Total, Savannah River Site	1,209,949		1,209,949
Waste Isolation Pilot Plant			
Waste isolation pilot plant	144,902		144,902
Central characterization project	13,730		13,730
Transportation	33,851		33,851
Community and regulatory support	27,854		27,854
Total, Waste Isolation Pilot Plant	220,337		220,337
Program direction	355,000		355,000
Program support	34,000		34,000
Safeguards and Security:			
Waste Isolation Pilot Project	4,644		4,644
Oak Ridge Reservation	32,400		32,400
West Valley	1,859		1,859
Paducah	8,190		8,190
Portsmouth	17,509		17,509
Richland/Hanford Site	82,771		82,771
Savannah River Site	132,064		132,064
Total, Safeguards and Security	279,437		279,437
Technology development	55,000		55,000
Uranium enrichment D&D fund contribution	463,000		463,000
General reduction		-100,000	
Subtotal, Defense environmental cleanup	5,495,831	-100,000	5,395,831
Total, Defense Environmental Cleanup	5,495,831	-100,000	5,395,831

Other Defense Activities		
Health, safety and security		
Health, safety and security	337,757	337,757
Program direction	112,125	112,125
Total, Health, safety and security	449,882	449,882
Office of Legacy Management		
Legacy management	177,618	177,618
Program direction	12,184	12,184
Total, Office of Legacy Management	189,802	189,802
Nuclear energy		
Infrastructure		
Idaho facilities management		
INL infrastructure operation and maintenance	83,358	83,358
Total, Infrastructure	83,358	83,358
Total, Nuclear energy	83,358	83,358
Defense related administrative support	122,982	122,982
Office of hearings and appeals	6,444	6,444
Total, Other Defense Activities	852,468	852,468
Defense Nuclear Waste Disposal		
Defense nuclear waste disposal	98,400	98,400
Total, Department of Energy	16,397,914	16,397,914

1 **DIVISION** **E—MATTHEW**
2 **SHEPARD HATE CRIMES PRE-**
3 **VENTION ACT**

4 **SEC. 4701. SHORT TITLE.**

5 This division may be cited as the “Matthew Shepard
6 Hate Crimes Prevention Act”.

7 **SEC. 4702. FINDINGS.**

8 Congress makes the following findings:

9 (1) The incidence of violence motivated by the
10 actual or perceived race, color, religion, national ori-
11 gin, gender, sexual orientation, gender identity, or
12 disability of the victim poses a serious national prob-
13 lem.

14 (2) Such violence disrupts the tranquility and
15 safety of communities and is deeply divisive.

16 (3) State and local authorities are now and will
17 continue to be responsible for prosecuting the over-
18 whelming majority of violent crimes in the United
19 States, including violent crimes motivated by bias.
20 These authorities can carry out their responsibilities
21 more effectively with greater Federal assistance.

22 (4) Existing Federal law is inadequate to ad-
23 dress this problem.

24 (5) A prominent characteristic of a violent
25 crime motivated by bias is that it devastates not just

1 the actual victim and the family and friends of the
2 victim, but frequently savages the community shar-
3 ing the traits that caused the victim to be selected.

4 (6) Such violence substantially affects interstate
5 commerce in many ways, including the following:

6 (A) The movement of members of targeted
7 groups is impeded, and members of such groups
8 are forced to move across State lines to escape
9 the incidence or risk of such violence.

10 (B) Members of targeted groups are pre-
11 vented from purchasing goods and services, ob-
12 taining or sustaining employment, or partici-
13 pating in other commercial activity.

14 (C) Perpetrators cross State lines to com-
15 mit such violence.

16 (D) Channels, facilities, and instrumental-
17 ities of interstate commerce are used to facili-
18 tate the commission of such violence.

19 (E) Such violence is committed using arti-
20 cles that have traveled in interstate commerce.

21 (7) For generations, the institutions of slavery
22 and involuntary servitude were defined by the race,
23 color, and ancestry of those held in bondage. Slavery
24 and involuntary servitude were enforced, both prior
25 to and after the adoption of the 13th amendment to

1 the Constitution of the United States, through wide-
2 spread public and private violence directed at per-
3 sons because of their race, color, or ancestry, or per-
4 ceived race, color, or ancestry. Accordingly, elimi-
5 nating racially motivated violence is an important
6 means of eliminating, to the extent possible, the
7 badges, incidents, and relics of slavery and involun-
8 tary servitude.

9 (8) Both at the time when the 13th, 14th, and
10 15th amendments to the Constitution of the United
11 States were adopted, and continuing to date, mem-
12 bers of certain religious and national origin groups
13 were and are perceived to be distinct “races”. Thus,
14 in order to eliminate, to the extent possible, the
15 badges, incidents, and relics of slavery, it is nec-
16 essary to prohibit assaults on the basis of real or
17 perceived religions or national origins, at least to the
18 extent such religions or national origins were re-
19 garded as races at the time of the adoption of the
20 13th, 14th, and 15th amendments to the Constitu-
21 tion of the United States.

22 (9) Federal jurisdiction over certain violent
23 crimes motivated by bias enables Federal, State, and
24 local authorities to work together as partners in the
25 investigation and prosecution of such crimes.

1 (10) The problem of crimes motivated by bias
2 is sufficiently serious, widespread, and interstate in
3 nature as to warrant Federal assistance to States,
4 local jurisdictions, and Indian tribes.

5 **SEC. 4703. DEFINITION OF HATE CRIME.**

6 In this division—

7 (1) the term “crime of violence” has the mean-
8 ing given that term in section 16, title 18, United
9 States Code;

10 (2) the term “hate crime” has the meaning
11 given such term in section 280003(a) of the Violent
12 Crime Control and Law Enforcement Act of 1994
13 (28 U.S.C. 994 note); and

14 (3) the term “local” means a county, city, town,
15 township, parish, village, or other general purpose
16 political subdivision of a State.

17 **SEC. 4704. SUPPORT FOR CRIMINAL INVESTIGATIONS AND**
18 **PROSECUTIONS BY STATE, LOCAL, AND TRIB-**
19 **AL LAW ENFORCEMENT OFFICIALS.**

20 (a) ASSISTANCE OTHER THAN FINANCIAL ASSIST-
21 ANCE.—

22 (1) IN GENERAL.—At the request of State,
23 local, or tribal law enforcement agency, the Attorney
24 General may provide technical, forensic, prosecu-

1 torial, or any other form of assistance in the crimi-
2 nal investigation or prosecution of any crime that—

3 (A) constitutes a crime of violence;

4 (B) constitutes a felony under the State,
5 local, or tribal laws; and

6 (C) is motivated by prejudice based on the
7 actual or perceived race, color, religion, national
8 origin, gender, sexual orientation, gender iden-
9 tity, or disability of the victim, or is a violation
10 of the State, local, or tribal hate crime laws.

11 (2) PRIORITY.—In providing assistance under
12 paragraph (1), the Attorney General shall give pri-
13 ority to crimes committed by offenders who have
14 committed crimes in more than one State and to
15 rural jurisdictions that have difficulty covering the
16 extraordinary expenses relating to the investigation
17 or prosecution of the crime.

18 (b) GRANTS.—

19 (1) IN GENERAL.—The Attorney General may
20 award grants to State, local, and tribal law enforce-
21 ment agencies for extraordinary expenses associated
22 with the investigation and prosecution of hate
23 crimes.

24 (2) OFFICE OF JUSTICE PROGRAMS.—In imple-
25 menting the grant program under this subsection,

1 the Office of Justice Programs shall work closely
2 with grantees to ensure that the concerns and needs
3 of all affected parties, including community groups
4 and schools, colleges, and universities, are addressed
5 through the local infrastructure developed under the
6 grants.

7 (3) APPLICATION.—

8 (A) IN GENERAL.—Each State, local, and
9 tribal law enforcement agency that desires a
10 grant under this subsection shall submit an ap-
11 plication to the Attorney General at such time,
12 in such manner, and accompanied by or con-
13 taining such information as the Attorney Gen-
14 eral shall reasonably require.

15 (B) DATE FOR SUBMISSION.—Applications
16 submitted pursuant to subparagraph (A) shall
17 be submitted during the 60-day period begin-
18 ning on a date that the Attorney General shall
19 prescribe.

20 (C) REQUIREMENTS.—A State, local, and
21 tribal law enforcement agency applying for a
22 grant under this subsection shall—

23 (i) describe the extraordinary pur-
24 poses for which the grant is needed;

1 (ii) certify that the State, local gov-
2 ernment, or Indian tribe lacks the re-
3 sources necessary to investigate or pros-
4 ecute the hate crime;

5 (iii) demonstrate that, in developing a
6 plan to implement the grant, the State,
7 local, and tribal law enforcement agency
8 has consulted and coordinated with non-
9 profit, nongovernmental victim services
10 programs that have experience in providing
11 services to victims of hate crimes; and

12 (iv) certify that any Federal funds re-
13 ceived under this subsection will be used to
14 supplement, not supplant, non-Federal
15 funds that would otherwise be available for
16 activities funded under this subsection.

17 (4) DEADLINE.—An application for a grant
18 under this subsection shall be approved or denied by
19 the Attorney General not later than 180 business
20 days after the date on which the Attorney General
21 receives the application.

22 (5) GRANT AMOUNT.—A grant under this sub-
23 section shall not exceed \$100,000 for any single ju-
24 risdiction in any 1-year period.

1 (6) REPORT.—Not later than December 31,
2 2010, the Attorney General shall submit to Congress
3 a report describing the applications submitted for
4 grants under this subsection, the award of such
5 grants, and the purposes for which the grant
6 amounts were expended.

7 (7) AUTHORIZATION OF APPROPRIATIONS.—
8 There is authorized to be appropriated to carry out
9 this subsection \$5,000,000 for each of fiscal years
10 2010 and 2011.

11 **SEC. 4705. GRANT PROGRAM.**

12 (a) AUTHORITY TO AWARD GRANTS.—The Office of
13 Justice Programs of the Department of Justice may
14 award grants, in accordance with such regulations as the
15 Attorney General may prescribe, to State, local, or tribal
16 programs designed to combat hate crimes committed by
17 juveniles, including programs to train local law enforce-
18 ment officers in identifying, investigating, prosecuting,
19 and preventing hate crimes.

20 (b) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated such sums as may be
22 necessary to carry out this section.

1 **SEC. 4706. AUTHORIZATION FOR ADDITIONAL PERSONNEL**
 2 **TO ASSIST STATE, LOCAL, AND TRIBAL LAW**
 3 **ENFORCEMENT.**

4 There are authorized to be appropriated to the De-
 5 partment of Justice, including the Community Relations
 6 Service, for fiscal years 2010, 2011, and 2012 such sums
 7 as are necessary to increase the number of personnel to
 8 prevent and respond to alleged violations of section 249
 9 of title 18, United States Code, as added by section 4707
 10 of this division.

11 **SEC. 4707. PROHIBITION OF CERTAIN HATE CRIME ACTS.**

12 (a) IN GENERAL.—Chapter 13 of title 18, United
 13 States Code, is amended by adding at the end the fol-
 14 lowing:

15 **“§ 249. Hate crime acts**

16 “(a) IN GENERAL.—

17 “(1) OFFENSES INVOLVING ACTUAL OR PER-
 18 CEIVED RACE, COLOR, RELIGION, OR NATIONAL ORI-
 19 GIN.—Whoever, whether or not acting under color of
 20 law, willfully causes bodily injury to any person or,
 21 through the use of fire, a firearm, a dangerous
 22 weapon, or an explosive or incendiary device, at-
 23 tempts to cause bodily injury to any person, because
 24 of the actual or perceived race, color, religion, or na-
 25 tional origin of any person—

1 “(A) shall be imprisoned not more than 10
2 years, fined in accordance with this title, or
3 both; and

4 “(B) shall be imprisoned for any term of
5 years or for life, fined in accordance with this
6 title, or both, if—

7 “(i) death results from the offense; or

8 “(ii) the offense includes kidnapping
9 or an attempt to kidnap, aggravated sexual
10 abuse or an attempt to commit aggravated
11 sexual abuse, or an attempt to kill.

12 “(2) OFFENSES INVOLVING ACTUAL OR PER-
13 CEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEX-
14 UAL ORIENTATION, GENDER IDENTITY, OR DIS-
15 ABILITY.—

16 “(A) IN GENERAL.—Whoever, whether or
17 not acting under color of law, in any cir-
18 cumstance described in subparagraph (B) or
19 paragraph (3), willfully causes bodily injury to
20 any person or, through the use of fire, a fire-
21 arm, a dangerous weapon, or an explosive or in-
22 cendiary device, attempts to cause bodily injury
23 to any person, because of the actual or per-
24 ceived religion, national origin, gender, sexual

1 orientation, gender identity or disability of any
2 person—

3 “(i) shall be imprisoned not more
4 than 10 years, fined in accordance with
5 this title, or both; and

6 “(ii) shall be imprisoned for any term
7 of years or for life, fined in accordance
8 with this title, or both, if—

9 title, or both, and shall be subject to the pen-
10 alty of death in accordance with chapter 228 (if
11 death results from the offense), if—

12 “(i) death results from the offense; or

13 “(ii) the offense includes kidnapping
14 or an attempt to kidnap, aggravated sexual
15 abuse or an attempt to commit aggravated
16 sexual abuse, or an attempt to kill.

17 “(2) OFFENSES INVOLVING ACTUAL OR PER-
18 CEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEX-
19 UAL ORIENTATION, GENDER IDENTITY, OR DIS-
20 ABILITY.—

21 “(A) IN GENERAL.—Whoever, whether or
22 not acting under color of law, in any cir-
23 cumstance described in subparagraph (B) or
24 paragraph (3), willfully causes bodily injury to
25 any person or, through the use of fire, a fire-

1 arm, a dangerous weapon, or an explosive or in-
2 cendiary device, attempts to cause bodily injury
3 to any person, because of the actual or per-
4 ceived religion, national origin, gender, sexual
5 orientation, gender identity or disability of any
6 person—

7 “(i) shall be imprisoned not more
8 than 10 years, fined in accordance with
9 this title, or both; and

10 “(ii) shall be imprisoned for any term
11 of years or for life, fined in accordance
12 with this title, or both, and shall be subject
13 to the penalty of death in accordance with
14 chapter 228 (if death results from the of-
15 fense), if—

16 “(I) death results from the of-
17 fense; or

18 “(II) the offense includes kidnap-
19 ping or an attempt to kidnap, aggra-
20 vated sexual abuse or an attempt to
21 commit aggravated sexual abuse, or
22 an attempt to kill.

23 “(B) CIRCUMSTANCES DESCRIBED.—For
24 purposes of subparagraph (A), the cir-

1 cumstances described in this subparagraph are
2 that—

3 “(i) the conduct described in subpara-
4 graph (A) occurs during the course of, or
5 as the result of, the travel of the defendant
6 or the victim—

7 “(I) across a State line or na-
8 tional border; or

9 “(II) using a channel, facility, or
10 instrumentality of interstate or for-
11 eign commerce;

12 “(ii) the defendant uses a channel, fa-
13 cility, or instrumentality of interstate or
14 foreign commerce in connection with the
15 conduct described in subparagraph (A);

16 “(iii) in connection with the conduct
17 described in subparagraph (A), the defend-
18 ant employs a firearm, dangerous weapon,
19 explosive or incendiary device, or other
20 weapon that has traveled in interstate or
21 foreign commerce; or

22 “(iv) the conduct described in sub-
23 paragraph (A)—

24 “(I) interferes with commercial
25 or other economic activity in which

1 the victim is engaged at the time of
2 the conduct; or

3 “(II) otherwise affects interstate
4 or foreign commerce.

5 “(3) OFFENSES OCCURRING IN THE SPECIAL
6 MARITIME OR TERRITORIAL JURISDICTION OF THE
7 UNITED STATES.—Whoever, within the special mari-
8 time or territorial jurisdiction of the United States,
9 commits an offense described in paragraph (1) or
10 (2) shall be subject to the same penalties as pre-
11 scribed in those paragraphs.

12 “(b) CERTIFICATION REQUIREMENT.—

13 “(1) IN GENERAL.—No prosecution of any of-
14 fense described in this subsection may be undertaken
15 by the United States, except under the certification
16 in writing of the Attorney General, or his designee,
17 that—

18 “(A) the State does not have jurisdiction;

19 “(B) the State has requested that the Fed-
20 eral Government assume jurisdiction;

21 “(C) the verdict or sentence obtained pur-
22 suant to State charges left demonstratively
23 unvindicated the Federal interest in eradicating
24 bias-motivated violence; or

1 “(D) a prosecution by the United States is
2 in the public interest and necessary to secure
3 substantial justice.

4 “(2) RULE OF CONSTRUCTION.—Nothing in
5 this subsection shall be construed to limit the au-
6 thority of Federal officers, or a Federal grand jury,
7 to investigate possible violations of this section.

8 “(c) DEFINITIONS.—In this section—

9 “(1) the term ‘bodily injury’ has the meaning
10 given such term in section 1365(h)(4) of this title,
11 but does not include solely emotional or psycho-
12 logical harm to the victim;

13 “(2) the term ‘explosive or incendiary device’
14 has the meaning given such term in section 232 of
15 this title;

16 “(3) the term ‘firearm’ has the meaning given
17 such term in section 921(a) of this title; and

18 “(4) the term ‘gender identity’ for the purposes
19 of this chapter means actual or perceived gender-re-
20 lated characteristics.”.

21 (b) TECHNICAL AND CONFORMING AMENDMENT.—
22 The analysis for chapter 13 of title 18, United States
23 Code, is amended by adding at the end the following:

“249. Hate crime acts.”.

1 **SEC. 4708. STATISTICS.**

2 (a) IN GENERAL.—Subsection (b)(1) of the first sec-
3 tion of the Hate Crime Statistics Act (28 U.S.C. 534 note)
4 is amended by inserting “gender and gender identity,”
5 after “race,”.

6 (b) DATA.—Subsection (b)(5) of the first section of
7 the Hate Crime Statistics Act (28 U.S.C. 534 note) is
8 amended by inserting “, including data about crimes com-
9 mitted by, and crimes directed against, juveniles” after
10 “data acquired under this section”.

11 **SEC. 4709. SEVERABILITY.**

12 If any provision of this division, an amendment made
13 by this division, or the application of such provision or
14 amendment to any person or circumstance is held to be
15 unconstitutional, the remainder of this division, the
16 amendments made by this division, and the application of
17 the provisions of such to any person or circumstance shall
18 not be affected thereby.

19 **SEC. 4710. RULE OF CONSTRUCTION.**

20 For purposes of construing this division and the
21 amendments made by this division the following shall
22 apply:

23 (1) RELEVANT EVIDENCE.—Courts may con-
24 sider relevant evidence of speech, beliefs, or expres-
25 sive conduct to the extent that such evidence is of-
26 fered to prove an element of a charged offense or is

1 otherwise admissible under the Federal Rules of Evi-
2 dence. Nothing in this division is intended to affect
3 the existing rules of evidence.

4 (2) VIOLENT ACTS.—This division applies to
5 violent acts motivated by actual or perceived race,
6 color, religion, national origin, gender, sexual ori-
7 entation, gender identity or disability of a victim.

8 **SEC. 4711. CONSTRUCTION AND APPLICATION.**

9 Nothing in this division, or an amendment made by
10 this division, shall be construed or applied in a manner
11 that infringes on any rights under the first amendment
12 to the Constitution of the United States, or substantially
13 burdens any exercise of religion (regardless of whether
14 compelled by, or central to, a system of religious belief),
15 speech, expression, association, if such exercise of religion,
16 speech, expression, or association was not intended to—

17 (1) plan or prepare for an act of physical vio-
18 lence; or

19 (2) incite an imminent act of physical violence
20 against another.

21 (3) FREE EXPRESSION.—Nothing in this divi-
22 sion shall be construed to allow prosecution based
23 solely upon an individual's expression of racial, reli-
24 gious, political, or other beliefs or solely upon an in-

1 individual's membership in a group advocating or es-
2 pousing such beliefs.

3 (4) **FIRST AMENDMENT.**—Nothing in this divi-
4 sion, or an amendment made by this division, shall
5 be construed to diminish any rights under the first
6 amendment to the Constitution of the United States.

7 (5) **CONSTITUTIONAL PROTECTIONS.**—Nothing
8 in this division shall be construed to prohibit any
9 constitutionally protected speech, expressive conduct
10 or activities (regardless of whether compelled by, or
11 central to, a system of religious belief), including the
12 exercise of religion protected by the first amendment
13 to the Constitution of the United States and peace-
14 ful picketing or demonstration. The Constitution
15 does not protect speech, conduct or activities con-
16 sisting of planning for, conspiring to commit, or
17 committing an act of violence.

18 **SEC. 4712. LIMITATION ON PROSECUTIONS.**

19 (a) **IN GENERAL.**—All prosecutions under section
20 249 of title 18, United States Code, as added by this Act,
21 shall be undertaken pursuant to guideline, issued by the
22 Attorney General—

23 (1) to guide the exercise of the discretion of
24 Federal prosecutors and the Attorney General in
25 their decisions whether to seek death sentences

1 under such section when the crime results in a loss
2 of life; and

3 (2) that identify with particularity the the type
4 facts of such cases that will support the classifica-
5 tion of individual cases in term of their culpability
6 and death eligibility as low, medium, and high.

7 (b) REQUIREMENTS FOR DEATH PENALTY.—If the
8 Government seeks a death sentence in crime under section
9 249 of title 18, United States Code, as added by this Act,
10 that results in a loss of life—

11 (1) the Attorney General shall certify with par-
12 ticularity in the information or indictment how the
13 facts of the case support the Government’s judgment
14 that the case is properly classified among the cases
15 involving a hate crime that resulted in a victim’s
16 death;

17 (2) the Attorney General shall document in a
18 filing to the court—

19 (A) the facts of the crime (including date
20 of offense and arrest and location of the of-
21 fense), charges, convictions, and sentences of all
22 state and Federal hate crimes (committed be-
23 fore or after the effective date of this legisla-
24 tion) that resulted in a loss of life and were

1 known to the Assistant United States Attorney
2 or the Attorney General; and

3 (B) the actual or perceived race, color, na-
4 tional origin, ethnicity, religion, gender, sexual
5 orientation, gender identity, or disability of the
6 defendant and all victims; and

7 (3)(A) the court, either at the close of the guilt
8 trial or at the close of the penalty trial, shall con-
9 duct a proportionality review in which it shall exam-
10 ine whether the prosecutorial death seeking and
11 death sentencing rates in comparable cases in Fed-
12 eral prosecutions are both greater than 50 percent;
13 and

14 (B) if the United States fails to satisfy the test
15 under subparagraph (A), by a preponderance of the
16 evidence, the court shall dismiss the Government's
17 action seeking a death sentence in the case.

18 **SEC. 4713. GUIDELINES FOR HATE-CRIMES OFFENSES.**

19 Section 249(a) of title 18, United States Code, as
20 added by section _____ of this Act, is amended by adding
21 at the end the following:

22 “(4) GUIDELINES.—All prosecutions conducted
23 by the United States under this section shall be un-
24 dertaken pursuant to guidelines issued by the Attor-
25 ney General, or the designee of the Attorney Gen-

1 eral, to be included in the United States Attorneys'
2 Manual that shall establish neutral and objective cri-
3 teria for determining whether a crime was com-
4 mitted because of the actual or perceived status of
5 any person.”.

6 **SEC. 4714. ATTACKS ON UNITED STATES SERVICEMEN.**

7 (a) IN GENERAL.—Chapter 67 of title 18, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 **“§ 1389. Prohibition on attacks on United States serv-**
11 **icemen on account of service**

12 “(a) IN GENERAL.—Whoever knowingly assaults or
13 batters a United States serviceman or an immediate fam-
14 ily member of a United States serviceman, or who know-
15 ingly destroys or injures the property of such serviceman
16 or immediate family member, on account of the military
17 service of that serviceman or status of that individual as
18 a United States serviceman, or who attempts or conspires
19 to do so, shall—

20 “(1) in the case of a simple assault, or destruc-
21 tion or injury to property in which the damage or
22 attempted damage to such property is not more than
23 \$500, be fined under this title in an amount not less
24 than \$500 nor more than \$10,000 and imprisoned
25 not more than 2 years;

1 “(2) in the case of destruction or injury to
2 property in which the damage or attempted damage
3 to such property is more than \$500, be fined under
4 this title in an amount not less than \$1000 nor more
5 than \$100,000 and imprisoned not more than 5
6 years; and

7 “(3) in the case of a battery, or an assault re-
8 sulting in bodily injury, be fined under this title in
9 an amount not less than \$2500 and imprisoned not
10 less than 6 months nor more than 10 years.

11 “(b) EXCEPTION.—This section shall not apply to
12 conduct by a person who is subject to the Uniform Code
13 of Military Justice.

14 “(c) DEFINITIONS.—In this section—

15 “(1) the term ‘Armed Forces’ has the meaning
16 given that term in section 1388;

17 “(2) the term ‘immediate family member’ has
18 the meaning given that term in section 115; and

19 “(3) the term ‘United States serviceman’—

20 “(A) means a member of the Armed
21 Forces; and

22 “(B) includes a former member of the
23 Armed Forces during the 5-year period begin-
24 ning on the date of the discharge from the

1 Armed Forces of that member of the Armed
2 Forces.”.

3 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—
4 The table of sections for chapter 67 of title 18, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

“1389. Prohibition on attacks on United States servicemen on account of serv-
ice.”.

7 **DIVISION F—SBIR/STTR**
8 **REAUTHORIZATION**

9 **SEC. 5001. SHORT TITLE.**

10 This division may be cited as the “SBIR/STTR Re-
11 authorization Act of 2009”.

12 **SEC. 5002. DEFINITIONS.**

13 In this division—

14 (1) the terms “Administration” and “Adminis-
15 trator” mean the Small Business Administration
16 and the Administrator thereof, respectively;

17 (2) the terms “extramural budget”, “Federal
18 agency”, “Small Business Innovation Research Pro-
19 gram”, “SBIR”, “Small Business Technology
20 Transfer Program”, and “STTR” have the mean-
21 ings given such terms in section 9 of the Small Busi-
22 ness Act (15 U.S.C. 638); and

1 (3) the term “small business concern” has the
2 same meaning as under section 3 of the Small Busi-
3 ness Act (15 U.S.C. 632).

4 **TITLE LI—REAUTHORIZATION**
5 **OF THE SBIR AND STTR PRO-**
6 **GRAMS**

7 **SEC. 5101. EXTENSION OF TERMINATION DATES.**

8 (a) SBIR.—Section 9(m) of the Small Business Act
9 (15 U.S.C. 638(m)) is amended by striking “2008” and
10 inserting “2017”.

11 (b) STTR.—Section 9(n)(1)(A) of the Small Busi-
12 ness Act (15 U.S.C. 638(n)(1)(A)) is amended by striking
13 “2009” and inserting “2017”.

14 **SEC. 5102. STATUS OF THE OFFICE OF TECHNOLOGY.**

15 Section 9(b) of the Small Business Act (15 U.S.C.
16 638(b)) is amended—

17 (1) in paragraph (7), by striking “and” at the
18 end;

19 (2) in paragraph (8), by striking the period at
20 the end and inserting “; and”;

21 (3) by redesignating paragraph (8) as para-
22 graph (9); and

23 (4) by adding at the end the following:

1 “(10) to maintain an Office of Technology to
2 carry out the responsibilities of the Administration
3 under this section, which shall be—

4 “(A) headed by the Assistant Adminis-
5 trator for Technology, who shall report directly
6 to the Administrator; and

7 “(B) independent from the Office of Gov-
8 ernment Contracting of the Administration and
9 sufficiently staffed and funded to comply with
10 the oversight, reporting, and public database re-
11 sponsibilities assigned to the Office of Tech-
12 nology by the Administrator.”.

13 **SEC. 5103. SBIR ALLOCATION INCREASE.**

14 Section 9(f) of the Small Business Act (15 U.S.C.
15 638(f)) is amended—

16 (1) in paragraph (1)—

17 (A) in the matter preceding subparagraph
18 (A), by striking “Each” and inserting “Except
19 as provided in paragraph (2)(C), each”;

20 (B) in subparagraph (B), by striking
21 “and” at the end; and

22 (C) by striking subparagraph (C) and in-
23 serting the following:

24 “(C) not less than 2.5 percent of such
25 budget in each of fiscal years 2009 and 2010;

1 “(D) not less than 2.6 percent of such
2 budget in fiscal year 2011;

3 “(E) not less than 2.7 percent of such
4 budget in fiscal year 2012;

5 “(F) not less than 2.8 percent of such
6 budget in fiscal year 2013;

7 “(G) not less than 2.9 percent of such
8 budget in fiscal year 2014;

9 “(H) not less than 3.0 percent of such
10 budget in fiscal year 2015;

11 “(I) not less than 3.1 percent of such
12 budget in fiscal year 2016;

13 “(J) not less than 3.2 percent of such
14 budget in fiscal year 2017;

15 “(K) not less than 3.3 percent of such
16 budget in fiscal year 2018;

17 “(L) not less than 3.4 percent of such
18 budget in fiscal year 2019; and

19 “(M) not less than 3.5 percent of such
20 budget in fiscal year 2020 and each fiscal year
21 thereafter,”; and

22 (2) in paragraph (2)—

23 (A) by redesignating subparagraphs (A)
24 and (B) as clauses (i) and (ii), respectively, and
25 adjusting the margins accordingly;

1 (B) by striking “A Federal agency” and
2 inserting the following:

3 “(A) IN GENERAL.—A Federal agency”;
4 and

5 (C) by adding at the end the following:

6 “(B) DEPARTMENT OF DEFENSE AND DE-
7 PARTMENT OF ENERGY.—For the Department
8 of Defense and the Department of Energy, to
9 the greatest extent practicable, the percentage
10 of the extramural budget in excess of 2.5 per-
11 cent required to be expended with small busi-
12 ness concerns under subparagraphs (D)
13 through (M) of paragraph (1)—

14 “(i) may not be used for new Phase I
15 or Phase II awards; and

16 “(ii) shall be used for activities that
17 further the readiness levels of technologies
18 developed under Phase II awards, includ-
19 ing conducting testing and evaluation to
20 promote the transition of such technologies
21 into commercial or defense products, or
22 systems furthering the mission needs of
23 the Department of Defense or the Depart-
24 ment of Energy, as the case may be.”.

1 **SEC. 5104. STTR ALLOCATION INCREASE.**

2 Section 9(n)(1)(B) of the Small Business Act (15
3 U.S.C. 638(n)(1)(B)) is amended—

4 (1) in clause (i), by striking “and” at the end;

5 (2) in clause (ii), by striking “thereafter.” and
6 inserting “through fiscal year 2010;”; and

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

8 “(iii) 0.4 percent for fiscal years 2011
9 and 2012;

10 “(iv) 0.5 percent for fiscal years 2013
11 and 2014; and

12 “(v) 0.6 percent for fiscal year 2015
13 and each fiscal year thereafter.”.

14 **SEC. 5105. SBIR AND STTR AWARD LEVELS.**

15 (a) SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the
16 Small Business Act (15 U.S.C. 638(j)(2)(D)) is amend-
17 ed—

18 (1) by striking “\$100,000” and inserting
19 “\$150,000”; and

20 (2) by striking “\$750,000” and inserting
21 “\$1,000,000”.

22 (b) STTR ADJUSTMENTS.—Section 9(p)(2)(B)(ix) of
23 the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is
24 amended—

25 (1) by striking “\$100,000” and inserting
26 “\$150,000”; and

1 (2) by striking “\$750,000” and inserting
2 “\$1,000,000”.

3 (c) TRIENNIAL ADJUSTMENTS.—Section 9 of the
4 Small Business Act (15 U.S.C. 638) is amended—

5 (1) in subsection (j)(2)(D)—

6 (A) by striking “5 years” and inserting “3
7 years”; and

8 (B) by striking “and programmatic consid-
9 erations”; and

10 (2) in subsection (p)(2)(B)(ix) by striking
11 “greater or lesser amounts to be awarded at the dis-
12 cretion of the awarding agency,” and inserting “an
13 adjustment for inflation of such amounts once every
14 3 years,”.

15 (d) LIMITATION ON CERTAIN AWARDS.—Section 9 of
16 the Small Business Act (15 U.S.C. 638) is amended by
17 adding at the end the following:

18 “(aa) LIMITATION ON CERTAIN AWARDS.—

19 “(1) LIMITATION.—No Federal agency may
20 issue an award under the SBIR program or the
21 STTR program if the size of the award exceeds the
22 award guidelines established under this section by
23 more than 50 percent.

24 “(2) MAINTAINANCE OF INFORMATION.—Par-
25 ticipating agencies shall maintain information on

1 awards exceeding the guidelines established under
2 this section, including—

3 “(A) the amount of each award;

4 “(B) a justification for exceeding the
5 award amount;

6 “(C) the identity and location of each
7 award recipient; and

8 “(D) whether a recipient has received any
9 venture capital investment and, if so, whether
10 the recipient is majority-owned and controlled
11 by multiple venture capital companies.

12 “(3) REPORTS.—The Administrator shall in-
13 clude the information described in paragraph (2) in
14 the annual report of the Administrator to Congress.

15 “(4) RULE OF CONSTRUCTION.—Nothing in
16 this subsection shall be construed to prevent a Fed-
17 eral agency from supplementing an award under the
18 SBIR program or the STTR program using funds of
19 the Federal agency that are not part of the SBIR
20 program or the STTR program of the Federal agen-
21 cy.”.

22 **SEC. 5106. AGENCY AND PROGRAM COLLABORATION.**

23 Section 9 of the Small Business Act (15 U.S.C. 638),
24 as amended by this division, is amended by adding at the
25 end the following:

1 “(bb) SUBSEQUENT PHASES.—

2 “(1) AGENCY COLLABORATION.—A small busi-
3 ness concern that received an award from a Federal
4 agency under this section shall be eligible to receive
5 an award for a subsequent phase from another Fed-
6 eral agency, if the head of each relevant Federal
7 agency or the relevant component of the Federal
8 agency makes a written determination that the top-
9 ics of the relevant awards are the same and both
10 agencies report the awards to the Administrator for
11 inclusion in the public database under subsection
12 (k).

13 “(2) SBIR AND STTR COLLABORATION.—A
14 small business concern which received an award
15 under this section under the SBIR program or the
16 STTR program may receive an award under this
17 section for a subsequent phase in either the SBIR
18 program or the STTR program and the partici-
19 pating agency or agencies shall report the awards to
20 the Administrator for inclusion in the public data-
21 base under subsection (k).”.

22 **SEC. 5107. ELIMINATION OF PHASE II INVITATIONS.**

23 (a) IN GENERAL.—Section 9(e) of the Small Busi-
24 ness Act (15 U.S.C. 638(e)) is amended—

1 (1) in paragraph (4)(B), by striking “to fur-
2 ther” and inserting: “which shall not include any in-
3 vitation, pre-screening, pre-selection, or down-selec-
4 tion process for eligibility for the second phase, that
5 will further”; and

6 (2) in paragraph (6)(B), by striking “to further
7 develop proposed ideas to” and inserting “which
8 shall not include any invitation, pre-screening, pre-
9 selection, or down-selection process for eligibility for
10 the second phase, that will further develop proposals
11 that”.

12 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
13 The Small Business Act (15 U.S.C. 638) is amended—

14 (1) in section 9—

15 (A) in subsection (e)—

16 (i) in paragraph (8), by striking
17 “and” at the end;

18 (ii) in paragraph (9)—

19 (I) by striking “the second or the
20 third phase” and inserting “Phase II
21 or Phase III”; and

22 (II) by striking the period at the
23 end and inserting a semicolon; and

24 (iii) by adding at the end the fol-
25 lowing:

1 “(10) the term ‘Phase I’ means—

2 “(A) with respect to the SBIR program,
3 the first phase described in paragraph (4)(A);
4 and

5 “(B) with respect to the STTR program,
6 the first phase described in paragraph (6)(A);

7 “(11) the term ‘Phase II’ means—

8 “(A) with respect to the SBIR program,
9 the second phase described in paragraph
10 (4)(B); and

11 “(B) with respect to the STTR program,
12 the second phase described in paragraph
13 (6)(B); and

14 “(12) the term ‘Phase III’ means—

15 “(A) with respect to the SBIR program,
16 the third phase described in paragraph (4)(C);
17 and

18 “(B) with respect to the STTR program,
19 the third phase described in paragraph
20 (6)(C).”;

21 (B) in subsection (j)—

22 (i) in paragraph (1)(B), by striking
23 “phase two” and inserting “Phase II”;

24 (ii) in paragraph (2)—

25 (I) in subparagraph (B)—

1 (aa) by striking “the third
2 phase” each place it appears and
3 inserting “Phase III”; and

4 (bb) by striking “the second
5 phase” and inserting “Phase II”;
6 (II) in subparagraph (D)—

7 (aa) by striking “the first
8 phase” and inserting “Phase I”;
9 and

10 (bb) by striking “the second
11 phase” and inserting “Phase II”;

12 (III) in subparagraph (F), by
13 striking “the third phase” and insert-
14 ing “Phase III”;

15 (IV) in subparagraph (G)—

16 (aa) by striking “the first
17 phase” and inserting “Phase I”;
18 and

19 (bb) by striking “the second
20 phase” and inserting “Phase II”;
21 and

22 (V) in subparagraph (H)—

23 (aa) by striking “the first
24 phase” and inserting “Phase I”;

1 (bb) by striking “second
2 phase” each place it appears and
3 inserting “Phase II”; and

4 (cc) by striking “third
5 phase” and inserting “Phase
6 III”; and

7 (iii) in paragraph (3)—

8 (I) in subparagraph (A)—

9 (aa) by striking “the first
10 phase (as described in subsection
11 (e)(4)(A))” and inserting “Phase
12 I”;

13 (bb) by striking “the second
14 phase (as described in subsection
15 (e)(4)(B))” and inserting “Phase
16 II”; and

17 (cc) by striking “the third
18 phase (as described in subsection
19 (e)(4)(C))” and inserting “Phase
20 III”; and

21 (II) in subparagraph (B), by
22 striking “second phase” and inserting
23 “Phase II”;

24 (C) in subsection (k)—

1 (i) by striking “first phase” each
2 place it appears and inserting “Phase I”;
3 and

4 (ii) by striking “second phase” each
5 place it appears and inserting “Phase II”;
6 (D) in subsection (l)(2)—

7 (i) by striking “the first phase” and
8 inserting “Phase I”; and

9 (ii) by striking “the second phase”
10 and inserting “Phase II”;

11 (E) in subsection (o)(13)—

12 (i) in subparagraph (B), by striking
13 “second phase” and inserting “Phase II”;
14 and

15 (ii) in subparagraph (C), by striking
16 “third phase” and inserting “Phase III”;

17 (F) in subsection (p)—

18 (i) in paragraph (2)(B)—

19 (I) in clause (vi)—

20 (aa) by striking “the second
21 phase” and inserting “Phase II”;

22 and

23 (bb) by striking “the third
24 phase” and inserting “Phase

25 III”; and

1 (II) in clause (ix)—

2 (aa) by striking “the first
3 phase” and inserting “Phase I”;

4 and

5 (bb) by striking “the second
6 phase” and inserting “Phase II”;

7 and

8 (ii) in paragraph (3)—

9 (I) by striking “the first phase
10 (as described in subsection
11 (e)(6)(A))” and inserting “Phase I”;

12 (II) by striking “the second
13 phase (as described in subsection
14 (e)(6)(B))” and inserting “Phase II”;

15 and

16 (III) by striking “the third phase
17 (as described in subsection
18 (e)(6)(A))” and inserting “Phase III”;

19 (G) in subsection (q)(3)—

20 (i) in subparagraph (A)—

21 (I) in the subparagraph heading,
22 by striking “FIRST PHASE” and in-
23 serting “PHASE I”; and

24 (II) by striking “first phase” and
25 inserting “Phase I”; and

1 (ii) in subparagraph (B)—

2 (I) in the subparagraph heading,
3 by striking “SECOND PHASE” and in-
4 serting “PHASE II”; and

5 (II) by striking “second phase”
6 and inserting “Phase II”;

7 (H) in subsection (r)—

8 (i) in the subsection heading, by strik-
9 ing “THIRD PHASE” and inserting
10 “PHASE III”;

11 (ii) in paragraph (1)—

12 (I) in the first sentence—

13 (aa) by striking “for the sec-
14 ond phase” and inserting “for
15 Phase II”;

16 (bb) by striking “third
17 phase” and inserting “Phase
18 III”; and

19 (cc) by striking “second
20 phase period” and inserting
21 “Phase II period”; and

22 (II) in the second sentence—

23 (aa) by striking “second
24 phase” and inserting “Phase II”;
25 and

1 (bb) by striking “third
2 phase” and inserting “Phase
3 III”; and

4 (iii) in paragraph (2), by striking
5 “third phase” and inserting “Phase III”;
6 and

7 (I) in subsection (u)(2)(B), by striking
8 “the first phase” and inserting “Phase I”;
9 (2) in section 34—

10 (A) in subsection (c)(2)(B)(ii), by striking
11 “first phase and second phase SBIR awards”
12 and inserting “Phase I and Phase II SBIR
13 awards (as defined in section 9(e))”; and

14 (B) in subsection (e)(2)(A)—

15 (i) in clause (i), by striking “first
16 phase awards” and all that follows and in-
17 serting “Phase I awards (as defined in sec-
18 tion 9(e));”; and

19 (ii) by striking “first phase” each
20 place it appears and inserting “Phase I”;
21 and

22 (3) in section 35(c)(2)(B)(vii), by striking
23 “third phase” and inserting “Phase III”.

1 **SEC. 5108. MAJORITY-VENTURE INVESTMENTS IN SBIR**
2 **FIRMS.**

3 (a) IN GENERAL.—Section 9 of the Small Business
4 Act (15 U.S.C. 638), as amended by this division, is
5 amended by adding at the end the following:

6 “(cc) MAJORITY-VENTURE INVESTMENTS IN SBIR
7 FIRMS.—

8 “(1) AUTHORITY AND DETERMINATION.—

9 “(A) IN GENERAL.—Upon a written deter-
10 mination provided not later than 30 days in ad-
11 vance to the Administrator and to the Com-
12 mittee on Small Business and Entrepreneurship
13 of the Senate and the Committee on Small
14 Business of the House of Representatives—

15 “(i) the Director of the National In-
16 stitutes of Health may award not more
17 than 18 percent of the SBIR funds of the
18 National Institutes of Health allocated in
19 accordance with this Act, in the first full
20 fiscal year beginning after the date of en-
21 actment of this subsection, and each fiscal
22 year thereafter, to small business concerns
23 that are owned in majority part by venture
24 capital companies and that satisfy the
25 qualification requirements under para-
26 graph (2) through competitive, merit-based

1 procedures that are open to all eligible
2 small business concerns; and

3 “(ii) the head of any other Federal
4 agency participating in the SBIR program
5 may award not more than 8 percent of the
6 SBIR funds of the Federal agency allo-
7 cated in accordance with this Act, in the
8 first full fiscal year beginning after the
9 date of enactment of this subsection, and
10 each fiscal year thereafter, to small busi-
11 ness concerns that are majority owned by
12 venture capital companies and that satisfy
13 the qualification requirements under para-
14 graph (2) through competitive, merit-based
15 procedures that are open to all eligible
16 small business concerns.

17 “(B) DETERMINATION.—A written deter-
18 mination made under subparagraph (A) shall
19 explain how the use of the authority under that
20 subparagraph will induce additional venture
21 capital funding of small business innovations,
22 substantially contribute to the mission of the
23 funding Federal agency, demonstrate a need for
24 public research, and otherwise fulfill the capital

1 needs of small business concerns for additional
2 financing for the SBIR project.

3 “(2) QUALIFICATION REQUIREMENTS.—The
4 Administrator shall establish requirements relating
5 to the affiliation by small business concerns with
6 venture capital companies, which may not exclude a
7 United States small business concern from participa-
8 tion in the program under paragraph (1) on the
9 basis that the small business concern is owned in
10 majority part by, or controlled by, more than 1
11 United States venture capital company, so long as
12 no single venture capital company owns more than
13 49 percent of the small business concern.

14 “(3) REGISTRATION.—A small business concern
15 that is majority owned and controlled by multiple
16 venture capital companies and qualified for partici-
17 pation in the program authorized under paragraph
18 (1) shall—

19 “(A) register with the Administrator on
20 the date that the small business concern sub-
21 mits an application for an award under the
22 SBIR program; and

23 “(B) indicate whether the small business
24 concern is registered under subparagraph (A) in
25 any SBIR proposal.

1 “(4) COMPLIANCE.—A Federal agency de-
2 scribed in paragraph (1) shall collect data regarding
3 the number and dollar amounts of phase I, phase II,
4 and all other categories of awards under the SBIR
5 program, and the Administrator shall report on the
6 data and the compliance of each such Federal agen-
7 cy with the maximum amounts under paragraph (1)
8 as part of the annual report by the Administration
9 under subsection (b)(7).

10 “(5) ENFORCEMENT.—If a Federal agency
11 awards more than the amount authorized under
12 paragraph (1) for a purpose described in paragraph
13 (1), the amount awarded in excess of the amount
14 authorized under paragraph (1) shall be transferred
15 to the funds for general SBIR programs from the
16 non-SBIR research and development funds of the
17 Federal agency within 60 days of the date on which
18 the Federal agency awarded more than the amount
19 authorized under paragraph (1) for a purpose de-
20 scribed in paragraph (1).”.

21 (b) TECHNICAL AND CONFORMING AMENDMENT.—
22 Section 3 of the Small Business Act (15 U.S.C. 632) is
23 amended by adding at the end the following:

24 “(t) VENTURE CAPITAL COMPANY.—In this Act, the
25 term ‘venture capital company’ means an entity described

1 in clause (i), (v), or (vi) of section 121.103(b)(5) of title
2 13, Code of Federal Regulations (or any successor there-
3 to).”.

4 (c) ASSISTANCE FOR DETERMINING AFFILIATES.—
5 Not later than 30 days after the date of enactment of this
6 Act, the Administrator shall post on the website of the
7 Administration (with a direct link displayed on the home-
8 page of the website of the Administration or the SBIR
9 website of the Administration)—

10 (1) a clear explanation of the SBIR affiliation
11 rules under part 121 of title 13, Code of Federal
12 Regulations; and

13 (2) contact information for officers or employ-
14 ees of the Administration who—

15 (A) upon request, shall review an issue re-
16 lating to the rules described in paragraph (1);
17 and

18 (B) shall respond to a request under sub-
19 paragraph (A) not later than 20 business days
20 after the date on which the request is received.

21 **SEC. 5109. SBIR AND STTR SPECIAL ACQUISITION PREF-**
22 **ERENCE.**

23 Section 9(r) of the Small Business Act (15 U.S.C.
24 638(r)) is amended by adding at the end the following:

1 “(4) PHASE III AWARDS.—To the greatest ex-
 2 tent practicable, Federal agencies and Federal prime
 3 contractors shall issue Phase III awards relating to
 4 technology, including sole source awards, to the
 5 SBIR and STTR award recipients that developed
 6 the technology.”.

7 **SEC. 5110. COLLABORATING WITH FEDERAL LABORA-**
 8 **TORIES AND RESEARCH AND DEVELOPMENT**
 9 **CENTERS.**

10 Section 9 of the Small Business Act (15 U.S.C. 638),
 11 as amended by this division, is amended by adding at the
 12 end the following:

13 “(dd) COLLABORATING WITH FEDERAL LABORA-
 14 TORIES AND RESEARCH AND DEVELOPMENT CENTERS.—

15 “(1) AUTHORIZATION.—Subject to the limita-
 16 tions under this section, the head of each partici-
 17 pating Federal agency may make SBIR and STTR
 18 awards to any eligible small business concern that—

19 “(A) intends to enter into an agreement
 20 with a Federal laboratory or federally funded
 21 research and development center for portions of
 22 the activities to be performed under that award;
 23 or

24 “(B) has entered into a cooperative re-
 25 search and development agreement (as defined

1 in section 12(d) of the Stevenson-Wydler Tech-
2 nology Innovation Act of 1980 (15 U.S.C.
3 3710a(d)) with a Federal laboratory.

4 “(2) PROHIBITION.—No Federal agency shall—

5 “(A) condition an SBIR or STTR award
6 upon entering into agreement with any Federal
7 laboratory or any federally funded laboratory or
8 research and development center for any por-
9 tion of the activities to be performed under that
10 award;

11 “(B) approve an agreement between a
12 small business concern receiving a SBIR or
13 STTR award and a Federal laboratory or feder-
14 ally funded laboratory or research and develop-
15 ment center, if the small business concern per-
16 forms a lesser portion of the activities to be
17 performed under that award than required by
18 this section and by the SBIR Policy Directive
19 and the STTR Policy Directive of the Adminis-
20 trator; or

21 “(C) approve an agreement that violates
22 any provision, including any data rights protec-
23 tions provision, of this section or the SBIR and
24 the STTR Policy Directives.

1 “(3) IMPLEMENTATION.—Not later than 180
2 days after the date of enactment of this subsection,
3 the Administrator shall modify the SBIR Policy Di-
4 rective and the STTR Policy Directive issued under
5 this section to ensure that small business concerns—

6 “(A) have the flexibility to use the re-
7 sources of the Federal laboratories and feder-
8 ally funded research and development centers;
9 and

10 “(B) are not mandated to enter into agree-
11 ment with any Federal laboratory or any feder-
12 ally funded laboratory or research and develop-
13 ment center as a condition of an award.”.

14 **SEC. 5111. NOTICE REQUIREMENT.**

15 The head of any Federal agency involved in a case
16 or controversy before any Federal judicial or administra-
17 tive tribunal concerning the SBIR program or the STTR
18 program shall provide timely notice, as determined by the
19 Administrator, of the case or controversy to the Adminis-
20 trator.

1 **TITLE LII—OUTREACH AND**
2 **COMMERCIALIZATION INITIA-**
3 **TIVES**

4 **SEC. 5201. RURAL AND STATE OUTREACH.**

5 (a) OUTREACH.—Section 9 of the Small Business Act
6 (15 U.S.C. 638) is amended by inserting after subsection
7 (r) the following:

8 “(s) OUTREACH.—

9 “(1) DEFINITION OF ELIGIBLE STATE.—In this
10 subsection, the term ‘eligible State’ means a State—

11 “(A) for which the total value of contracts
12 awarded to the State under this section during
13 the most recent fiscal year for which data is
14 available was less than \$5,000,000; and

15 “(B) that certifies to the Administrator
16 that the State will, upon receipt of assistance
17 under this subsection, provide matching funds
18 from non-Federal sources in an amount that is
19 not less than 50 percent of the amount provided
20 under this subsection.

21 “(2) PROGRAM AUTHORITY.—Of amounts made
22 available to carry out this section for each of fiscal
23 years 2010 through 2014, the Administrator may
24 expend with eligible States not more than
25 \$5,000,000 in each such fiscal year in order to in-

1 crease the participation of small business concerns
2 located in those States in the programs under this
3 section.

4 “(3) AMOUNT OF ASSISTANCE.—The amount of
5 assistance provided to an eligible State under this
6 subsection in any fiscal year—

7 “(A) shall be equal to not more than 50
8 percent of the total amount of matching funds
9 from non-Federal sources provided by the
10 State; and

11 “(B) shall not exceed \$100,000.

12 “(4) USE OF ASSISTANCE.—Assistance provided
13 to an eligible State under this subsection shall be
14 used by the State, in consultation with State and
15 local departments and agencies, for programs and
16 activities to increase the participation of small busi-
17 ness concerns located in the State in the programs
18 under this section, including—

19 “(A) the establishment of quantifiable per-
20 formance goals, including goals relating to—

21 “(i) the number of program awards
22 under this section made to small business
23 concerns in the State; and

1 “(ii) the total amount of Federal re-
2 search and development contracts awarded
3 to small business concerns in the State;

4 “(B) the provision of competition outreach
5 support to small business concerns in the State
6 that are involved in research and development;
7 and

8 “(C) the development and dissemination of
9 educational and promotional information relat-
10 ing to the programs under this section to small
11 business concerns in the State.”.

12 (b) FEDERAL AND STATE PROGRAM EXTENSION.—
13 Section 34 of the Small Business Act (15 U.S.C. 657d)
14 is amended—

15 (1) in subsection (h), by striking “2001
16 through 2005” each place it appears and inserting
17 “2010 through 2014”; and

18 (2) in subsection (i), by striking “2005” and in-
19 serting “2014”.

20 (c) MATCHING REQUIREMENTS.—Section 34(e)(2) of
21 the Small Business Act (15 U.S.C. 657d(e)(2)) is amend-
22 ed—

23 (1) in subparagraph (A)—

24 (A) in clause (i), by striking “50 cents”
25 and inserting “35 cents”; and

1 (B) in clause (iii), by striking “75 cents”
2 and inserting “50 cents”;

3 (2) in subparagraph (B), by striking “50 cents”
4 and inserting “35 cents”;

5 (3) by redesignating subparagraphs (C) and
6 (D) as subparagraphs (D) and (E), respectively; and

7 (4) by inserting after subparagraph (B) the fol-
8 lowing:

9 “(C) RURAL AREAS.—

10 “(i) IN GENERAL.—Except as pro-
11 vided in clause (ii), the non-Federal share
12 of the cost of the activity carried out using
13 an award or under a cooperative agree-
14 ment under this section shall be 35 cents
15 for each Federal dollar that will be directly
16 allocated by a recipient described in para-
17 graph (A) to serve small business concerns
18 located in a rural area.

19 “(ii) ENHANCED RURAL AWARDS.—
20 For a recipient located in a rural area that
21 is located in a State described in subpara-
22 graph (A)(i), the non-Federal share of the
23 cost of the activity carried out using an
24 award or under a cooperative agreement
25 under this section shall be 15 cents for

1 each Federal dollar that will be directly al-
2 located by a recipient described in para-
3 graph (A) to serve small business concerns
4 located in the rural area.

5 “(iii) DEFINITION OF RURAL AREA.—
6 In this subparagraph, the term ‘rural area’
7 has the meaning given that term in section
8 1393(a)(2)) of the Internal Revenue Code
9 of 1986.”.

10 **SEC. 5202. SBIR–STEM WORKFORCE DEVELOPMENT GRANT**
11 **PILOT PROGRAM.**

12 (a) PILOT PROGRAM ESTABLISHED.—From amounts
13 made available to carry out this section, the Administrator
14 shall establish a SBIR–STEM Workforce Development
15 Grant Pilot Program to encourage the business commu-
16 nity to provide workforce development opportunities for
17 college students, in the fields of science, technology, engi-
18 neering, and math (in this section referred to as “STEM
19 college students”), by providing a SBIR bonus grant.

20 (b) ELIGIBLE ENTITIES DEFINED.—In this section
21 the term “eligible entity” means a grantee receiving a
22 grant under the SBIR Program on the date of the bonus
23 grant under subsection (a) that provides an internship
24 program for STEM college students.

1 (c) AWARDS.—An eligible entity shall receive a bonus
2 grant equal to 10 percent of either a Phase I or Phase
3 II grant, as applicable, with a total award maximum of
4 not more than \$10,000 per year.

5 (d) EVALUATION.—Following the fourth year of
6 funding under this section, the Administrator shall submit
7 a report to Congress on the results of the SBIR–STEM
8 Workforce Development Grant Pilot Program.

9 (e) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out this sec-
11 tion—

- 12 (1) \$1,000,000 for fiscal year 2011;
- 13 (2) \$1,000,000 for fiscal year 2012;
- 14 (3) \$1,000,000 for fiscal year 2013;
- 15 (4) \$1,000,000 for fiscal year 2014; and
- 16 (5) \$1,000,000 for fiscal year 2015.

17 **SEC. 5203. TECHNICAL ASSISTANCE FOR AWARDEES.**

18 Section 9(q)(3) of the Small Business Act (15 U.S.C.
19 638(q)(3)) is amended—

- 20 (1) in subparagraph (A), by striking “\$4,000”
21 and inserting “\$5,000”;
- 22 (2) in subparagraph (B)—
 - 23 (A) by striking “, with funds available
24 from their SBIR awards,”; and

1 (B) by striking “\$4,000 per year” and in-
2 serting “\$5,000 per year, which shall be in ad-
3 dition to the amount of the recipient’s award”;
4 and

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

6 “(C) FLEXIBILITY.—In carrying out sub-
7 paragraphs (A) and (B), each Federal agency
8 shall provide the allowable amounts to a recipi-
9 ent that meets the eligibility requirements
10 under the applicable subparagraph, if the re-
11 cipient requests to seek technical assistance
12 from an individual or entity other than the ven-
13 dor selected under paragraph (2) by the Fed-
14 eral agency.

15 “(D) LIMITATION.—A Federal agency may
16 not—

17 “(i) use the amounts authorized under
18 subparagraph (A) or (B) unless the vendor
19 selected under paragraph (2) provides the
20 technical assistance to the recipient; or

21 “(ii) enter a contract with a vendor
22 under paragraph (2) under which the
23 amount provided for technical assistance is
24 based on total number of Phase I or Phase
25 II awards.”.

1 **SEC. 5204. COMMERCIALIZATION PROGRAM AT DEPART-**
2 **MENT OF DEFENSE.**

3 Section 9(y) of the Small Business Act (15 U.S.C.
4 638(y)), as amended by section 834 of this Act, is amend-
5 ed—

6 (1) in paragraph (1), by adding at the end the
7 following: “The authority to create and administer a
8 Commercialization Program under this subsection
9 may not be construed to eliminate or replace any
10 other SBIR program or STTR program that en-
11 hances the insertion or transition of SBIR or STTR
12 technologies, including any such program in effect
13 on the date of enactment of the National Defense
14 Authorization Act for Fiscal Year 2006 (Public Law
15 109–163; 119 Stat. 3136).”;

16 (2) by redesignating paragraph (5) as para-
17 graph (7); and

18 (3) by inserting after paragraph (4) the fol-
19 lowing:

20 “(5) INSERTION INCENTIVES.—For any con-
21 tract with a value of not less than \$100,000,000, the
22 Secretary of Defense is authorized to—

23 “(A) establish goals for the transition of
24 Phase III technologies in subcontracting plans;
25 and

1 “(B) require a prime contractor on such a
2 contract to report the number and dollar
3 amount of contracts entered into by that prime
4 contractor for Phase III SBIR or STTR
5 projects.

6 “(6) GOAL FOR SBIR AND STTR TECHNOLOGY
7 INSERTION.—The Secretary of Defense shall—

8 “(A) set a goal to increase the number of
9 Phase II SBIR contracts and the number of
10 Phase II STTR contracts awarded by that Sec-
11 retary that lead to technology transition into
12 programs of record or fielded systems;

13 “(B) use incentives in effect on the date of
14 enactment of the SBIR/STTR Reauthorization
15 Act of 2009, or create new incentives, to en-
16 courage agency program managers and prime
17 contractors to meet the goal under subpara-
18 graph (A); and

19 “(C) include in the annual report to Con-
20 gress the percentage of contracts described in
21 subparagraph (A) awarded by that Secretary,
22 and information on the ongoing status of
23 projects funded through the Commercialization
24 Program and efforts to transition these tech-

1 nologies into programs of record or fielded sys-
2 tems.”.

3 **SEC. 5205. COMMERCIALIZATION PILOT PROGRAM FOR CI-**
4 **VILIAN AGENCIES.**

5 Section 9 of the Small Business Act (15 U.S.C. 638),
6 as amended by this division, is amended by adding at the
7 end the following:

8 “(ee) PILOT PROGRAM.—

9 “(1) AUTHORIZATION.—The head of each cov-
10 ered Federal agency may set aside not more than 10
11 percent of the SBIR and STTR funds of such agen-
12 cy for further technology development, testing, and
13 evaluation of SBIR and STTR Phase II tech-
14 nologies.

15 “(2) APPLICATION BY FEDERAL AGENCY.—

16 “(A) IN GENERAL.—A covered Federal
17 agency may not establish a pilot program unless
18 such agency makes a written application to the
19 Administrator, not later than 90 days before to
20 the first day of the fiscal year in which the pilot
21 program is to be established, that describes a
22 compelling reason that additional investment in
23 SBIR or STTR technologies is necessary, in-
24 cluding unusually high regulatory, systems inte-
25 gration, or other costs relating to development

1 or manufacturing of identifiable, highly prom-
2 ising small business technologies or a class of
3 such technologies expected to substantially ad-
4 vance the mission of the agency.

5 “(B) DETERMINATION.—The Adminis-
6 trator shall—

7 “(i) make a determination regarding
8 an application submitted under subpara-
9 graph (A) not later than 30 days before
10 the first day of the fiscal year for which
11 the application is submitted;

12 “(ii) publish the determination in the
13 Federal Register; and

14 “(iii) make a copy of the determina-
15 tion and any related materials available to
16 the Committee on Small Business and En-
17 trepreneurship of the Senate and the Com-
18 mittee on Small Business of the House of
19 Representatives.

20 “(3) MAXIMUM AMOUNT OF AWARD.—The head
21 of a Federal agency may not make an award under
22 a pilot program in excess of 3 times the dollar
23 amounts generally established for Phase II awards
24 under subsection (j)(2)(D) or (p)(2)(B)(ix).

1 “(4) MATCHING.—The head of a Federal agen-
2 cy may not make an award under a pilot program
3 for SBIR or STTR Phase II technology that will be
4 acquired by the Federal Government unless new pri-
5 vate, Federal non-SBIR, or Federal non-STTR
6 funding that at least matches the award from the
7 Federal agency is provided for the SBIR or STTR
8 Phase II technology.

9 “(5) ELIGIBILITY FOR AWARD.—The head of a
10 Federal agency may make an award under a pilot
11 program to any applicant that is eligible to receive
12 a Phase III award related to technology developed in
13 Phase II of an SBIR or STTR project.

14 “(6) REGISTRATION.—Any applicant that re-
15 ceives an award under a pilot program shall register
16 with the Administrator in a registry that is available
17 to the public.

18 “(7) TERMINATION.—The authority to establish
19 a pilot program under this section expires at the end
20 of fiscal year 2014.

21 “(8) DEFINITIONS.—In this section—

22 “(A) the term ‘covered Federal agency’—

23 “(i) means a Federal agency partici-
24 pating in the SBIR program or the STTR
25 program; and

1 “(ii) does not include the Department
2 of Defense; and

3 “(B) the term ‘pilot program’ means the
4 program established under paragraph (1).”.

5 **SEC. 5206. NANOTECHNOLOGY INITIATIVE.**

6 (a) IN GENERAL.—Section 9 of the Small Business
7 Act (15 U.S.C. 638), as amended by this division, is
8 amended by adding at the end the following:

9 “(ff) NANOTECHNOLOGY INITIATIVE.—Each Federal
10 agency participating in the SBIR or STTR program shall
11 encourage the submission of applications for support of
12 nanotechnology related projects to such program.”.

13 (b) SUNSET.—Effective October 1, 2014, subsection
14 (ff) of the Small Business Act, as added by subsection (a)
15 of this section, is repealed.

16 **SEC. 5207. ACCELERATING CURES.**

17 The Small Business Act (15 U.S.C. 631 et seq.) is
18 amended—

19 (1) by redesignating section 44 as section 45;
20 and

21 (2) by inserting after section 43 the following:

22 **“SEC. 44. SMALL BUSINESS INNOVATION RESEARCH PRO-**
23 **GRAM.**

24 “(a) NIH CURES PILOT.—

1 “(1) ESTABLISHMENT.—An independent advi-
2 sory board shall be established at the National Acad-
3 emy of Sciences (in this section referred to as the
4 ‘advisory board’) to conduct periodic evaluations of
5 the SBIR program (as that term is defined in sec-
6 tion 9) of each of the National Institutes of Health
7 (referred to in this section as the ‘NIH’) institutes
8 and centers for the purpose of improving the man-
9 agement of the SBIR program through data-driven
10 assessment.

11 “(2) MEMBERSHIP.—

12 “(A) IN GENERAL.—The advisory board
13 shall consist of—

14 “(i) the Director of the NIH;

15 “(ii) the Director of the SBIR pro-
16 gram of the NIH;

17 “(iii) senior NIH agency managers,
18 selected by the Director of NIH;

19 “(iv) industry experts, selected by the
20 Council of the National Academy of
21 Sciences in consultation with the Associate
22 Administrator for Technology of the Ad-
23 ministration and the Director of the Office
24 of Science and Technology Policy; and

1 “(v) owners or operators of small
2 business concerns that have received an
3 award under the SBIR program of the
4 NIH, selected by the Associate Adminis-
5 trator for Technology of the Administra-
6 tion.

7 “(B) NUMBER OF MEMBERS.—The total
8 number of members selected under clauses (iii),
9 (iv), and (v) of subparagraph (A) shall not ex-
10 ceed 10.

11 “(C) EQUAL REPRESENTATION.—The total
12 number of members of the advisory board se-
13 lected under clauses (i), (ii), (iii), and (iv) of
14 subparagraph (A) shall be equal to the number
15 of members of the advisory board selected
16 under subparagraph (A)(v).

17 “(b) ADDRESSING DATA GAPS.—In order to enhance
18 the evidence-base guiding SBIR program decisions and
19 changes, the Director of the SBIR program of the NIH
20 shall address the gaps and deficiencies in the data collec-
21 tion concerns identified in the 2007 report of the National
22 Academies of Science entitled ‘An Assessment of the Small
23 Business Innovation Research Program at the NIH’.

24 “(c) PILOT PROGRAM.—

1 “(1) IN GENERAL.—The Director of the SBIR
2 program of the NIH may initiate a pilot program,
3 under a formal mechanism for designing, imple-
4 menting, and evaluating pilot programs, to spur in-
5 novation and to test new strategies that may en-
6 hance the development of cures and therapies.

7 “(2) CONSIDERATIONS.—The Director of the
8 SBIR program of the NIH may consider conducting
9 a pilot program to include individuals with success-
10 ful SBIR program experience in study sections, hir-
11 ing individuals with small business development ex-
12 perience for staff positions, separating the commer-
13 cial and scientific review processes, and examining
14 the impact of the trend toward larger awards on the
15 overall program.

16 “(d) REPORT TO CONGRESS.—The Director of the
17 NIH shall submit an annual report to Congress and the
18 advisory board on the activities of the SBIR program of
19 the NIH under this section.

20 “(e) SBIR GRANTS AND CONTRACTS.—

21 “(1) IN GENERAL.—In awarding grants and
22 contracts under the SBIR program of the NIH each
23 SBIR program manager shall place an emphasis on
24 applications that identify products and services that

1 may enhance the development of cures and thera-
2 pies.

3 “(2) EXAMINATION OF COMMERCIALIZATION
4 AND OTHER METRICS.—The advisory board shall
5 evaluate the implementation of the requirement
6 under paragraph (1) by examining increased com-
7 mercialization and other metrics, to be determined
8 and collected by the SBIR program of the NIH.

9 “(3) PHASE I AND II.—To the greatest extent
10 practicable, the Director of the SBIR program of
11 the NIH shall reduce the time period between Phase
12 I and Phase II funding of grants and contracts
13 under the SBIR program of the NIH to 6 months.

14 “(f) LIMIT.—Not more than a total of 1 percent of
15 the extramural budget (as defined in section 9 of the
16 Small Business Act (15 U.S.C. 638)) of the NIH for re-
17 search or research and development may be used for the
18 pilot program under subsection (c) and to carry out sub-
19 section (e).

20 “(g) SUNSET.—This section shall cease to be effective
21 on the date that is 5 years after the date of enactment
22 of the SBIR/STTR Reauthorization Act of 2009.”.

1 **TITLE LIII—OVERSIGHT AND**
2 **EVALUATION**

3 **SEC. 5301. STREAMLINING ANNUAL EVALUATION REQUIRE-**
4 **MENTS.**

5 Section 9(b) of the Small Business Act (15 U.S.C.
6 638(b)), as amended by section __102 of this division, is
7 amended—

8 (1) in paragraph (7)—

9 (A) by striking “STTR programs, includ-
10 ing the data” and inserting the following:
11 “STTR programs, including—

12 “(A) the data”;

13 (B) by striking “(g)(10), (o)(9), and
14 (o)(15), the number” and all that follows
15 through “under each of the SBIR and STTR
16 programs, and a description” and inserting the
17 following: “(g)(8) and (o)(9); and

18 “(B) the number of proposals received
19 from, and the number and total amount of
20 awards to, HUBZone small business concerns
21 and firms with venture capital investment (in-
22 cluding those majority owned and controlled by
23 multiple venture capital firms) under each of
24 the SBIR and STTR programs;

1 “(C) a description of the extent to which
2 each Federal agency is increasing outreach and
3 awards to firms owned and controlled by women
4 and social or economically disadvantaged indi-
5 viduals under each of the SBIR and STTR pro-
6 grams;

7 “(D) general information about the imple-
8 mentation and compliance with the allocation of
9 funds required under subsection (cc) for firms
10 majority owned and controlled by multiple ven-
11 ture capital firms under each of the SBIR and
12 STTR programs;

13 “(E) a detailed description of appeals of
14 Phase III awards and notices of noncompliance
15 with the SBIR and the STTR Policy Directives
16 filed by the Administrator with Federal agen-
17 cies; and

18 “(F) a description”; and

19 (2) by inserting after paragraph (7) the fol-
20 lowing:

21 “(8) to coordinate the implementation of elec-
22 tronic databases at each of the Federal agencies par-
23 ticipating in the SBIR program or the STTR pro-
24 gram, including the technical ability of the partici-
25 pating agencies to electronically share data;”.

1 **SEC. 5302. DATA COLLECTION FROM AGENCIES FOR SBIR.**

2 Section 9(g) of the Small Business Act (15 U.S.C.
3 638(g)) is amended—

4 (1) by striking paragraph (10);

5 (2) by redesignating paragraphs (8) and (9) as
6 paragraphs (9) and (10), respectively;

7 (3) by inserting after paragraph (7) the fol-
8 lowing:

9 “(8) collect annually, and maintain in a com-
10 mon format in accordance with the simplified report-
11 ing requirements under subsection (v), such informa-
12 tion from awardees as is necessary to assess the
13 SBIR program, including information necessary to
14 maintain the database described in subsection (k),
15 including—

16 “(A) whether an awardee—

17 “(i) has venture capital or is majority
18 owned and controlled by multiple venture
19 capital firms, and, if so—

20 “(I) the amount of venture cap-
21 ital that the awardee has received as
22 of the date of the award; and

23 “(II) the amount of additional
24 capital that the awardee has invested
25 in the SBIR technology;

26 “(ii) has an investor that—

1 “(I) is an individual who is not a
2 citizen of the United States or a law-
3 ful permanent resident of the United
4 States, and if so, the name of any
5 such individual; or

6 “(II) is a person that is not an
7 individual and is not organized under
8 the laws of a State or the United
9 States, and if so the name of any such
10 person;

11 “(iii) is owned by a woman or has a
12 woman as a principal investigator;

13 “(iv) is owned by a socially or eco-
14 nomically disadvantaged individual or has
15 a socially or economically disadvantaged
16 individual as a principal investigator;

17 “(v) received assistance under the
18 FAST program under section 34 or the
19 outreach program under subsection (s);

20 “(vi) is a faculty member or a student
21 of an institution of higher education, as
22 that term is defined in section 101 of the
23 Higher Education Act of 1965 (20 U.S.C.
24 1001); or

1 “(vii) is located in a State described
2 in subsection (u)(3); and

3 “(B) a justification statement from the
4 agency, if an awardee receives an award in an
5 amount that is more than the award guidelines
6 under this section;”; and

7 (4) in paragraph (10), as so redesignated, by
8 adding “and” at the end.

9 **SEC. 5303. DATA COLLECTION FROM AGENCIES FOR STTR.**

10 Section 9(o) of the Small Business Act (15 U.S.C.
11 638(o)) is amended—

12 (1) by striking paragraph (9) and inserting the
13 following:

14 “(9) collect annually, and maintain in a com-
15 mon format in accordance with the simplified report-
16 ing requirements under subsection (v), such informa-
17 tion from applicants and awardees as is necessary to
18 assess the STTR program outputs and outcomes, in-
19 cluding information necessary to maintain the data-
20 base described in subsection (k), including—

21 “(A) whether an applicant or awardee—

22 “(i) has venture capital or is majority
23 owned and controlled by multiple venture
24 capital firms, and, if so—

1 “(I) the amount of venture cap-
2 ital that the applicant or awardee has
3 received as of the date of the applica-
4 tion or award, as applicable; and

5 “(II) the amount of additional
6 capital that the applicant or awardee
7 has invested in the SBIR technology;
8 “(ii) has an investor that—

9 “(I) is an individual who is not a
10 citizen of the United States or a law-
11 ful permanent resident of the United
12 States, and if so, the name of any
13 such individual; or

14 “(II) is a person that is not an
15 individual and is not organized under
16 the laws of a State or the United
17 States, and if so the name of any such
18 person;

19 “(iii) is owned by a woman or has a
20 woman as a principal investigator;

21 “(iv) is owned by a socially or eco-
22 nomically disadvantaged individual or has
23 a socially or economically disadvantaged
24 individual as a principal investigator;

1 “(v) received assistance under the
2 FAST program under section 34 or the
3 outreach program under subsection (s);

4 “(vi) is a faculty member or a student
5 of an institution of higher education, as
6 that term is defined in section 101 of the
7 Higher Education Act of 1965 (20 U.S.C.
8 1001); or

9 “(vii) is located in a State in which
10 the total value of contracts awarded to
11 small business concerns under all STTR
12 programs is less than the total value of
13 contracts awarded to small business con-
14 cerns in a majority of other States, as de-
15 termined by the Administrator in biennial
16 fiscal years, beginning with fiscal year
17 2008, based on the most recent statistics
18 compiled by the Administrator; and

19 “(B) if an awardee receives an award in an
20 amount that is more than the award guidelines
21 under this section, a statement from the agency
22 that justifies the award amount;”;

23 (2) in paragraph (14), by adding “and” at the
24 end;

25 (3) by striking paragraph (15); and

1 (4) by redesignating paragraph (16) as para-
2 graph (15).

3 **SEC. 5304. PUBLIC DATABASE.**

4 Section 9(k)(1) of the Small Business Act (15 U.S.C.
5 638(k)(1)) is amended—

6 (1) in subparagraph (D), by striking “and” at
7 the end;

8 (2) in subparagraph (E), by striking the period
9 at the end and inserting “; and”; and

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

11 “(F) for each small business concern that
12 has received a Phase I or Phase II SBIR or
13 STTR award from a Federal agency, whether
14 the small business concern—

15 “(i) has venture capital and, if so,
16 whether the small business concern is reg-
17 istered as majority owned and controlled
18 by multiple venture capital companies as
19 required under subsection (cc)(3);

20 “(ii) is owned by a woman or has a
21 woman as a principal investigator;

22 “(iii) is owned by a socially or eco-
23 nomically disadvantaged individual or has
24 a socially or economically disadvantaged
25 individual as a principal investigator;

1 “(iv) received assistance under the
2 FAST program under section 34 or the
3 outreach program under subsection (s); or

4 “(v) is owned by a faculty member or
5 a student of an institution of higher edu-
6 cation, as that term is defined in section
7 101 of the Higher Education Act of 1965
8 (20 U.S.C. 1001).”.

9 **SEC. 5305. GOVERNMENT DATABASE.**

10 Section 9(k)(2) of the Small Business Act (15 U.S.C.
11 638(k)(2)) is amended—

12 (1) by redesignating subparagraphs (C), (D),
13 and (E) as subparagraphs (D), (E), and (F), respec-
14 tively;

15 (2) by inserting after subparagraph (B) the fol-
16 lowing:

17 “(C) includes, for each awardee—

18 “(i) the name, size, location, and any
19 identifying number assigned to the award-
20 ee by the Administrator;

21 “(ii) whether the awardee has venture
22 capital, and, if so—

23 “(I) the amount of venture cap-
24 ital as of the date of the award;

1 “(II) the percentage of ownership
2 of the awardee held by a venture cap-
3 ital firm, including whether the
4 awardee is majority owned and con-
5 trolled by multiple venture capital
6 firms; and

7 “(III) the amount of additional
8 capital that the awardee has invested
9 in the SBIR technology, which infor-
10 mation shall be collected on an annual
11 basis;

12 “(iii) the names and locations of any
13 affiliates of the awardee;

14 “(iv) the number of employees of the
15 awardee;

16 “(v) the number of employees of the
17 affiliates of the awardee; and

18 “(vi) the names of, and the percent-
19 age of ownership of the awardee held by—

20 “(I) any individual who is not a
21 citizen of the United States or a law-
22 ful permanent resident of the United
23 States; or

24 “(II) any person that is not an
25 individual and is not organized under

1 the laws of a State or the United
2 States;” and

3 (3) in subparagraph (D), as so redesignated—

4 (A) in clause (ii), by striking “and” at the
5 end; and

6 (B) by adding at the end, the following:

7 “(iv) whether the applicant was ma-
8 jority owned and controlled by multiple
9 venture capital firms; and

10 “(v) the number of employees of the
11 applicant;”.

12 **SEC. 5306. ACCURACY IN FUNDING BASE CALCULATIONS.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, and every 3 years there-
15 after, the Comptroller General of the United States
16 shall—

17 (1) conduct a fiscal and management audit of
18 the SBIR program and the STTR program for the
19 applicable period to—

20 (A) determine whether Federal agencies
21 comply with the expenditure amount require-
22 ments under subsections (f)(1) and (n)(1) of
23 section 9 of the Small Business Act (15 U.S.C.
24 638), as amended by this division;

1 (B) assess the extent of compliance with
2 the requirements of section 9(i)(2) of the Small
3 Business Act (15 U.S.C. 638(i)(2)) by Federal
4 agencies participating in the SBIR program or
5 the STTR program and the Administration;

6 (C) assess whether it would be more con-
7 sistent and effective to base the amount of the
8 allocations under the SBIR program and the
9 STTR program on a percentage of the research
10 and development budget of a Federal agency,
11 rather than the extramural budget of the Fed-
12 eral agency; and

13 (D) determine the portion of the extra-
14 mural research or research and development
15 budget of a Federal agency that each Federal
16 agency spends for administrative purposes re-
17 lating to the SBIR program or STTR program,
18 and for what specific purposes, including the
19 portion, if any, of such budget the Federal
20 agency spends for salaries and expenses, travel
21 to visit applicants, outreach events, marketing,
22 and technical assistance; and

23 (2) submit a report to the Committee on Small
24 Business and Entrepreneurship of the Senate and
25 the Committee on Small Business of the House of

1 Representatives regarding the audit conducted under
2 paragraph (1), including the assessments required
3 under subparagraphs (B) and (C), and the deter-
4 mination made under subparagraph (D) of para-
5 graph (1).

6 (b) DEFINITION OF APPLICABLE PERIOD.—In this
7 section, the term “applicable period” means—

8 (1) for the first report submitted under this
9 section, the period beginning on October 1, 2000,
10 and ending on September 30 of the last full fiscal
11 year before the date of enactment of this Act for
12 which information is available; and

13 (2) for the second and each subsequent report
14 submitted under this section, the period—

15 (A) beginning on October 1 of the first fis-
16 cal year after the end of the most recent full
17 fiscal year relating to which a report under this
18 section was submitted; and

19 (B) ending on September 30 of the last
20 full fiscal year before the date of the report.

21 **SEC. 5307. CONTINUED EVALUATION BY THE NATIONAL**
22 **ACADEMY OF SCIENCES.**

23 Section 108 of the Small Business Reauthorization
24 Act of 2000 (15 U.S.C. 638 note) is amended by adding
25 at the end the following:

1 “(e) EXTENSIONS AND ENHANCEMENTS OF AUTHOR-
2 ITY.—

3 “(1) IN GENERAL.—Not later than 6 months
4 after the date of enactment of the SBIR/STTR Re-
5 authorization Act of 2009, the head of each agency
6 described in subsection (a), in consultation with the
7 Small Business Administration, shall cooperatively
8 enter into an agreement with the National Academy
9 of Sciences for the National Research Council to
10 conduct a study described in subsection (a)(1) and
11 make recommendations described in subsection
12 (a)(2) not later than 4 years after the date of enact-
13 ment of the SBIR/STTR Reauthorization Act of
14 2009, and every 4 years thereafter.

15 “(2) REPORTING.—An agreement under para-
16 graph (1) shall require that not later than 4 years
17 after the date of enactment of the SBIR/STTR Re-
18 authorization Act of 2009, and every 4 years there-
19 after, the National Research Council shall submit to
20 the head of the agency entering into the agreement,
21 the Committee on Small Business and Entrepreneurship
22 of the Senate, and the Committee on Small
23 Business of the House of Representatives a report
24 regarding the study conducted under paragraph (1)

1 and containing the recommendations described in
2 paragraph (1).”.

3 **SEC. 5308. TECHNOLOGY INSERTION REPORTING REQUIRE-**
4 **MENTS.**

5 Section 9 of the Small Business Act (15 U.S.C. 638),
6 as amended by this division, is amended by adding at the
7 end the following:

8 “(gg) PHASE III REPORTING.—The annual SBIR or
9 STTR report to Congress by the Administration under
10 subsection (b)(7) shall include, for each Phase III award
11 made by the Federal agency—

12 “(1) the name of the agency or component of
13 the agency or the non-Federal source of capital mak-
14 ing the Phase III award;

15 “(2) the name of the small business concern or
16 individual receiving the Phase III award; and

17 “(3) the dollar amount of the Phase III
18 award.”.

19 **SEC. 5309. INTELLECTUAL PROPERTY PROTECTIONS.**

20 (a) IN GENERAL.—The Comptroller General of the
21 United States shall conduct a study of the SBIR program
22 to assess whether—

23 (1) Federal agencies comply with the data
24 rights protections for SBIR awardees and the tech-

1 nologies of SBIR awardees under section 9 of the
2 Small Business Act (15 U.S.C. 638);

3 (2) the laws and policy directives intended to
4 clarify the scope of data rights, including in proto-
5 types and mentor-protégé relationships and agree-
6 ments with Federal laboratories, are sufficient to
7 protect SBIR awardees; and

8 (3) there is an effective grievance tracking proc-
9 ess for SBIR awardees who have grievances against
10 a Federal agency regarding data rights and a proc-
11 ess for resolving those grievances.

12 (b) REPORT.—Not later than 18 months after the
13 date of enactment of this Act, the Comptroller General
14 shall submit to the Committee on Small Business and En-
15 trepreneurship of the Senate and the Committee on Small
16 Business of the House of Representatives a report regard-
17 ing the study conducted under subsection (a).

18 **TITLE LIV—POLICY DIRECTIVES**

19 **SEC. 5401. CONFORMING AMENDMENTS TO THE SBIR AND** 20 **THE STTR POLICY DIRECTIVES.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of enactment of this Act, the Administrator shall pro-
23 mulgate amendments to the SBIR Policy Directive and
24 the STTR Policy Directive to conform such directives to
25 this division and the amendments made by this division.

1 (b) PUBLISHING SBIR POLICY DIRECTIVE AND THE
2 STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—
3 Not later than 180 days after the date of enactment of
4 this Act, the Administrator shall publish the amended
5 SBIR Policy Directive and the amended STTR Policy Di-
6 rective in the Federal Register.

7 **SEC. 5402. PRIORITIES FOR CERTAIN RESEARCH INITIA-**
8 **TIVES.**

9 (a) IN GENERAL.—Section 9 of the Small Business
10 Act (15 U.S.C. 638), as amended by this Act, is amended
11 by adding at the end the following:

12 “(hh) RESEARCH INITIATIVES.—To the extent that
13 such projects relate to the mission of the Federal agency,
14 each Federal agency participating in the SBIR program
15 or STTR program shall encourage the submission of appli-
16 cations for support of projects relating to security, energy,
17 transportation, or improving the security and quality of
18 the water supply of the United States to such program.”.

19 (b) SUNSET.—Effective October 1, 2014, section
20 9(hh) of the Small Business Act, as added by subsection
21 (a) of this section, is repealed.

22 **SEC. 5403. REPORT ON SBIR AND STTR PROGRAM GOALS.**

23 Section 9 of the Small Business Act (15 U.S.C. 638),
24 as amended by this Act, is amended by adding at the end
25 the following:

1 “(ii) ANNUAL REPORT ON SBIR AND STTR PRO-
2 GRAM GOALS.—

3 “(1) DEVELOPMENT OF METRICS.—The head of
4 each Federal agency required to participate in the
5 SBIR program or the STTR program shall develop
6 metrics to evaluate the effectiveness, and the benefit
7 to the people of the United States, of the SBIR pro-
8 gram and the STTR program of the Federal agency
9 that—

10 “(A) are science-based and statistically
11 driven;

12 “(B) reflect the mission of the Federal
13 agency; and

14 “(C) include factors relating to the eco-
15 nomic impact of the programs.

16 “(2) EVALUATION.—The head of each Federal
17 agency described in paragraph (1) shall conduct an
18 annual evaluation using the metrics developed under
19 paragraph (1) of—

20 “(A) the SBIR program and the STTR
21 program of the Federal agency; and

22 “(B) the benefits to the people of the
23 United States of the SBIR program and the
24 STTR program of the Federal agency.

25 “(3) REPORT.—

1 “(A) IN GENERAL.—The head of each
2 Federal agency described in paragraph (1) shall
3 submit to the appropriate committees of Con-
4 gress and the Administrator an annual report
5 describing in detail the results of an evaluation
6 conducted under paragraph (2).

7 “(B) PUBLIC AVAILABILITY OF REPORT.—
8 The head of each Federal agency described in
9 paragraph (1) shall make each report submitted
10 under subparagraph (A) available to the public
11 online.

12 “(C) DEFINITION.—In this paragraph, the
13 term ‘appropriate committees of Congress’
14 means—

15 “(i) the Committee on Small Business
16 and Entrepreneurship of the Senate; and

17 “(ii) the Committee on Small Busi-
18 ness and the Committee on Science and
19 Technology of the House of Representa-
20 tives.”.

21 **SEC. 5404. COMPETITIVE SELECTION PROCEDURES FOR**
22 **SBIR AND STTR PROGRAMS.**

23 Section 9 of the Small Business Act (15 U.S.C. 638),
24 as amended by this Act, is amended by adding at the end
25 the following:

1 “(jj) COMPETITIVE SELECTION PROCEDURES FOR
 2 SBIR AND STTR PROGRAMS.—All funds awarded, appro-
 3 priated, or otherwise made available in accordance with
 4 subsection (f) or (n) must be awarded pursuant to com-
 5 petitive and merit-based selection procedures.”.

6 **DIVISION G—MARITIME ADMIN-**
 7 **ISTRATION AUTHORIZATION**
 8 **TITLE LX—MARITIME**
 9 **ADMINISTRATION**

10 **SEC. 6001. SHORT TITLE.**

11 This title may be cited as the “Maritime Administra-
 12 tion Authorization Act of 2010”.

13 **SEC. 6002. COOPERATIVE AGREEMENTS, ADMINISTRATIVE**
 14 **EXPENSES, AND CONTRACTING AUTHORITY.**

15 Section 109 of title 49, United States Code, is
 16 amended—

17 (1) by striking the headline for subsection (h)
 18 and inserting the following:

19 “(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND
 20 AUDITS.—”.

21 (2) by striking the heading for paragraph (1) of
 22 subsection (h) and inserting the following:

23 “(1) CONTRACTS AND COOPERATIVE AGREE-
 24 MENTS.—”.

1 Maritime Administrator, for use in the preser-
2 vation and presentation to the public of mari-
3 time heritage property of the Maritime Admin-
4 istration.”.

5 **SEC. 6004. LIQUIDATION OF UNUSED LEAVE BALANCE AT**
6 **THE MERCHANT MARINE ACADEMY.**

7 The Maritime Administration may use appropriated
8 funds to make a lump-sum payment at a rate of pay that
9 existed on the date of termination or day before conversion
10 to the Civil Service for any unused annual leave accrued
11 by a non-appropriated fund instrumentality employee who
12 was terminated if determined ineligible for conversion, or
13 converted to the Civil Service as a United States Merchant
14 Marine Academy employee during fiscal year 2009.

15 **SEC. 6005. PERMANENT AUTHORITY TO HIRE ADJUNCT**
16 **PROFESSORS AT THE MERCHANT MARINE**
17 **ACADEMY.**

18 (a) IN GENERAL.—Chapter 513 of title 46, United
19 States Code, is amended by adding at the end thereof the
20 following:

21 **“§ 51317. Adjunct professors**

22 “(a) IN GENERAL.—The Maritime Administrator
23 may, subject to the availability of appropriations, contract
24 with individuals as personal services contractors to provide
25 services as adjunct professors at the United States Mer-

1 chant Marine Academy, if the Maritime Administrator de-
2 termines that there is a need for adjunct professors and
3 the need is not of permanent duration.”.

4 (b) CONTRACT REQUIREMENTS.—Each contract
5 under this section—

6 “(1) shall be approved by the Maritime Admin-
7 istrator; and

8 “(1) shall be for a duration, including options,
9 of not to exceed one year unless the Maritime Ad-
10 ministration finds that exceptional circumstances
11 justify an extension, which may not exceed one addi-
12 tional year.

13 “(c) LIMITATION ON NUMBER OF CONTRACTORS.—
14 In awarding contracts under this section, the Maritime
15 Administrator shall ensure that not more than 25 individ-
16 uals actively provide services in any one academic tri-
17 mester, or equivalent, as contractors under subsection (a).

18 “(d) EXISTING CONTRACTS.—Any contract entered
19 into before the date of enactment of the Maritime Admin-
20 istration Authorization Act of 2010 for the services of an
21 adjunct professor at the Academy shall remain in effect
22 for the trimester (or trimesters) for which the services
23 were contracted.”.

24 (b) CONFORMING AMENDMENTS.—

1 (1) The table of contents for chapter 513 of
2 title 46, United States Code, is amended by adding
3 at the end thereof the following:

“51317. Adjunct professors.”.

4 (2) Section 3506 of the Duncan Hunter Na-
5 tional Defense Authorization Act for Fiscal Year
6 2009 (46 U.S.C. 53101 note) is repealed.

7 **SEC. 6006. USE OF MIDSHIPMAN FEES.**

8 Section 51314 of title 46, United States Code, is
9 amended—

10 (1) by striking “1994.” in subsection (b) and
11 inserting “1994, or for calculators, computers, per-
12 sonal and academic supplies, midshipman services
13 such as barber, tailor, or laundry services, and U.S.
14 Coast Guard license fees.”; and

15 (2) by adding at the end thereof the following:

16 “(c) USE AND ACCOUNTING.—

17 “(1) USE.—Midshipman fees collected by the
18 Academy shall be credited to the Maritime Adminis-
19 tration’s Operations and Training appropriations, to
20 remain available until expended, for those expenses
21 directly related to the purposes of the fees. Fees col-
22 lected in excess of actual expenses may be returned
23 to the midshipmen through a mechanism approved
24 by the Maritime Administrator.

1 “(3) ACCOUNTING.—The Maritime Administra-
2 tion shall maintain a separate and detailed account-
3 ing of fee revenue and all associated expenses.”.

4 **SEC. 6007. CONSTRUCTION OF VESSELS IN THE UNITED**
5 **STATES POLICY.**

6 Section 50101(a)(4) of title 46, United States Code,
7 is amended by inserting “constructed in the United States
8 after “vessels”.

9 **SEC. 6008. PORT INFRASTRUCTURE DEVELOPMENT PRO-**
10 **GRAM.**

11 Section 50302 of title 46, United States Code, is
12 amended by adding at the end thereof the following:

13 “(c) PORT INFRASTRUCTURE DEVELOPMENT PRO-
14 GRAM.—

15 “(1) ESTABLISHMENT OF PROGRAM.—The Sec-
16 retary of Transportation, through the Maritime Ad-
17 ministration, shall establish a port infrastructure de-
18 velopment program for the improvement of port fa-
19 cilities.

20 “(2) AUTHORITY OF THE ADMINISTRATOR.—In
21 order to carry out any program established under
22 paragraph (1), the Maritime Administrator may—

23 “(A) receive funds provided for the pro-
24 gram from non-Federal and private entities
25 that have a specific agreement or contract with

1 the Maritime Administration to further the pur-
2 poses of this subsection;

3 “(B) coordinate with other Federal agen-
4 cies to expedite the process established under
5 the National Environmental Policy Act of 1969
6 (42 U.S.C. 4321 et seq.) for the improvement
7 of port facilities to relieve port congestion, to
8 increase port security, or to provide greater ac-
9 cess to port facilities;

10 “(C) seek to coordinate all reviews or re-
11 quirements with appropriate local, State, and
12 Federal agencies; and

13 “(D) provide such technical assistance to
14 port authorities or commissions or their subdivi-
15 sions and agents as needed for project plan-
16 ning, design, and construction.

17 “(3) PORT INFRASTRUCTURE DEVELOPMENT
18 FUND.—

19 “(A) ESTABLISHMENT.—There is a Port
20 Infrastructure Development Fund for use by
21 the Administrator in carrying out the port in-
22 frastructure development program. The Fund
23 shall be available to the Administrator

24 “(i) to administer and carry out the
25 program;

1 “(ii) to receive non-Federal and pri-
2 vate funds from entities which have spe-
3 cific agreements or contracts with the Ad-
4 ministrator; and

5 “(iii) to make refunds for projects
6 that will not be completed.

7 “(B) CREDITS.—There shall be deposited
8 into the Fund

9 “(i) funds from non-Federal and pri-
10 vate entities which have agreements or
11 contracts with the Administrator and
12 which shall remain in the Fund until ex-
13 pended; and

14 “(ii) such amounts as may be appro-
15 priated or transferred to the Fund under
16 this subsection.

17 “(C) TRANSFERS.—Amounts appropriated
18 or otherwise made available for any fiscal year
19 for an intermodal or marine facility comprising
20 a component of the program shall be trans-
21 ferred to the Fund and administered by the Ad-
22 ministrator.

23 “(D) ADMINISTRATIVE EXPENSES.—Ad-
24 ministrative and related expenses for the pro-
25 gram for any fiscal year may not exceed 3 per-

1 cent of the amount available to the program for
2 that fiscal year.

3 “(E) AUTHORIZATION OF APPROPRIA-
4 TIONS.—There are authorized to be appro-
5 priated to the Fund such sums as may be nec-
6 essary to carry out the program, taking into ac-
7 count amounts received under subparagraph
8 (A)(ii)..”.

9 **SEC. 6009. REEFS FOR MARINE LIFE CONSERVATION PRO-**
10 **GRAM.**

11 (a) IN GENERAL.—Section 3 of Public Law 92–
12 09402 (16 U.S.C. 1220) is amended by adding at the end
13 thereof the following:

14 “(d) Any territory, possession, or Commonwealth of
15 the United States, and any foreign country, may apply to
16 the Secretary for an obsolete vessel to be used for an arti-
17 ficial reef under this section. The application process and
18 reefing of any such obsolete vessel shall be performed in
19 a manner consistent with the process jointly developed by
20 the Secretary of Transportation and the Administrator of
21 the Environmental Protection Agency under section
22 3504(b) of Public Law 107–09314 (16 U.S.C. 1220
23 note).”.

1 (b) LIMITATION.—Section 7 of Public Law 92–09402
2 (16 U.S.C. 1220c–091) is amended by adding at the end
3 thereof the following:

4 “(d) LIMITATION.—The Secretary may not provide
5 assistance under this section to a foreign country to which
6 an obsolete ship is transferred under this Act.”.

7 **SEC. 6010. STUDENT INCENTIVE PAYMENT AGREEMENTS.**

8 Section 51509(b) of title 46, United States Code, is
9 amended by striking “paid before the start of each aca-
10 demic year,” and inserting “paid,”

11 **SEC. 6011. UNITED STATES MERCHANT MARINE ACADEMY**
12 **GRADUATE PROGRAM RECEIPT, DISBURSE-**
13 **MENT, AND ACCOUNTING FOR NON-APPRO-**
14 **PRIATED FUNDS.**

15 Section 51309(b) of title 46, United States Code, is
16 amended by inserting after “body.” the following: “Non-
17 appropriated funds received for this purpose shall be cred-
18 ited to the Maritime Administration’s Operations and
19 Training appropriation, to remain available until ex-
20 pended, for those expenses directly related to the purpose
21 of such receipts. The Superintendent shall maintain a sep-
22 arate and detailed accounting of non-appropriated fund
23 receipts and all associated expenses.”.

1 **SEC. 6012. AMERICA'S SHORT SEA TRANSPORTATION**
2 **GRANTS FOR THE DEVELOPMENT OF MARINE**
3 **HIGHWAYS.**

4 (a) IN GENERAL.—Chapter 556 of title 46, United
5 States Code, is amended by redesignating sections 55602
6 through 55605 as sections 55603 through 55606 and by
7 inserting after section 55601 the following:

8 **“§ 55602. Short sea transportation grant program”.**

9 “(a) IN GENERAL.—The Secretary of Transportation
10 shall establish and implement a short sea transportation
11 grant program.

12 “(b) PURPOSE.—The purposes of the program are to
13 make grants to States and other public entities and spon-
14 sors of short sea transportation projects designated by the
15 Secretary—

16 “(1) to facilitate and support marine transpor-
17 tation initiatives at the State and local levels to fa-
18 cilitate commerce, mitigate landside congestion, re-
19 duce the transportation energy consumption, reduce
20 harmful emissions, improve safety, assist in environ-
21 mental mitigation efforts, and improve transpor-
22 tation system resiliency; and

23 “(2) to provide capital funding to address short
24 sea transportation infrastructure and freight trans-
25 portation needs for ports, vessels, and intermodal
26 cargo facilities.

1 “(c) ELIGIBLE PROJECTS.—To be eligible for a grant
2 under the program, a project—

3 “(1) shall be designed to help relieve conges-
4 tion, improve transportation safety, facilitate domes-
5 tic and international trade, or encourage public-pri-
6 vate partnerships; and

7 “(2) may include development, modification,
8 and construction of marine and intermodal cargo fa-
9 cilities, vessels, port infrastructure and cargo han-
10 dling equipment, and transfer facilities at ports.

11 “(d) SELECTION PROCESS.—

12 “(1) APPLICATIONS.—A State or other public
13 entity, or the sponsor of any short sea transpor-
14 tation project designated by the Secretary under the
15 America’s Marine Highway Program (MARAD
16 Docket No. 2008–090096; 73 FR 59530), may sub-
17 mit an application to Secretary for a grant under
18 the short sea transportation grant program. The ap-
19 plication shall contain such information and assur-
20 ances as the Secretary may require.

21 “(2) PRIORITY.—In selecting projects for
22 grants, the Secretary shall give priority to projects
23 that are consistent with the objectives of the short
24 sea transportation initiative and America’s Marine
25 Highway Program that will—

1 “(A) mitigate landside congestion;

2 “(B) provide the greatest public benefit in
3 energy savings, reduced emissions, improved
4 system resiliency, and improved safety;

5 “(C) include and demonstrate the greatest
6 environmental responsibility; and

7 “(D) provide savings as an alternative to
8 or means to avoid highway or rail transpor-
9 tation infrastructure construction and mainte-
10 nance.

11 “(e) USE OF GRANT FUNDS.—Funds made available
12 to a recipient of a grant under this section shall be used
13 by the recipient for the project described in the application
14 of the recipient approved by the Secretary.”

15 (b) CLERICAL AMENDMENT.—The table of contents
16 for chapter 556 of title 46, United States Code, is amend-
17 ed—

18 (1) by redesignating the items relating to sec-
19 tions 55602 through 55605 as relating to section
20 55603 through 55606; and

21 (2) by inserting after the item relating to sec-
22 tion 55601 the following:

“55602. Short sea transportation grant program.”

23 **SEC. 6013. EXPANSION OF THE MARINE VIEW SYSTEM.**

24 (a) DEFINITIONS.—In this section:

1 (1) MARINE TRANSPORTATION SYSTEM.—The
2 term “marine transportation system” means the
3 navigable water transportation system of the United
4 States, including the vessels, ports (and intermodal
5 connections thereto), and shipyards and other vessel
6 repair facilities that are components of that system.

7 (2) MARINE VIEW SYSTEM.—The term “Marine
8 View system” means the information system of the
9 Maritime Administration known as Marine View.

10 (b) FINDINGS.—Congress finds the following:

11 (1) Information regarding the marine transpor-
12 tation system is comprised of information from the
13 Government of the United States and from commer-
14 cial sources.

15 (2) Marine transportation system information
16 includes information regarding waterways, bridges,
17 locks, dams, and all intermodal components that are
18 dependent on maritime transportation and accurate
19 information regarding marine transportation is crit-
20 ical to the health of the United States economy.

21 (3) Numerous challenges face the marine trans-
22 portation system, including projected growth in
23 cargo volumes, international competition, complexity,
24 cooperation, and the need for improved efficiency.

1 (4) There are deficiencies in the current infor-
2 mation environment of the marine transportation
3 system, including the inability to model the entire
4 marine transportation system to address capacity
5 planning, disaster planning, and disaster recovery.

6 (5) The current information environment of the
7 marine transportation system contains multiple
8 unique systems that are duplicative, not integrated,
9 not able to be shared, not secure, or that have little
10 structured privacy protections, not protected from
11 loss or destruction, and will not be available when
12 needed.

13 (6) There is a lack of system-wide information
14 views in the marine transportation system.

15 (7) The Administrator of the Maritime Admin-
16 istration is uniquely positioned to develop and exe-
17 cute the role of marine transportation system infor-
18 mation advocate, to serve as the focal point for ma-
19 rine transportation system information management,
20 and to provide a robust information infrastructure
21 to identify, collect, secure, protect, store, and deliver
22 critical information regarding the marine transpor-
23 tation system.

24 (c) PURPOSES.—The purposes of this section are—

25 (1) to expand the Marine View system; and

1 (2) to provide support for the strategic require-
2 ments of the marine transportation system and its
3 contribution to the economic viability of the United
4 States.

5 (d) EXPANSION OF MARINE VIEW SYSTEM.—To ac-
6 complish the purposes of this section, the Secretary of
7 Transportation shall expand the Marine View system so
8 that such system is able to identify, collect, integrate, se-
9 cure, protect, store, and securely distribute throughout the
10 marine transportation system information that—

11 (1) provides access to many disparate marine
12 transportation system data sources;

13 (2) enables a system-wide view of the marine
14 transportation system;

15 (3) fosters partnerships between the Govern-
16 ment of the United States and private entities;

17 (4) facilitates accurate and efficient modeling of
18 the entire marine transportation system environ-
19 ment;

20 (5) monitors and tracks threats to the marine
21 transportation system, including areas of severe
22 weather or reported piracy; and

23 (6) provides vessel tracking and rerouting, as
24 appropriate, to ensure that the economic viability of
25 the United States waterways is maintained.

1 (e) AGREEMENTS AND CONTRACTS.—The Adminis-
2 trator of the Maritime Administration may enter into co-
3 operative agreements, partnerships, contracts, or other
4 agreements with industry or other Federal agencies to
5 carry out this section.

6 **SEC. 6014. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
7 **CAL YEAR 2010.**

8 (a) IN GENERAL.—There are authorized to be appro-
9 priated to the Secretary of Transportation, for the use of
10 the Maritime Administration, for fiscal year 2010 the fol-
11 lowing amounts:

12 (1) For expenses necessary for operations and
13 training activities, \$122,900,000, of which—

14 (2) For expenses to maintain and preserve a
15 United States-flag merchant fleet to serve the na-
16 tional security needs of the United States under
17 chapter 531 of title 46, United States Code,
18 \$174,000,000.

19 (3) For paying reimbursement under section
20 3517 of the Maritime Security Act of 2003 (46
21 U.S.C. 53101 note).

22 (4) For expenses to dispose of obsolete vessels
23 in the National Defense Reserve Fleet, including
24 provision of assistance under section 7 of Public
25 Law 92–09402, \$15,000,000.

1 (5) For the cost (as defined in section 502(5)
2 of the Federal Credit Reform Act of 1990 (2 U.S.C.
3 661a(5))) of loan guarantees under the program au-
4 thorized by chapter 537 of title 46, United States
5 Code, \$48,000,000.

6 (6) For administrative expenses related to the
7 implementation of the loan guarantee program
8 under chapter 537 of title 46, United States Code,
9 administrative expenses related to implementation of
10 the reimbursement program under section 3517 of
11 the Maritime Security Act of 2003 (46 U.S.C.
12 53101 note), and administrative expenses related to
13 the implementation of the small shipyards and mari-
14 time communities assistance program under section
15 54101 of title 46, United States Code, \$4,000,000.

16 (b) AVAILABILITY.—Amounts appropriated pursuant
17 to subsection (a) shall remain available, as provided in ap-
18 propriations Acts, until expended.

Passed the Senate July 23, 2009.

Attest:

Secretary.

111TH CONGRESS
1ST SESSION

S. 1390

AN ACT

To authorize appropriations for fiscal year 2010 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.

July 24, 2009

Ordered to be printed as passed