

***In the Senate of the United States,***

*July 23, 2009.*

*Resolved*, That the bill from the House of Representatives (H.R. 2647) entitled “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, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2       *This Act may be cited as the “National Defense Au-*  
3 *thorization Act for Fiscal Year 2010”.*

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

3 (a) *DIVISIONS.*—*This Act is organized into seven divi-*  
 4 *sions as follows:*

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 6 *izations.*

7 (2) *Division B—Military Construction Authoriza-*  
 8 *tions.*

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

11 (4) *Division D—Funding Tables.*

12 (5) *Division E—Matthew Shepard Hate Crimes*  
 13 *Prevention Act.*

14 (6) *Division F—SBIR/STTR Reauthorization.*

15 (7) *Division G—Maritime Administration Au-*  
 16 *thorization.*

17 (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 18 *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. 102. Navy and Marine Corps.*

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*Sec. 104. Defense-wide activities.*

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- Sec. 115. Competitive bidding for procurement of steam turbines for ships service turbine generators and main propulsion turbines for Ohio-class submarine replacement program.*

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- Sec. 220. Assessment of strategy for technology for modernization of the combat vehicle and tactical wheeled vehicle fleets.*
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- Sec. 1411. Extension of previously authorized disposal of cobalt from National Defense Stockpile.*  
*Sec. 1412. Authorization for actions to correct the industrial resource shortfall for high-purity beryllium metal in amounts not in excess of \$80,000,000.*

*Subtitle C—Armed Forces Retirement Home*

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

*TITLE XV—OVERSEAS CONTINGENCY OPERATIONS*

- Sec. 1501. Purpose.*  
*Sec. 1502. Army procurement.*  
*Sec. 1503. Navy and Marine Corps procurement.*  
*Sec. 1504. Air Force procurement.*  
*Sec. 1505. Defense-wide activities procurement.*  
*Sec. 1506. Research, development, test, and evaluation.*  
*Sec. 1507. Operation and maintenance.*  
*Sec. 1508. Military personnel.*  
*Sec. 1509. Working capital funds.*  
*Sec. 1510. Defense Health Program.*  
*Sec. 1511. Drug Interdiction and Counter-Drug Activities, Defense-wide.*  
*Sec. 1512. Defense Inspector General.*  
*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*

*Subtitle A—Defense Agency Authorizations*

- 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.*  
*Sec. 2407. Extension of authorizations of certain fiscal year 2007 project.*

*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 non-proliferation 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.*

1 **DIVISION A—DEPARTMENT OF**  
2 **DEFENSE AUTHORIZATIONS**  
3 **TITLE I—PROCUREMENT**  
4 **Subtitle A—Authorization of**  
5 **Appropriations**

6 **SEC. 101. ARMY.**

7 *Funds are hereby authorized to be appropriated for fis-*  
8 *cal year 2010 for procurement for the Army as follows:*

9 (1) *For aircraft, \$5,144,891,000.*

10 (2) *For missiles, \$1,375,109,000.*

11 (3) *For weapons and tracked combat vehicles,*  
12 *\$2,451,952,000.*

13 (4) *For ammunition, \$2,059,895,000.*

14 (5) *For other procurement, \$9,617,991,000.*

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

16 (a) *NAVY.—Funds are hereby authorized to be appro-*  
17 *priated for fiscal year 2010 for procurement for the Navy*  
18 *as follows:*

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

20 (2) *For weapons, including missiles and tor-*  
21 *pedoes, \$3,515,455,000.*

22 (3) *For shipbuilding and conversion,*  
23 *\$13,776,867,000.*

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

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

4       (c) *NAVY AND MARINE CORPS AMMUNITION.*—*Funds*  
5 *are hereby authorized to be appropriated for fiscal year*  
6 *2010 for procurement of ammunition for the Navy and the*  
7 *Marine Corps in the amount of \$840,675,000.*

8 **SEC. 103. AIR FORCE.**

9       *Funds are hereby authorized to be appropriated for fis-*  
10 *cal year 2010 for procurement for the Air Force as follows:*

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

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

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

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

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

16       *Funds are hereby authorized to be appropriated for fis-*  
17 *cal year 2010 for Defense-wide procurement as follows:*

18           (1)     *For        Defense-wide        procurement,*  
19           *\$4,050,052,000.*

20           (2)     *For     the     Rapid     Acquisition     Fund,*  
21           *\$79,300,000.*

22           (3)     *For     the     Mine     Resistant     Ambush     Protected*  
23           *Vehicle Fund, \$1,200,000,000.*





1 *by section 301(4) for operation and maintenance for*  
2 *the Air Force is hereby increased by \$250,000,000.*

3 (4) *OPERATION AND MAINTENANCE, DEFENSE-*  
4 *WIDE.—The amount authorized to be appropriated by*  
5 *section 301(5) for operation and maintenance for De-*  
6 *fense-wide activities is hereby increased by*  
7 *\$150,000,000.*

8 (5) *MILITARY PERSONNEL.—The amount author-*  
9 *ized to be appropriated by section 421(a)(1) for mili-*  
10 *tary personnel is hereby increased by \$400,000,000.*

11 (6) *DIVISION A AND DIVISION B GENERALLY.—In*  
12 *addition to the amounts specified in paragraphs (1)*  
13 *through (5), the total amount authorized to be appro-*  
14 *priated for the Department of Defense by divisions A*  
15 *and B is hereby increased by \$500,000,000.*

## 16 ***Subtitle B—Navy Programs***

### 17 ***SEC. 111. TREATMENT OF LITTORAL COMBAT SHIP PRO-*** 18 ***GRAM AS A MAJOR DEFENSE ACQUISITION*** 19 ***PROGRAM.***

20 *Effective as of the date of the enactment of this Act,*  
21 *the program for the Littoral Combat Ship shall be treated*  
22 *as a major defense acquisition program for purposes of*  
23 *chapter 144 of title 10, United States Code.*

1 **SEC. 112. REPORT ON STRATEGIC PLAN FOR HOMEPORTING**  
2 **THE LITTORAL COMBAT SHIP.**

3 (a) *REPORT REQUIRED.*—Not later than 90 days after  
4 the date of the enactment of this Act, the Secretary of the  
5 Navy shall submit to the congressional defense committees  
6 a report setting forth the strategic plan of the Navy for  
7 homeporting the Littoral Combat Ship (LCS) on the East  
8 Coast and West Coast of the United States.

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

11 (1) *The requirements for homeporting of the Lit-*  
12 *toral Combat ship of the commanders of the combat-*  
13 *ant commands, set forth by geographic area of respon-*  
14 *sibility (AOR).*

15 (2) *A description of the manner in which the*  
16 *Navy will meet the requirements identified under*  
17 *paragraph (1).*

18 (3) *An assessment of the effect of each type of*  
19 *Littoral Combat Ship on each port in which such*  
20 *ship could be homeported.*

21 (4) *A map, based on the current plan of 55 Lit-*  
22 *toral Combat Ships, identifying where each ship will*  
23 *homeport and how such ports will accommodate both*  
24 *types of Littoral Combat Ships, based on the current*  
25 *program and a 313-ship Navy.*

1           (5) *An estimate of the costs of infrastructure re-*  
2 *quired for Littoral Combat Ships at each homeport,*  
3 *including—*

4                   (A) *existing infrastructure; and*

5                   (B) *such upgraded infrastructure as may be*  
6 *required.*

7 **SEC. 113. PROCUREMENT PROGRAMS FOR FUTURE NAVAL**  
8 **SURFACE COMBATANTS.**

9           (a) *LIMITATION ON AVAILABILITY OF FUNDS PENDING*  
10 *REPORTS ABOUT SURFACE COMBATANT SHIPBUILDING*  
11 *PROGRAMS.—The Secretary of the Navy may not obligate*  
12 *or expend funds for the construction of, or advanced pro-*  
13 *curement of materials for, a surface combatant to be con-*  
14 *structed after fiscal year 2011 until the Secretary has sub-*  
15 *mitted to Congress each of the following:*

16                   (1) *An acquisition strategy for such surface com-*  
17 *batants that has been approved by the Department of*  
18 *Defense.*

19                   (2) *The results of reviews by the Joint Require-*  
20 *ments Oversight Council for an Acquisition Category*  
21 *I program that supports the need for an acquisition*  
22 *strategy to procure surface combatants after fiscal*  
23 *year 2011.*

24                   (3) *A verification by an independent review*  
25 *panel convened by the Secretary of Defense that, in*

1 *evaluating the shipbuilding program concerned, the*  
2 *Secretary of the Navy considered each of the fol-*  
3 *lowing:*

4 *(A) Modeling and simulation, including*  
5 *war gaming conclusions regarding combat effec-*  
6 *tiveness for the selected ship platforms as com-*  
7 *pared to other reasonable alternative approaches.*

8 *(B) Assessments of platform operational*  
9 *availability.*

10 *(C) Life cycle costs from vessel manning lev-*  
11 *els to accomplish missions.*

12 *(4) An intelligence analysis reflecting a coordi-*  
13 *nated threat assessment of the Defense Intelligence*  
14 *Agency that provides the basis for deriving the mix*  
15 *of platforms in the shipbuilding program concerned*  
16 *when compared with the surface combatants in the*  
17 *2009 shipbuilding plan.*

18 *(5) The differences in cost and schedule arising*  
19 *from the need to accommodate new sensors and weap-*  
20 *ons in future surface combatants to counter the future*  
21 *threats referred to in paragraph (4) when compared*  
22 *with the cost and schedule arising from the need to*  
23 *accommodate sensors and weapons on surface combat-*  
24 *ants as contemplated by the 2009 shipbuilding plan*  
25 *for the vessels concerned.*

1           (6) *A verification by the commanders of the com-*  
2 *batant commands that the shipbuilding program for*  
3 *the vessels concerned would be preferable to the surface*  
4 *combatants included in the 2009 shipbuilding plan*  
5 *for the vessels concerned in meeting all of their future*  
6 *mission requirements.*

7           (7) *A joint review by the Navy and the Missile*  
8 *Defense Agency setting forth additional requirements*  
9 *for investment in Aegis ballistic missile defense*  
10 *(BMD) beyond the number of DDG-51 and CG-47*  
11 *vessels planned to be equipped for this mission area*  
12 *in the budget of the President for fiscal year 2010 (as*  
13 *submitted to Congress pursuant to section 1105 of*  
14 *title 31, United States Code).*

15       (b) *FUTURE SURFACE COMBATANT ACQUISITION*  
16 *STRATEGY.*—*Not later than the date upon which President*  
17 *submits to Congress the budget for fiscal year 2012 (as so*  
18 *submitted), the Secretary of the Navy shall submit to the*  
19 *congressional defense committees a plan to provide for full*  
20 *and open competition on the combat systems for surface*  
21 *combatants proposed in the future-years defense program*  
22 *submitted to Congress under section 221 of title 10, United*  
23 *States Code, together with such budget. The plan shall in-*  
24 *clude specifics on the intent of the Navy to satisfy criteria*  
25 *described in subsection (a) and evaluate applicable tech-*

1 *nologies during the request for proposal and selection proc-*  
2 *ess.*

3       (c) *NAVAL SURFACE FIRE SUPPORT.*—Not later than  
4 *120 days after the enactment of this Act, the Secretary of*  
5 *the Navy shall submit to the congressional defense commit-*  
6 *tees an update to the March 2006 Report to Congress on*  
7 *Naval Surface Fire Support. The update shall identify how*  
8 *the Department of Defense intends to address any shortfalls*  
9 *between required naval surface fire support capability and*  
10 *the plan of the Navy to provide that capability. The update*  
11 *shall include addenda by the Chief of Naval Operations and*  
12 *Commandant of the Marine Corps, as was the case in the*  
13 *2006 report.*

14       (d) *TECHNOLOGY ROADMAP FOR FUTURE SURFACE*  
15 *COMBATANTS AND FLEET MODERNIZATION.*—

16           (1) *IN GENERAL.*—Not later than 120 days after  
17 *the date of the enactment of this Act, the Secretary of*  
18 *the Navy shall develop a plan to incorporate into sur-*  
19 *face combatants constructed after 2011, and into fleet*  
20 *modernization programs, the technologies developed*  
21 *for the DDG–1000 destroyer and the DDG–51 and*  
22 *CG–47 Aegis ships, including the following:*

23                   (A) *For the DDG–1000 destroyer—*

24                           (i) *combat system;*

1                   (ii) multi-function and dual-band ra-  
2                   dars;

3                   (iii) hull, mechanical and electrical  
4                   systems achieving significant manpower  
5                   savings; and

6                   (iv) integrated electric propulsion tech-  
7                   nologies.

8                   (B) For the DDG-51 and CG-47 Aegis  
9                   ships—

10                  (i) combat system, including missile  
11                  defense capability;

12                  (ii) hull, mechanical and electrical sys-  
13                  tems achieving manpower savings; and

14                  (iii) anti-submarine warfare sensor  
15                  systems designed for operating in open  
16                  ocean areas.

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

20                       (A) avoids redundant development for com-  
21                       mon functions;

22                       (B) reflects implementation of Navy plans  
23                       for achieving an open architecture for all naval  
24                       surface combat systems; and

25                       (C) fosters full and open competition.

1 (e) *DEFINITION.*—*In this section:*

2 (1) *The term “2009 shipbuilding plan” means*  
3 *the 30-year shipbuilding plan submitted to Congress*  
4 *pursuant to section 231, title 10, United States Code,*  
5 *together with the budget of the President for fiscal*  
6 *year 2009 (as submitted to Congress pursuant to sec-*  
7 *tion 1105 of title 31, United States Code).*

8 (2) *The term “surface combatant” means a*  
9 *cruiser, a destroyer, or any naval vessel under a pro-*  
10 *gram currently designated as a future surface combat-*  
11 *ant program.*

12 **SEC. 114. REPORT ON A SERVICE LIFE EXTENSION PRO-**  
13 **GRAM FOR OLIVER HAZARD PERRY CLASS**  
14 **FRIGATES.**

15 *Not later than 90 days after the date of the enactment*  
16 *of this Act, the Secretary of the Navy shall submit to the*  
17 *congressional defense committees a report setting forth the*  
18 *following:*

19 (1) *A detailed analysis of a service life extension*  
20 *program (SLEP) for the Oliver Hazard Perry class*  
21 *frigates (FFGs), including—*

22 (A) *the cost of the program;*

23 (B) *a schedule for the program; and*

24 (C) *the shipyards available to carry out the*  
25 *work under the program.*



1           (2) *A detailed plan of the Navy for achieving a*  
2 *313-ship fleet as contemplated by the 2006 Quadren-*  
3 *ennial Defense Review, including a comparison for pur-*  
4 *poses of that plan of decommissioning Oliver Hazard*  
5 *Perry class frigates as scheduled with extending the*  
6 *service life of such frigates under the service life exten-*  
7 *sion program.*

8           (3) *The strategic plan of the Navy for the man-*  
9 *ner in which the Littoral Combat Ship (LCS) will*  
10 *fulfill the roles and missions currently performed by*  
11 *the Oliver Hazard Perry class frigates as they are de-*  
12 *commissioned.*

13           (4) *The strategic plan of the Navy for the Lit-*  
14 *toral Combat Ship if the extension of the service life*  
15 *of the Oliver Hazard Perry class frigates alleviates*  
16 *demand arising under the current capabilities gap in*  
17 *the Littoral Combat Ship.*

18           (5) *A description of the manner in which the*  
19 *Navy has met the needs of the United States Southern*  
20 *Command over time, including the assets and vessels*  
21 *the Navy has deployed for military-to-military en-*  
22 *gagements, UNITAS exercises, and counterdrug oper-*  
23 *ations in support of the Commander of the United*  
24 *States Southern Command during the five-year pe-*  
25 *riod ending on the date of the report.*

1 **SEC. 115. COMPETITIVE BIDDING FOR PROCUREMENT OF**  
 2 **STEAM TURBINES FOR SHIPS SERVICE TUR-**  
 3 **BINE GENERATORS AND MAIN PROPULSION**  
 4 **TURBINES FOR OHIO-CLASS SUBMARINE RE-**  
 5 **PLACEMENT PROGRAM.**

6 *The Secretary of the Navy shall take measures to en-*  
 7 *sure competition, or the option of competition, for steam*  
 8 *turbines for the ships service turbine generators and main*  
 9 *propulsion turbines for the Ohio-class submarine replace-*  
 10 *ment program in accordance with section 202 of the Weap-*  
 11 *ons Systems Acquisition Reform Act of 2009 (Public Law*  
 12 *111–23; 10 U.S.C. 2430 note).*

13 ***Subtitle C—Air Force Matters***

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

15 *(a) LIMITATION.—The Secretary of the Air Force may*  
 16 *not proceed with a decision to retire C-5A aircraft from*  
 17 *the active inventory of the Air Force in any number that*  
 18 *would reduce the total number of such aircraft in the active*  
 19 *inventory below 111 until—*

20 *(1) the Air Force has modified a C-5A aircraft*  
 21 *to the configuration referred to as the Reliability En-*  
 22 *hancement and Reengining Program (RERP) con-*  
 23 *figuration, as planned under the C-5 System Devel-*  
 24 *opment and Demonstration program as of May 1,*  
 25 *2003; and*

1           (2) *the Director of Operational Test and Evalua-*  
2           *tion of the Department of Defense—*

3                   (A) *conducts an operational evaluation of*  
4           *that aircraft, as so modified; and*

5                   (B) *provides to the Secretary of Defense and*  
6           *the congressional defense committees an oper-*  
7           *ational assessment.*

8           (b) *OPERATIONAL EVALUATION.—An operational eval-*  
9           *uation for purposes of paragraph (2)(A) of subsection (a)*  
10          *is an evaluation, conducted during operational testing and*  
11          *evaluation of the aircraft, as so modified, of the performance*  
12          *of the aircraft with respect to reliability, maintainability,*  
13          *and availability and with respect to critical operational*  
14          *issues.*

15          (c) *OPERATIONAL ASSESSMENT.—An operational as-*  
16          *essment for purposes of paragraph (2)(B) of subsection (a)*  
17          *is an operational assessment of the program to modify C–*  
18          *5A aircraft to the configuration referred to in subsection*  
19          *(a)(1) regarding both overall suitability and deficiencies of*  
20          *the program to improve performance of the C–5A aircraft*  
21          *relative to requirements and specifications for reliability,*  
22          *maintainability, and availability of that aircraft as in ef-*  
23          *fect on May 1, 2003.*

24          (d) *ADDITIONAL LIMITATIONS ON RETIREMENT OF*  
25          *AIRCRAFT.—The Secretary of the Air Force may not retire*

1 C-5 aircraft from the active inventory as of the date of this  
2 Act until the later of the following:

3 (1) The date that is 150 days after the date on  
4 which the Director of Operational Test and Evalua-  
5 tion submits the report referred to in subsection  
6 (a)(2)(B).

7 (2) The date that is 120 days after the date on  
8 which the Secretary submits the report required under  
9 subsection (e).

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

13 (A) the retirement of such aircraft will not  
14 increase the operational risk of meeting the Na-  
15 tional Defense Strategy; and

16 (B) the retirement of such aircraft will not  
17 reduce the total strategic airlift force structure  
18 below 324 strategic airlift aircraft.

19 (e) *REPORT ON RETIREMENT OF AIRCRAFT.*—The Sec-  
20 retary of the Air Force shall submit to the congressional  
21 defense committees a report setting forth the following:

22 (1) The rationale for the retirement of existing  
23 C-5 aircraft and a cost/benefit analysis of alternative  
24 strategic airlift force structures, including the force

1     *structure that would result from the retirement of*  
2     *such aircraft.*

3             (2) *An assessment of the costs and benefits of ap-*  
4     *plying the Reliability Enhancement and Re-engining*  
5     *Program (RERP) modification to the entire the C-5A*  
6     *aircraft fleet.*

7             (3) *An assessment of the implications for the Air*  
8     *Force, the Air National Guard, and the Air Force Re-*  
9     *serve of operating a mix of C-5A aircraft and C-5M*  
10     *aircraft.*

11            (4) *An assessment of the costs and benefits of in-*  
12     *creasing the number of C-5 aircraft in Back-up Air-*  
13     *craft Inventory (BAI) status as a hedge against fu-*  
14     *ture requirements of such aircraft.*

15            (5) *An assessment of the costs, benefits, and im-*  
16     *plications of transferring C-5 aircraft to United*  
17     *States flag carriers operating in the Civil Reserve Air*  
18     *Fleet (CRAF) program or to coalition partners in*  
19     *lieu of the retirement of such aircraft.*

20            (6) *Such other matters relating to the retirement*  
21     *of C-5 aircraft as the Secretary considers appro-*  
22     *priate.*

23     (f) *MAINTENANCE OF AIRCRAFT UPON RETIRE-*  
24     *MENT.—The Secretary of the Air Force shall maintain any*  
25     *C-5 aircraft retired after the date of the enactment of this*

1 *Act in Type 1000 storage until opportunities for the trans-*  
2 *fer of such aircraft as described in subsection (e)(5) have*  
3 *been fully exhausted.*

4 **SEC. 122. REVISED AVAILABILITY OF CERTAIN FUNDS**  
5 **AVAILABLE FOR THE F-22A FIGHTER AIR-**  
6 **CRAFT.**

7 (a) *REPEAL OF AUTHORITY ON AVAILABILITY OF FIS-*  
8 *CAL YEAR 2009 FUNDS.*—*Section 134 of the Duncan Hun-*  
9 *ter National Defense Authorization Act for Fiscal Year 2009*  
10 *(Public Law 110–417; 122 Stat. 4378) is repealed.*

11 (b) *AVAILABILITY OF ADVANCE PROCUREMENT FUNDS*  
12 *FOR OTHER F-22A AIRCRAFT MODERNIZATION PRIOR-*  
13 *ITIES.*—*Subject to the provisions of appropriations Acts*  
14 *and applicable requirements relating to the transfer of*  
15 *funds, the Secretary of the Air Force may transfer amounts*  
16 *authorized to be appropriated for fiscal year 2009 by sec-*  
17 *tion 103(1) for aircraft procurement for the Air Force and*  
18 *available for advance procurement for the F-22A fighter*  
19 *aircraft within that subaccount or to other subaccounts for*  
20 *aircraft procurement for the Air Force for purposes of pro-*  
21 *viding funds for other modernization priorities with respect*  
22 *to the F-22A fighter aircraft.*

1 **SEC. 123. REPORT ON POTENTIAL FOREIGN MILITARY**  
2 **SALES OF THE F-22A FIGHTER AIRCRAFT.**

3 (a) *REPORT REQUIRED.*—Not later than 180 days  
4 after the date of the enactment of this Act, the Secretary  
5 of Defense shall, in coordination with the Secretary of State  
6 and in consultation with the Secretary of the Air Force,  
7 submit to the congressional defense committees, the Com-  
8 mittee on Foreign Relations of the Senate, and the Com-  
9 mittee on Foreign Affairs of the House of Representatives  
10 a report on potential foreign military sales of the F-22A  
11 fighter aircraft.

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

14 (1) *An estimate of the costs to the United States*  
15 *Government, industry, and any foreign military sales*  
16 *customer of developing an exportable version of the F-*  
17 *22A fighter aircraft.*

18 (2) *An assessment whether an exportable version*  
19 *of the F-22A fighter aircraft is technically feasible*  
20 *and executable, and, if so, a timeline for achieving an*  
21 *exportable version of the aircraft.*

22 (3) *An assessment of the potential strategic im-*  
23 *plications of permitting foreign military sales of the*  
24 *F-22A fighter aircraft.*

25 (4) *An assessment of the impact of foreign mili-*  
26 *tary sales of the F-22A fighter aircraft on the United*

1       *States aerospace and aviation industry, and the ad-*  
2       *vantages and disadvantages of such sales for sus-*  
3       *taining that industry.*

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

7       (c) *ADDITIONAL REPORT REQUIRED.—Not later than*  
8       *180 days after the date of the enactment of this Act, the*  
9       *Secretary of Defense shall provide for a federally funded*  
10       *research and development center which will submit to the*  
11       *congressional defense committees, the Committee on Foreign*  
12       *Relations of the Senate, and the Committee on Foreign Af-*  
13       *airs of the House of Representatives, through the Secretary*  
14       *of Defense, a report on potential foreign military sales of*  
15       *the F-22A fighter aircraft, addressing the same elements*  
16       *as in subsection (b) of this section.*

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

18       (a) *FINDINGS.—Congress makes the following findings:*

19             (1) *Long-range strike is a critical mission in*  
20       *which the United States needs to retain a credible*  
21       *and dominant capability.*

22             (2) *Long range, penetrating strike systems pro-*  
23       *vide—*

24                 (A) *a hedge against being unable to obtain*  
25       *access to forward bases for political reasons;*



1           (B) a capacity to respond quickly to contin-  
2           gencies;

3           (C) the ability to base outside the reach of  
4           emerging adversary anti-access and area-denial  
5           capabilities; and

6           (D) the ability to impose disproportionate  
7           defensive costs on prospective adversaries of the  
8           United States.

9           (3) The 2006 Quadrennial Defense Review found  
10          that there was a requirement for a next generation  
11          bomber aircraft and directed the United States Air  
12          Force to “develop a new land-based, penetrating long  
13          range strike capability to be fielded by 2018”.

14          (4) On April 6, 2009, Secretary Gates an-  
15          nounced that the United States “will not pursue a de-  
16          velopment program for a follow-on Air Force bomber  
17          until we have a better understanding of the need, the  
18          requirement and the technology”.

19          (5) On May 7, 2009, President Barack Obama  
20          announced the termination of the next generation  
21          bomber aircraft program in the document of the Of-  
22          fice of Management and Budget entitled “Termi-  
23          nations, Reductions, and Savings”, stating that  
24          “there is no urgent need to begin an expensive devel-  
25          opment program for a new bomber” and that “the fu-

1 *ture bomber fleet may not be affordable over the next*  
2 *six years”.*

3 *(6) The United States will need a new long-*  
4 *range strike capability because the conflicts of the fu-*  
5 *ture will likely feature heavily defended airspace, due*  
6 *in large part to the proliferation of relatively inex-*  
7 *pensive, but sophisticated and deadly, air defense sys-*  
8 *tems.*

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

17 *(8) The Final Report of the Congressional Com-*  
18 *mission on the Strategic Posture of the United States,*  
19 *submitted to Congress on May 6, 2009, states that*  
20 *“[t]he bomber force is valuable particularly for ex-*  
21 *tending deterrence in time of crisis, as their deploy-*  
22 *ment is visible and signals U.S. commitment. Bomb-*  
23 *ers also impose a significant cost burden on potential*  
24 *adversaries in terms of the need to invest in advanced*  
25 *air defenses”.*

1           (9) *The commanders of the United States Pacific*  
2 *Command, the United States Strategic Command,*  
3 *and the United States Joint Forces Command have*  
4 *each testified before the Committee on Armed Services*  
5 *of the Senate in support of the capability that the*  
6 *next generation bomber aircraft would provide.*

7           (10) *On June 17, 2009, General James Cart-*  
8 *wright, Vice-Chairman of the Joint Chiefs of Staff*  
9 *and chair of the Joint Requirements Oversight Coun-*  
10 *cil, stated during a hearing before the Committee on*  
11 *Armed Services of the Senate that “the nation needs*  
12 *a new bomber”.*

13           (11) *Nearly half of the United States bomber air-*  
14 *craft inventory (47 percent) pre-dates the Cuban Mis-*  
15 *sile Crisis.*

16           (12) *The only air-breathing strike platforms the*  
17 *United States possesses today with reach and surviv-*  
18 *ability to have a chance of successfully executing mis-*  
19 *sions more than 1,000 nautical miles into enemy ter-*  
20 *ritory from the last air-to-air refueling are 16 combat*  
21 *ready B-2 bomber aircraft.*

22           (13) *The B-2 bomber aircraft was designed in*  
23 *the 1980s and achieved initial operational capability*  
24 *over a decade ago.*

1           (14) *The crash of an operational B-2 bomber air-*  
2           *craft during takeoff at Guam in early 2008 indicates*  
3           *that attrition can and does occur even in peacetime.*

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

8           (16) *The requisite aerodynamic, structural, and*  
9           *low-observable technologies to develop the next genera-*  
10          *tion bomber aircraft already exist in fifth-generation*  
11          *fighter aircraft.*

12          (b) *POLICY ON CONTINUED DEVELOPMENT OF NEXT*  
13          *GENERATION BOMBER AIRCRAFT IN FISCAL YEAR 2010.—*

14          *It is the policy of the United States to support a develop-*  
15          *ment program for next generation bomber aircraft tech-*  
16          *nologies.*

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

18          (a) *REPORT ON REDUCTION IN SERVICE LIFE IN CON-*  
19          *NECTION WITH ACCELERATED DEPLOYMENT.—Not later*  
20          *than 90 days after the date of the enactment of this Act,*  
21          *the Secretary of the Air Force, in consultation with the*  
22          *United States Special Operations Command, shall submit*  
23          *to the congressional defense committees an assessment of the*  
24          *reduction in the service life of AC-130 gunships of the Air*  
25          *Force as a result of the accelerated deployments of such*

1 *gunships that are anticipated during the seven- to ten-year*  
2 *period beginning with the date of the enactment of this Act,*  
3 *assuming that operating tempo continues at a rate per year*  
4 *of the average of their operating rate for the last five years.*

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

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

12 (2) *A description by series of the age, service-*  
13 *ability, and capabilities of the armament systems of*  
14 *the AC–130 gunships.*

15 (3) *An estimate by series of the costs of modern-*  
16 *izing the armament systems of the AC–130 gunships*  
17 *to achieve any necessary capability improvements.*

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

23 (5) *A description by series of the age of the avi-*  
24 *onics systems of the AC–130 gunships, and an esti-*  
25 *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) shall*  
4        *be submitted in unclassified form, but may include a classi-*  
5        *fied 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 of*  
12       *the analysis of alternatives shall be provided to the congres-*  
13       *sional defense committees not later than 18 months after*  
14       *the completion of the 2009 quadrennial defense review.*

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

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

23            *(1) An assessment of funding alternatives and*  
24            *options for accelerating funding for the fielding of*  
25            *Joint STARS aircraft with replaced engines.*

1           (2) *An analysis of the tradeoffs involved in the*  
2           *decision to replace the engines of Joint STARS air-*  
3           *craft or not to replace those engines, including the po-*  
4           *tential cost savings from replacing those engines and*  
5           *the operational impacts of not replacing those en-*  
6           *gines.*

7           (3) *An identification of the optimum path for-*  
8           *ward for replacing the engines of Joint STARS air-*  
9           *craft and modernizing the Joint STARS fleet.*

10        (b) *LIMITATION ON CERTAIN ACTIONS.*—*The Secretary*  
11        *of the Air Force may not take any action that would ad-*  
12        *versely impact the pace of the execution of the program to*  
13        *replace the engines of Joint STARS aircraft before submit-*  
14        *ting the report required by subsection (a).*

15        ***Subtitle D—Joint and Multiservice***  
16                                        ***Matters***

17        ***SEC. 131. MODIFICATION OF NATURE OF DATA LINK UTILIZ-***  
18                                        ***ABLE BY TACTICAL UNMANNED AERIAL VEHI-***  
19                                        ***CLES.***

20        *Section 141(a)(1) of the National Defense Authoriza-*  
21        *tion Act for Fiscal Year 2006 (Public Law 109–163; 119*  
22        *Stat. 3164) is amended by striking “, until such time as*  
23        *the Tactical Common Data Link is replace by an updated*  
24        *standard for use by those vehicles” and inserting “or a data*

1 *link that uses waveform capable of transmitting and receiv-*  
2 *ing Internet Protocol communications”.*

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

6 **Subtitle A—Authorization of**  
7 **Appropriations**

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

9 (a) *IN GENERAL.*—*Funds are hereby authorized to be*  
10 *appropriated for fiscal year 2010 for the use of the Depart-*  
11 *ment of Defense for research, development, test, and evalua-*  
12 *tion as follows:*

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

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

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

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

17 (5) *For Operational Test and Evaluation, De-*  
18 *fense, \$190,770,000.*

19 (b) *FUNDING TABLE.*—*The amounts authorized to be*  
20 *appropriated by subsection (a) shall be available, in accord-*  
21 *ance with the requirements of section 4001, for projects, pro-*  
22 *grams, and activities, and in the amounts, specified in the*  
23 *funding table in section 4201.*



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

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

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

20 *(1) will—*

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

23 *(B) improve the operational readiness of the*  
 24 *fleet of F-35 Joint Strike Fighter aircraft; and*

25 *(2) will not—*

1           (A) *disrupt the F-35 Joint Strike Fighter*  
2           *program during the research, development, and*  
3           *procurement phases of the program; or*

4           (B) *result in the procurement of fewer F-35*  
5           *Joint Strike Fighter aircraft during the life cycle*  
6           *of the program.*

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

13       (c) *RESTORATION OF MANAGEMENT RESERVES FOR*  
14       *F-35 JOINT STRIKE FIGHTER PROGRAM.—*

15           (1) *NAVY JOINT STRIKE FIGHTER.—The amount*  
16           *authorized to be appropriated by section 201(a)(2) for*  
17           *research, development, test, and evaluation for the*  
18           *Navy is hereby increased by \$78,000,000, with the*  
19           *amount of the increase to be allocated to amounts*  
20           *available for the Joint Strike Fighter program (PE #*  
21           *0604800N) for management reserves.*

22           (2) *AIR FORCE JOINT STRIKE FIGHTER.—The*  
23           *amount authorized to be appropriated by section*  
24           *201(a)(3) for research, development, test, and evalua-*  
25           *tion for the Air Force is hereby increased by*

1     \$78,000,000, with the amount of the increase to be al-  
2     located to amounts available for the Joint Strike  
3     Fighter program (PE # 0604800F) for management  
4     reserves.

5     (d) OFFSETS.—

6             (1) NAVY JOINT STRIKE FIGHTER F136 DEVELOP-  
7     MENT.—The amount authorized to be appropriated by  
8     section 201(a)(2) for research, development, test, and  
9     evaluation for the Navy is hereby decreased by  
10    \$219,450,000, with the amount of the decrease to be  
11    derived from amounts available for the Joint Strike  
12    Fighter (PE # 0604800N) for F136 development.

13            (2) AIR FORCE JOINT STRIKE FIGHTER F136 DE-  
14    VELOPMENT.—The amount authorized to be appro-  
15    priated by section 201(a)(3) for research, develop-  
16    ment, test, and evaluation for the Air Force is hereby  
17    decreased by \$219,450,000, with the amount of the de-  
18    crease to be derived from amounts available for the  
19    Joint Strike Fighter (PE # 0604800F) for F136 de-  
20    velopment.

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

5 (a) *AUTHORITY TO REVIEW PROPOSALS FOR SIGNIFI-*  
6 *CANT CHANGES.*—Section 196(c) of title 10, United States  
7 *Code, is amended—*

8 (1) *in paragraph (1), by redesignating subpara-*  
9 *graphs (A) and (B) as clauses (i) and (ii), respec-*  
10 *tively;*

11 (2) *by redesignating paragraphs (1) through (4)*  
12 *as subparagraphs (A) through (D), respectively;*

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

14 (4) *by redesignating subparagraphs (B), (C),*  
15 *and (D), as so redesignated, as subparagraphs (C),*  
16 *(D), and (E), respectively; and*

17 (5) *by inserting after subparagraph (A), as so*  
18 *redesignated, the following new subparagraph (B):*

19 “(B) *To review proposed significant changes to*  
20 *the test and evaluation facilities and resources of the*  
21 *Major Range and Test Facility Base before they are*  
22 *implemented by the Secretaries of the military de-*  
23 *partments or the heads of the Defense Agencies with*  
24 *test and evaluation responsibilities and advise the*  
25 *Secretary of Defense and the Under Secretary of Ac-*  
26 *quisition, Technology, and Logistics of the impact of*

1        *such changes on the adequacy of such test and evalua-*  
2        *tion facilities and resources to meet the test and eval-*  
3        *uation requirements of the Department.”.*

4        *(b) ACCESS TO RECORDS AND DATA.—Such section is*  
5        *further amended by adding at the end the following new*  
6        *paragraph:*

7            *“(2) The Director shall have access to all records and*  
8        *data of the test and evaluation activities, facilities, and ele-*  
9        *ments of the Major Range and Test Facility Base, including*  
10       *the records and data of each military department and De-*  
11       *fense Agency, that the Director considers necessary in order*  
12       *to carry out the Director’s duties under paragraph (1)(B).”.*

13       **SEC. 213. GUIDANCE ON SPECIFICATION OF FUNDING RE-**  
14                    **QUESTED FOR OPERATION, SUSTAINMENT,**  
15                    **MODERNIZATION, AND PERSONNEL OF**  
16                    **MAJOR RANGES AND TEST FACILITIES.**

17        *(a) GUIDANCE ON SPECIFICATION OF FUNDING.—The*  
18        *Secretary of Defense shall, acting through the Under Sec-*  
19        *retary of Defense (Comptroller) and the Director of the De-*  
20        *partment of Defense Test Resource Management Center,*  
21        *issue guidance on the specification by the military depart-*  
22        *ments and Defense Agencies of amounts to be requested in*  
23        *the budget of the President for a fiscal year (as submitted*  
24        *to Congress pursuant to section 1105(a) of title 31, United*  
25        *States Code) for funding for each facility and resource of*

1 *the Major Range and Test Facility Base in connection with*  
2 *each of the following:*

- 3           (1) *Operation.*  
4           (2) *Sustainment.*  
5           (3) *Investment and modernization.*  
6           (4) *Government personnel.*  
7           (5) *Contractor personnel.*

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

11           (c) *MAJOR RANGE AND TEST FACILITY BASE DE-*  
12 *FINED.*—*In this section, the term “Major Range and Test*  
13 *Facility Base” has the meaning given that term in section*  
14 *196(h) of title 10, United States Code.*

15 **SEC. 214. PERMANENT AUTHORITY FOR THE JOINT DE-**  
16 **FENSE MANUFACTURING TECHNOLOGY**  
17 **PANEL.**

18 *Section 2521 of title 10, United States Code, is amend-*  
19 *ed—*

- 20           (1) *by redesignating subsection (e) as subsection*  
21 *(f); and*  
22           (2) *by inserting after subsection (d) the following*  
23 *new subsection (e):*

1       “(e) *JOINT DEFENSE MANUFACTURING TECHNOLOGY*  
2 *PANEL.—(1) There is in the Department of Defense the*  
3 *Joint Defense Manufacturing Technology Panel.*

4       “(2)(A) *The Chair of the Joint Defense Manufacturing*  
5 *Technology Panel shall be the head of the Panel. The Chair*  
6 *shall be appointed, on a rotating basis, from among the ap-*  
7 *propriate personnel of the military departments and De-*  
8 *fense Agencies with manufacturing technology programs.*

9       “(B) *The Panel shall be composed of at least one indi-*  
10 *vidual from among appropriate personnel of each military*  
11 *department and Defense Agency with manufacturing tech-*  
12 *nology programs. The Panel may include as ex-officio mem-*  
13 *bers such individuals from other government organizations,*  
14 *academia, and industry as the Chair considers appropriate.*

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

16               “(A) *To identify and integrate requirements for*  
17 *the program.*

18               “(B) *To conduct joint planning for the program.*

19               “(C) *To develop joint strategies for the program.*

20       “(4) *In carrying out the purposes specified in para-*  
21 *graph (3), the Panel shall perform the functions as follows:*

22               “(A) *Conduct comprehensive reviews and assess-*  
23 *ments of defense-related manufacturing issues being*  
24 *addressed by the manufacturing technology programs*  
25 *and related activities of the Department of Defense.*

1           “(B) *Execute strategic planning to identify joint*  
2           *planning opportunities for increased cooperation in*  
3           *the development and implementation of technological*  
4           *products and the leveraging of funding for such pur-*  
5           *poses with the private sector and other government*  
6           *agencies.*

7           “(C) *Ensure the integration and coordination of*  
8           *requirements and programs under the program with*  
9           *Office of the Secretary of Defense and other national-*  
10          *level initiatives, including the establishment of infor-*  
11          *mation exchange processes with other government*  
12          *agencies, private industry, academia, and profes-*  
13          *sional associations.*

14          “(D) *Conduct such other functions as the Under*  
15          *Secretary of Defense for Acquisition, Technology, and*  
16          *Logistics shall specify.*

17          “(5) *The Panel shall report to and receive direction*  
18          *from the Director of Defense Research and Engineering on*  
19          *manufacturing technology issues of multi-service concern*  
20          *and application.*

21          “(6) *The administrative expenses of the Panel shall be*  
22          *borne by each military department and Defense Agency*  
23          *with manufacturing technology programs in such manner*  
24          *as the Panel shall provide.”.*



1 **SEC. 215. EXTENSION AND ENHANCEMENT OF GLOBAL RE-**  
2 **SEARCH WATCH PROGRAM.**

3 (a) *LIMITATION ON AVAILABILITY OF CERTAIN FUNDS*  
4 *FOR MILITARY DEPARTMENTS PENDING PROVISION OF AS-*  
5 *SISTANCE UNDER PROGRAM.*—Subsection (d) of section  
6 2365 of title 10, United States Code, is amended by adding  
7 at the end the following new paragraph:

8 “(3)(A) Funds available to a military department for  
9 a fiscal year for monitoring or analyzing the research ac-  
10 tivities and capabilities of foreign nations may not be obli-  
11 gated or expended until the Director certifies to the Under  
12 Secretary of Defense for Acquisition, Technology, and Lo-  
13 gistics that the Secretary of such military department has  
14 provided the assistance required under paragraph (2).

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

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

21 **SEC. 216. THREE-YEAR EXTENSION OF AUTHORITY FOR**  
22 **PRIZES FOR ADVANCED TECHNOLOGY**  
23 **ACHIEVEMENTS.**

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

1 **SEC. 217. MODIFICATION OF REPORT REQUIREMENTS RE-**  
2 **GARDING DEFENSE SCIENCE AND TECH-**  
3 **NOLOGY PROGRAM.**

4 *Section 212 of the National Defense Authorization Act*  
5 *for Fiscal Year 2000 (10 U.S.C. 2501 note) is amended by*  
6 *striking subsection (b), (c), and (d) and inserting the fol-*  
7 *lowing new subsections:*

8 *“(b) FUNDING OBJECTIVE.—It is the sense of Congress*  
9 *that it should be an objective of the Secretary of Defense*  
10 *to increase the budget for the Defense Science and Tech-*  
11 *nology Program, including the science and technology pro-*  
12 *gram of each military department, for each fiscal year after*  
13 *fiscal year 2010 over the budget for that program for the*  
14 *preceding fiscal year by a percent that is at least equal to*  
15 *the rate of inflation, as determined by the Office of Manage-*  
16 *ment and Budget.*

17 *“(c) ACTIONS FOLLOWING FAILURE TO COMPLY WITH*  
18 *OBJECTIVE.—If the proposed budget of the Department of*  
19 *Defense for a fiscal year fails to comply with the objective*  
20 *set forth in subsection (b), the Secretary of Defense shall*  
21 *submit to the congressional defense committees each of the*  
22 *following:*

23 *“(1) Not later than 60 days after the proposed*  
24 *budget is submitted to Congress, a detailed,*  
25 *prioritized list, including estimates of required fund-*  
26 *ing, of proposals for science and technology projects*

1     *received by the Department through competitive so-*  
2     *licitations in the fiscal year preceding the fiscal year*  
3     *covered by the proposed budget which were not funded*  
4     *but represent science and technology opportunities*  
5     *that support the research and development programs*  
6     *and goals of the military departments and the De-*  
7     *fense Agencies.*

8             “(2) *Not later than six months after the proposed*  
9     *budget is submitted to Congress, an independent as-*  
10    *essment, in both classified and unclassified form (as*  
11    *necessary), of any research, technology, or engineering*  
12    *areas that are of interest to the Department in which*  
13    *the United States may not have global technical lead-*  
14    *ership within the next 10 years.*

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

17    **SEC. 218. PROGRAMS FOR GROUND COMBAT VEHICLE AND**  
18                    **SELF PROPELLED HOWITZER CAPABILITIES**  
19                    **FOR THE ARMY.**

20    (a) *PROGRAMS REQUIRED.—*

21           (1) *IN GENERAL.—The Secretary of Defense shall*  
22    *carry out a separate program to achieve each of the*  
23    *following:*

24           (A) *The development, test, and fielding of*  
25    *an operationally effective, suitable, survivable,*

1           *and affordable next generation ground combat*  
2           *vehicle for the Army.*

3           *(B) The development, test, and fielding of*  
4           *an operationally effective, suitable, survivable,*  
5           *and affordable next generation self-propelled*  
6           *howitzer capability for the Army.*

7           (2) *COMPLIANCE WITH CERTAIN ACQUISITION*  
8           *REQUIREMENTS.—Each program under paragraph*  
9           *(1) shall comply with the requirements of the Weap-*  
10           *ons Systems Acquisition Reform Act of 2009, and the*  
11           *amendments made by that Act.*

12           *(b) STRATEGY AND PLAN FOR ACQUISITION.—*

13           (1) *IN GENERAL.—Not later than March 31,*  
14           *2010, the Secretary shall submit to the congressional*  
15           *defense committees a report setting forth a strategy*  
16           *and plan for the acquisition of weapon systems under*  
17           *the programs required by subsection (a). Each strat-*  
18           *egy and plan shall include measurable goals and ob-*  
19           *jectives for the acquisition of such weapon systems,*  
20           *and shall identify all proposed major development,*  
21           *testing, procurement, and fielding events toward the*  
22           *achievement of such goals and objectives.*

23           (2) *ELEMENTS.—In developing each strategy*  
24           *and plan under paragraph (1), the Secretary shall*  
25           *consider the following:*

1           (A) *A single vehicle or family of vehicles*  
2           *utilizing a common chassis and automotive com-*  
3           *ponents.*

4           (B) *The incorporation of weapon, vehicle,*  
5           *communications, network, and system of systems*  
6           *common operating environment technologies de-*  
7           *veloped under the Future Combat Systems pro-*  
8           *gram.*

9           (c) *ANNUAL REPORTS.—*

10           (1) *REPORTS REQUIRED.—The Secretary shall*  
11           *submit to the congressional defense committees, at the*  
12           *same time the President submits to Congress the*  
13           *budget for each of fiscal years 2011 through 2015 (as*  
14           *submitted pursuant to section 1105(a) of title 31,*  
15           *United States Code), a report on the investments pro-*  
16           *posed to be made under such budget with respect to*  
17           *each program required by subsection (a).*

18           (2) *ELEMENTS.—Each report under paragraph*  
19           *(1) shall set forth, for the fiscal year covered by the*  
20           *budget with which such report is submitted—*

21                   (A) *the manner in which amounts requested*  
22                   *in such budget would be available for each pro-*  
23                   *gram required by subsection (a); and*

24                   (B) *an assessment of the extent to which*  
25                   *utilizing such amount in such manner would*

1            *improve ground combat capabilities for the*  
2            *Army.*

3    **SEC. 219. ASSESSMENT OF TECHNOLOGICAL MATURITY AND**  
4            **INTEGRATION RISK OF ARMY MODERNIZA-**  
5            **TION PROGRAMS.**

6            *(a) ASSESSMENT REQUIRED.—The Director of Defense*  
7            *Research and Engineering shall, in consultation with the*  
8            *Director of Developmental Test and Evaluation, review and*  
9            *assess the technological maturity and integration risk of*  
10           *critical technologies (as jointly identified by the Director*  
11           *and the Secretary of the Army for purposes of this section)*  
12           *of Army modernization programs and appropriate associ-*  
13           *ated programs, including the programs as follows:*

14            *(1) Manned Ground Vehicle and Ground Combat*  
15            *Vehicle.*

16            *(2) Future Combat Systems network hardware*  
17            *and software.*

18            *(3) Warfighter Information Network—Tactical,*  
19            *Increment 3.*

20            *(4) Joint Tactical Radio System.*

21            *(5) Reconnaissance unmanned aerial vehicles.*

22            *(6) Future Combat Systems Spin Out tech-*  
23            *nologies.*

1           (7) *Any other programs jointly identified by the*  
2     *Director and the Secretary for purposes of this sec-*  
3     *tion.*

4           (b) *REPORT.—Not later than nine months after the*  
5     *date of the enactment of this Act, the Secretary of Defense*  
6     *shall submit to the congressional defense committees a re-*  
7     *port on the technological maturity and integration risk of*  
8     *critical technologies of Army modernization and associated*  
9     *programs covered by the review and assessment required*  
10    *under subsection (a), as determined pursuant to that assess-*  
11    *ment.*

12 **SEC. 220. ASSESSMENT OF STRATEGY FOR TECHNOLOGY**  
13                   **FOR MODERNIZATION OF THE COMBAT VEHI-**  
14                   **CLE AND TACTICAL WHEELED VEHICLE**  
15                   **FLEETS.**

16           (a) *INDEPENDENT ASSESSMENT OF STRATEGY RE-*  
17    *QUIRED.—*

18           (1) *IN GENERAL.—Not later than 30 days after*  
19     *the date of the enactment of this Act, the Secretary of*  
20     *Defense shall enter into a contract with an appro-*  
21     *priate entity independent of the United States Gov-*  
22     *ernment to conduct an independent assessment of cur-*  
23     *rent, anticipated, and potential research and engi-*  
24     *neering activities for or applicable to the moderniza-*

1     *tion of the combat vehicle fleet and tactical wheeled*  
2     *vehicle fleet of the Department of Defense.*

3             (2) *ACCESS TO INFORMATION AND RESOURCES.*—

4     *The Secretary shall provide the entity with which the*  
5     *Secretary contracts under paragraph (1) access to*  
6     *such information and resources as are appropriate to*  
7     *conduct the assessment required by that paragraph.*

8     (b) *REPORT.*—

9             (1) *IN GENERAL.*—*The contract required by sub-*  
10     *section (a) shall provide that the entity with which*  
11     *the Secretary contracts under that subsection shall*  
12     *submit to the Secretary of Defense and the congres-*  
13     *sional defense committees a report on the assessment*  
14     *required by that subsection not later than December*  
15     *31, 2010.*

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

18                (A) *A detailed discussion of the require-*  
19     *ments and capability needs identified or pro-*  
20     *posed for current and prospective combat vehicles*  
21     *and tactical wheeled vehicles.*

22                (B) *An identification of capability gaps for*  
23     *combat vehicles and tactical wheeled vehicles*  
24     *based on lessons learned from recent conflicts*  
25     *and an assessment of emerging threats.*



1           (C) *An identification of the critical tech-*  
 2 *nology elements or integration risks associated*  
 3 *with particular categories of combat vehicles and*  
 4 *tactical wheeled vehicles, and with particular*  
 5 *missions of such vehicles.*

6           (D) *Recommendations for a plan to develop*  
 7 *and deploy within the next 10 years critical*  
 8 *technology capabilities to address the capability*  
 9 *gaps identified pursuant to subparagraph (B),*  
 10 *including an identification of high priority*  
 11 *science and technology, research & engineering,*  
 12 *and prototyping opportunities.*

13           (E) *Such other matters as the Secretary*  
 14 *considers appropriate.*

15 **SEC. 221. SYSTEMS ENGINEERING AND PROTOTYPING PRO-**  
 16 **GRAM.**

17           (a) *PROGRAM REQUIRED.*—*The Secretary of Defense*  
 18 *shall, acting through the Under Secretary of Defense for Ac-*  
 19 *quisition, Technology, and Logistics, carry out a program*  
 20 *to encourage and fund systems engineering and prototyping*  
 21 *efforts in support of Department of Defense goals and mis-*  
 22 *sions.*

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

1           (1) *To develop system prototypes for systems that*  
2 *provide capabilities supportive of addressing Depart-*  
3 *ment of Defense goals, needs, and requirements.*

4           (2) *To successfully demonstrate new systems in*  
5 *relevant environments.*

6           (3) *To encourage the training of systems engi-*  
7 *neers and the development of systems engineering*  
8 *tools and practices.*

9       (c) *SELECTION OF PROJECTS.—*

10           (1) *PROGRAM AREAS.—The Under Secretary of*  
11 *Defense for Acquisition, Technology, and Logistics*  
12 *shall, in consultation with the military departments*  
13 *and the Defense Agencies, designate general areas for*  
14 *systems engineering and prototype projects under the*  
15 *program required by subsection (a).*

16           (2) *SOLICITATION OF PROJECTS.—The Under*  
17 *Secretary shall solicit for the selection of projects*  
18 *under the program within the areas designated under*  
19 *paragraph (1) from among other government entities,*  
20 *federally-funded research and development centers,*  
21 *academia, the private sector, and such other persons,*  
22 *organizations, and entities as the Under Secretary*  
23 *considers appropriate.*

24           (3) *SELECTION.—The Under Secretary shall se-*  
25 *lect projects for implementation under the program*

1     *from among responses to the solicitations made under*  
2     *paragraph (2). The Under Secretary shall select such*  
3     *projects on a competitive basis.*

4     *(d) IMPLEMENTATION OF PROJECTS.—For each project*  
5     *selected under subsection (c)(3), the Under Secretary of De-*  
6     *fense for Acquisition, Technology, and Logistics shall des-*  
7     *ignate a military department or Defense Agency to imple-*  
8     *ment the project as part of the program required by sub-*  
9     *section (a).*

10    *(e) FUNDING OF PROJECTS.—*

11         *(1) IN GENERAL.—The Under Secretary of De-*  
12         *fense for Acquisition, Technology, and Logistics shall,*  
13         *subject to paragraphs (2) and (3), provide funds for*  
14         *each project selected under subsection (c)(3) in an*  
15         *amount jointly determined by the Under Secretary*  
16         *and the acquisition executive of the military depart-*  
17         *ment or Defense Agency concerned.*

18         *(2) LIMITATION ON AMOUNT OF FUNDS.—The*  
19         *amount of funds provided to a project under para-*  
20         *graph (1) shall be not greater than the amount equal*  
21         *to 50 percent of the total cost of the project.*

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

1           (4) *SOURCE OF OTHER FUNDING.*—Any funds re-  
2           quired for a project under this section that are not  
3           provided under this subsection shall be derived from  
4           funds available to the military department or Defense  
5           Agency concerned, or another appropriate source  
6           other than this subsection.

7           (f) *ANNUAL REPORT.*—Not later than March 31 each  
8           year, the Under Secretary of Defense for Acquisition, Tech-  
9           nology, and Logistics shall submit to the congressional de-  
10          fense committees a report on the activities carried out under  
11          the program required by subsection (a) during the preceding  
12          fiscal year.

13          (g) *ACQUISITION EXECUTIVE DEFINED.*—In this sec-  
14          tion, the term “acquisition executive”, with respect to a  
15          military department or Defense Agency, means the official  
16          designated as the senior procurement executive for the mili-  
17          tary department or Defense Agency for the purposes of sec-  
18          tion 16(c) of the Office of Federal Procurement Policy Act  
19          (41 U.S.C. 414 (c)).

20                   ***Subtitle C—Missile Defense***  
21                           ***Programs***

22          ***SEC. 241. SENSE OF CONGRESS ON BALLISTIC MISSILE DE-***  
23                   ***FENSE.***

24           *It is the sense of Congress that—*

1           (1) *the United States should develop, test, field,*  
2 *and maintain operationally effective, cost-effective, af-*  
3 *fordable, reliable, suitable, and survivable ballistic*  
4 *missile defense systems that are capable of defending*  
5 *the United States, its forward-deployed forces, allies,*  
6 *and other friendly nations from the threat of ballistic*  
7 *missile attacks from nations such as North Korea and*  
8 *Iran;*

9           (2) *the missile defense force structure and inven-*  
10 *tory levels of such missile defense systems should be*  
11 *determined based on an assessment of ballistic missile*  
12 *threats and a determination by senior military lead-*  
13 *ers, combatant commanders, and defense officials of*  
14 *the requirements and capabilities needed to address*  
15 *those threats; and*

16           (3) *the test and evaluation program for such*  
17 *missile defense systems should be rigorous, robust,*  
18 *operationally realistic, and capable of providing a*  
19 *high level of confidence in the capability of such sys-*  
20 *tems (including their continuing effectiveness over the*  
21 *course of their service lives), and adequate resources*  
22 *should be available for that test and evaluation pro-*  
23 *gram (including interceptor missiles and targets for*  
24 *flight tests).*

1 **SEC. 242. COMPREHENSIVE PLAN FOR TEST AND EVALUA-**  
2 **TION OF THE BALLISTIC MISSILE DEFENSE**  
3 **SYSTEM.**

4 (a) *PLAN REQUIRED.*—

5 (1) *IN GENERAL.*—*The Secretary of Defense shall*  
6 *establish a comprehensive plan for the developmental*  
7 *and operational testing and evaluation of the Bal-*  
8 *listic Missile Defense System and its various elements.*

9 (2) *PERIOD OF PLAN.*—*The plan shall cover the*  
10 *period covered by the future-years defense program*  
11 *that is submitted to Congress under section 221 of*  
12 *title 10, United States Code, at or about the same*  
13 *time as the submittal to Congress of the budget of the*  
14 *President for fiscal year 2011.*

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

18 (A) *The Director of the Missile Defense*  
19 *Agency.*

20 (B) *The Director of Operational Test and*  
21 *Evaluation.*

22 (C) *The operational test components of the*  
23 *military departments.*

24 (b) *ELEMENTS.*—*The plan required by subsection (a)*  
25 *shall include, with regard to developmental and operational*

1 *testing of the Ballistic Missile Defense System, the fol-*  
2 *lowing:*

3 (1) *Test and evaluation objectives.*

4 (2) *Test and evaluation criteria and metrics.*

5 (3) *Test and evaluation procedures and method-*  
6 *ology.*

7 (4) *Data requirements.*

8 (5) *System and element configuration under test.*

9 (6) *Approaches to verification, validation, and*  
10 *accreditation of models and simulations.*

11 (7) *The relative role of models and simulations,*  
12 *ground tests, and flight tests in achieving the objec-*  
13 *tives of the plan.*

14 (8) *Test infrastructure and resources, including*  
15 *test range limitations and potential range enhance-*  
16 *ments.*

17 (9) *Test readiness review approaches and meth-*  
18 *odology.*

19 (10) *Testing for system and element integration*  
20 *and interoperability.*

21 (11) *Means for achieving operational realism*  
22 *and means of demonstrating operational effectiveness,*  
23 *suitability and survivability.*

24 (12) *Detailed descriptions of planned tests.*

1           (13) *A description of the resources required to*  
2 *implement the plan.*

3           (c) *REPORT.—*

4           (1) *IN GENERAL.—Not later than March 1, 2011,*  
5 *the Secretary shall submit to the congressional defense*  
6 *committees a report setting forth and describing the*  
7 *plan required by subsection (a) and each of the ele-*  
8 *ments required in the plan under subsection (b).*

9           (2) *ADDITIONAL INFORMATION ON GROUND-*  
10 *BASED MIDCOURSE DEFENSE.—The report required*  
11 *by this subsection shall, in addition to the matters*  
12 *specified in paragraph (1), include a detailed descrip-*  
13 *tion of the test and evaluation activities pertaining to*  
14 *the Ground-based Midcourse Defense (GMD) element*  
15 *of the Ballistic Missile Defense System as follows:*

16                   (A) *Plans for salvo testing.*

17                   (B) *Plans for multiple simultaneous engage-*  
18 *ment testing.*

19                   (C) *Plans for intercept testing using the*  
20 *Cobra Dane radar as the engagement sensor.*

21                   (D) *Plans to test and demonstrate the abil-*  
22 *ity of the system to accomplish its mission over*  
23 *the planned term of its operational service life*  
24 *(also known as “sustainment testing”).*



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

4   **SEC. 243. ASSESSMENT AND PLAN FOR THE GROUND-BASED**  
5                           **MIDCOURSE DEFENSE ELEMENT OF THE BAL-**  
6                           **LISTIC MISSILE DEFENSE SYSTEM.**

7           (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*  
8           *that—*

9                   (1) *the Ground-based Midcourse Defense (GMD)*  
10           *element of the Ballistic Missile Defense System should*  
11           *be an operationally effective, cost-effective, affordable,*  
12           *reliable, suitable, and survivable system capable of de-*  
13           *fending the United States from the threat of long-*  
14           *range missile attacks from nations such as North*  
15           *Korea and Iran, and adequate resources should be*  
16           *available to create and maintain such a capability*  
17           *(including continuing effectiveness over the course of*  
18           *its service life);*

19                   (2) *the force structure and inventory levels of the*  
20           *Ground-based Midcourse Defense element should be*  
21           *determined based on an assessment of ballistic missile*  
22           *threats from nations such as North Korea and Iran*  
23           *and a determination by senior military leaders, com-*  
24           *batant commanders, and defense officials of the re-*

1     *quirements and capabilities needed to address those*  
2     *threats; and*

3             *(3) the test and evaluation program for the*  
4     *Ground-based Midcourse Defense element should be*  
5     *rigorous, robust, operationally realistic, and capable*  
6     *of providing a high degree of confidence in the capa-*  
7     *bility of the system (including testing to demonstrate*  
8     *the continuing effectiveness of the system over the*  
9     *course of its service life), and adequate resources*  
10    *should be available for that test and evaluation pro-*  
11    *gram (including interceptor missiles and targets for*  
12    *flight tests).*

13    *(b) ASSESSMENT REQUIRED.—*

14             *(1) IN GENERAL.—As part of the Quadrennial*  
15    *Defense Review and the Ballistic Missile Defense Re-*  
16    *view, the Secretary of Defense shall conduct an assess-*  
17    *ment of the following:*

18                 *(A) Ground-based Midcourse Defense ele-*  
19             *ment of the Ballistic Missile Defense System.*

20                 *(B) Future options for the Ground-based*  
21             *Midcourse Defense element.*

22             *(2) ELEMENTS.—The assessment required by*  
23    *paragraph (1) shall include an assessment of the fol-*  
24    *lowing:*

1           (A) *The ballistic missile threat against*  
2 *which the Ground-based Midcourse Defense ele-*  
3 *ment is intended to defend.*

4           (B) *The military requirement for Ground-*  
5 *based Midcourse Defense capabilities against*  
6 *such missile threat.*

7           (C) *The current capabilities of the Ground-*  
8 *based Midcourse Defense element.*

9           (D) *The planned capabilities of the Ground-*  
10 *based Midcourse Defense element, if different*  
11 *from the capabilities under subparagraph (B).*

12           (E) *The force structure and inventory levels*  
13 *necessary for the Ground-based Midcourse De-*  
14 *fense element to achieve the planned capabilities*  
15 *of that element, including an analysis of the*  
16 *costs and the potential advantages and disadvan-*  
17 *tages of deploying 44 operational Ground-based*  
18 *Interceptor missiles.*

19           (F) *The infrastructure necessary to achieve*  
20 *such capabilities, including the number and lo-*  
21 *cation of operational silos.*

22           (G) *The number of Ground-based Inter-*  
23 *ceptor missiles necessary for operational assets,*  
24 *test assets (including developmental and oper-*

1            *ational test assets and aging and surveillance*  
2            *test assets), and spare missiles.*

3            (3) *REPORT.—At or about the same time the*  
4            *budget of the President for fiscal year 2011 is sub-*  
5            *mitted to Congress pursuant to section 1105 of title*  
6            *31, United States Code, the Secretary shall submit to*  
7            *the congressional defense committees a report setting*  
8            *forth the results of the assessment required by para-*  
9            *graph (1). The report shall be in unclassified form,*  
10           *but may include a classified annex.*

11           (c) *PLAN REQUIRED.—*

12           (1) *IN GENERAL.—In addition to the assessment*  
13           *required by subsection (b), the Secretary shall estab-*  
14           *lish a plan for the Ground-based Midcourse Defense*  
15           *element of the Ballistic Missile Defense System. The*  
16           *plan shall cover the period of the future-years defense*  
17           *program that is submitted to Congress under section*  
18           *221 of title 10, United States Code, at or about the*  
19           *same time as the submittal to Congress of the budget*  
20           *of the President for fiscal year 2011.*

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

23           (A) *The schedule for achieving the planned*  
24           *capability of the Ground-based Midcourse De-*  
25           *fense element, including the completion of oper-*

1            *ational silos, the delivery of operational Ground-*  
2            *Based Interceptors, and the deployment of such*  
3            *interceptors in those silos.*

4            *(B) The plan for funding the development,*  
5            *production, deployment, testing, improvement,*  
6            *and sustainment of the Ground-based Midcourse*  
7            *Defense element.*

8            *(C) The plan to maintain the operational*  
9            *effectiveness of the Ground-based Midcourse De-*  
10           *fense element over the course of its service life,*  
11           *including any modernization or capability en-*  
12           *hancement efforts, and any sustainment efforts.*

13           *(D) The plan for flight testing the Ground-*  
14           *based Midcourse Defense element, including*  
15           *aging and surveillance tests to demonstrate the*  
16           *continuing effectiveness of the system over the*  
17           *course of its service life.*

18           *(E) The plan for production of Ground-*  
19           *Based Interceptor missiles necessary for oper-*  
20           *ational assets, developmental and operational*  
21           *test assets, aging and surveillance test assets, and*  
22           *spare missiles.*

23           *(3) REPORT.—At or about the same time the*  
24           *budget of the President for fiscal year 2011 is sub-*  
25           *mitted to Congress pursuant to section 1105 of title*

1       31, *United States Code*, the Secretary shall submit to  
2       the congressional defense committees a report setting  
3       forth the plan required by paragraph (1). The report  
4       shall be in unclassified form, but may include a clas-  
5       sified annex.

6       (d) *CONSTRUCTION*.—Nothing in this section shall be  
7       construed as altering or revising the continued production  
8       of all *Ground-Based Interceptor* missiles on contract as of  
9       June 23, 2009.

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

12             (1) review the assessment required by subsection

13             (b) and the plan required by subsection (c); and

14             (2) not later than 120 days after receiving the  
15             assessment and the plan, provide to the congressional  
16             defense committees the results of the review.

17      **SEC. 244. REPORT ON POTENTIAL MISSILE DEFENSE CO-**  
18                             **OPERATION WITH RUSSIA.**

19      (a) *REPORT REQUIRED*.—

20             (1) *IN GENERAL*.—Not later than 120 days after  
21             the date of the enactment of this Act, the Secretary of  
22             Defense shall submit to the congressional defense com-  
23             mittees a report setting forth potential options for co-  
24             operation among or between the United States, the

1     *North Atlantic Treaty Organization (NATO), and the*  
2     *Russian Federation on ballistic missile defense.*

3             (2) *FORM.*—*The report shall be submitted in un-*  
4     *classified form, but may include a classified annex.*

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

7             (1) *A description of proposals made by the*  
8     *United States, the North Atlantic Treaty Organiza-*  
9     *tion, or the Russian Federation since January 1,*  
10    *2007, for potential missile defense cooperation among*  
11    *or between such countries and that organization, in-*  
12    *cluding data sharing, cooperative regional missile de-*  
13    *fense architectures, joint exercises, and transparency*  
14    *and confidence building measures.*

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

22            (3) *An assessment of the potential for implemen-*  
23    *tation of the agreement between the United States and*  
24    *the Russian Federation on the establishment of a*  
25    *Joint Data Exchange Center.*

1           (4) *An assessment of the potential for missile de-*  
2 *fense cooperation between the Russian Federation and*  
3 *the North Atlantic Treaty Organization, including*  
4 *through the NATO-Russia Council.*

5           (5) *An assessment of the potential security bene-*  
6 *fits to the United States, Russia, and the North At-*  
7 *lantic Treaty Organization of the cooperation de-*  
8 *scribed in paragraph (4).*

9           (6) *Such other matters as the Secretary considers*  
10 *appropriate.*

11 **SEC. 245. CONTINUED PRODUCTION OF GROUND-BASED IN-**  
12 **TERCEPTOR MISSILE AND OPERATION OF**  
13 **MISSILE FIELD 1 AT FORT GREELY, ALASKA.**

14       (a) *LIMITATION ON BREAK IN PRODUCTION.*—*The Sec-*  
15 *retary of Defense shall ensure that the Missile Defense Agen-*  
16 *cy does not allow a break in production of the Ground-based*  
17 *Interceptor missile until the Department of Defense has—*

18           (1) *completed the Ballistic Missile Defense Re-*  
19 *view; and*

20           (2) *made a determination with respect to the*  
21 *number of Ground-based Interceptor missiles that will*  
22 *be necessary to support the service life of the Ground-*  
23 *based Midcourse Defense element of the Ballistic Mis-*  
24 *sile Defense System.*



1       **(b) LIMITATION ON CERTAIN ACTIONS WITH RESPECT**  
 2 **TO MISSILE FIELD 1 AND MISSILE FIELD 2 AT FORT**  
 3 **GREELY, ALASKA.—**

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

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

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

21       **(a) FINDINGS.—***The Senate makes the following find-*  
 22 *ings:*

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

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

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

19         *(3) In the Bucharest Summit Declaration, the*  
20     *North Atlantic Council also reaffirmed to Russia that*  
21     *“current, as well as any future, NATO Missile*  
22     *Defence efforts are intended to better address the secu-*  
23     *rity challenges we all face, and reiterate that, far*  
24     *from posing a threat to our relationship, they offer*

1 *opportunities to deepen levels of cooperation and sta-*  
2 *bility”.*

3 *(4) In the Strasbourg/Kehl Summit Declaration*  
4 *of April 4, 2009, the heads of state and government*  
5 *participating in the meeting of the North Atlantic*  
6 *Council reaffirmed “the conclusions of the Bucharest*  
7 *Summit about missile defense,” and declared that “we*  
8 *judge that missile threats should be addressed in a*  
9 *prioritized manner that includes consideration of the*  
10 *level of imminence of the threat and the level of ac-*  
11 *ceptable risk”.*

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

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

1           (7) *On August 20, 2008, the United States and*  
2 *the Republic of Poland signed an agreement con-*  
3 *cerning the deployment of ground-based ballistic mis-*  
4 *sile defense interceptors in the territory of the Repub-*  
5 *lic of Poland.*

6           (8) *Section 233 of the Duncan Hunter National*  
7 *Defense Authorization Act for Fiscal Year 2009 (Pub-*  
8 *lic Law 110–417; 122 Stat. 4393; 10 U.S.C. 2431*  
9 *note) establishes conditions for the availability of*  
10 *funds for procurement, construction, and deployment*  
11 *of the planned missile defense system in Europe, in-*  
12 *cluding that the host nations must ratify any missile*  
13 *defense agreements with the United States and that*  
14 *the Secretary of Defense must certify that the system*  
15 *has demonstrated the ability to accomplish the mis-*  
16 *sion.*

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

1           (10) *On June 16, 2009, Deputy Secretary of De-*  
2 *fense William Lynn testified before the Committee on*  
3 *Armed Services of the Senate that the United States*  
4 *Government is reviewing its options for developing*  
5 *and deploying operationally effective, cost-effective*  
6 *missile defense capabilities to Europe against poten-*  
7 *tial future Iranian missile threats, in addition to the*  
8 *proposed deployment of a missile defense system in*  
9 *Poland and the Czech Republic.*

10           (11) *On July 9, 2009, General James Cart-*  
11 *wright, the Vice Chairman of the Joint Chiefs of*  
12 *Staff, testified before the Committee on Armed Serv-*  
13 *ices of the Senate that the Department of Defense was*  
14 *considering some 40 different missile defense architec-*  
15 *ture options for Europe that could provide a “re-*  
16 *gional defense capability to protect the nations” of*  
17 *Europe, and a “redundant capability that would as-*  
18 *sist in protecting the United States,” and that the De-*  
19 *partment was considering “what kind of an architec-*  
20 *ture best suits the defense of the region, the defense of*  
21 *the homeland, and the regional stability”.*

22           (b) *SENSE OF SENATE.—It is the sense of the Senate*  
23 *that—*

24           (1) *the United States Government should con-*  
25 *tinue developing and planning for the proposed de-*

1 *ployment of elements of a Ground-based Midcourse*  
2 *Defense (GMD) system, including a midcourse radar*  
3 *in the Czech Republic and Ground-Based Interceptors*  
4 *in Poland, consistent with section 233 of the Duncan*  
5 *Hunter National Defense Authorization Act for Fiscal*  
6 *Year 2009;*

7 (2) *in conjunction with the continued develop-*  
8 *ment of the planned Ground-based Midcourse Defense*  
9 *system, the United States should work with its North*  
10 *Atlantic Treaty Organization allies to explore a range*  
11 *of options and architectures to provide missile de-*  
12 *fenses for Europe and the United States against cur-*  
13 *rent and future Iranian ballistic missile capabilities;*

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

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

1       (c) *RESERVATION OF FUNDS FOR MISSILE DEFENSE*  
2 *SYSTEMS.*—

3           (1) *IN GENERAL.*—*Of the funds authorized to be*  
4 *appropriated or otherwise made available for fiscal*  
5 *years 2009 and 2010 for the Missile Defense Agency*  
6 *for the purpose of developing missile defenses in Eu-*  
7 *rope, \$353,100,000 shall be available only for the pur-*  
8 *poses described in paragraph (2).*

9           (2) *USE OF FUNDS.*—*The purposes described in*  
10 *this paragraph are the following:*

11           (A) *Research, development, test, and evalua-*  
12 *tion of—*

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

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

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

1           to the congressional defense committees a report  
2           certifying that such systems 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 oper-  
22           ationally effective and cost-effective ballistic missile defense  
23           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 De-*  
4 *fense Authorization Act for Fiscal Year 2009 (Public Law*  
5 *110–417; 122 Stat. 4392) is amended by striking “October*  
6 *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 Act*  
12 *for Fiscal Year 1997 (10 U.S.C. 2501 note) is repealed.*

13 **SEC. 252. MODIFICATION OF REPORTING REQUIREMENT**  
14 **FOR DEFENSE NANOTECHNOLOGY RESEARCH**  
15 **AND DEVELOPMENT PROGRAM.**

16 *Section 246 of the Bob Stump National Defense Au-*  
17 *thorization Act for Fiscal Year 2003 (Public Law 107–314;*  
18 *10 U.S.C. 2358 note) is amended by striking subsection (e)*  
19 *and inserting the following new subsection (e):*

20 *“(e) REPORTS.—The Under Secretary of Defense for*  
21 *Acquisition, Technology, and Logistics shall submit to the*  
22 *National Science and Technology Council information on*  
23 *the program that covers the information described in para-*  
24 *graphs (1) through (5) of section 2(d) of the 21st Century*  
25 *Nanotechnology Research and Development Act (15 U.S.C.*

1 7501(d)) to be included in the annual report submitted by  
2 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, the  
6 Assistant Secretary of the Army for Acquisition, Logistics,  
7 and Technology shall conduct a comparative evaluation of  
8 extended range modular sniper rifle systems, including .300  
9 Winchester Magnum, .338 Lapua Magnum, and other cali-  
10 bers. The evaluation shall identify and demonstrate an inte-  
11 grated suite of technologies capable of—

12 (1) extending the effective range of snipers;

13 (2) meeting service or unit requirements or oper-  
14 ational 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 the  
18 evaluation required by subsection (a) using amounts appro-  
19 priated for fiscal year 2009 for extended range modular  
20 sniper rifle system research (PE # 0604802A) that are un-  
21 obligated.

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 the*  
2 *results of the evaluation required by subsection (a), includ-*  
3 *ing—*

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 need*  
9 *statements or close documented capabilities gaps.*

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

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

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

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

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

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

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

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

25 *(5) For Defense-wide activities, \$27,645,997,000.*

1           (6) *For the Army Reserve, \$2,623,796,000.*

2           (7) *For the Navy Reserve, \$1,278,501,000.*

3           (8) *For the Marine Corps Reserve, \$228,925,000.*

4           (9) *For the Air Force Reserve, \$3,079,228,000.*

5           (10) *For the Army National Guard,*  
6 *\$6,260,634,000.*

7           (11) *For the Air National Guard,*  
8 *\$5,888,461,000.*

9           (12) *For the United States Court of Appeals for*  
10 *the Armed Forces, \$13,932,000.*

11           (13) *For the Acquisition Development Workforce*  
12 *Fund, \$100,000,000.*

13           (14) *For Environmental Restoration, Army,*  
14 *\$415,864,000.*

15           (15) *For Environmental Restoration, Navy,*  
16 *\$285,869,000.*

17           (16) *For Environmental Restoration, Air Force,*  
18 *\$494,276,000.*

19           (17) *For Environmental Restoration, Defense-*  
20 *wide, \$11,100,000.*

21           (18) *For Environmental Restoration, Formerly*  
22 *Used Defense Sites, \$267,700,000.*

23           (19) *For Overseas Humanitarian, Disaster and*  
24 *Civic Aid programs, \$109,869,000.*

1           (20) *For Cooperative Threat Reduction pro-*  
 2 *grams, \$424,093,000.*

3           (21) *For Overseas Contingency Operations*  
 4 *Transfer Fund, \$5,000,000.*

5           (b) *FUNDING TABLE.*—*The amounts authorized by*  
 6 *subsection (a) shall be available, in accordance with the re-*  
 7 *quirements of section 4001, for projects, programs, and ac-*  
 8 *tivities, and in the amounts, specified in the funding table*  
 9 *in section 4301.*

10                   ***Subtitle B—Environmental***  
 11                                   ***Provisions***

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

16           (a) *AUTHORITY TO REIMBURSE.*—

17           (1) *TRANSFER AMOUNT.*—*Using funds described*  
 18 *in subsection (b) and notwithstanding section 2215 of*  
 19 *title 10, United States Code, the Secretary of Defense*  
 20 *may transfer not more than \$68,623 during fiscal*  
 21 *year 2010 to the Former Nansemond Ordnance Depot*  
 22 *Site Special Account, within the Hazardous Sub-*  
 23 *stance Superfund.*

24           (2) *PURPOSE OF REIMBURSEMENT.*—*The pay-*  
 25 *ment under paragraph (1) is final payment to reim-*

1        *burse the Environmental Protection Agency for all*  
2        *costs incurred in overseeing a time critical removal*  
3        *action performed by the Department of Defense under*  
4        *the Defense Environmental Restoration Program for*  
5        *ordnance and explosive safety hazards at the Former*  
6        *Nansemond Ordnance Depot Site, Suffolk, Virginia.*

7            (3) *INTERAGENCY AGREEMENT.—The reimburse-*  
8        *ment described in paragraph (2) is provided for in an*  
9        *interagency agreement entered into by the Depart-*  
10       *ment of the Army and the Environmental Protection*  
11       *Agency for the Former Nansemond Ordnance Depot*  
12       *Site in December 1999.*

13        (b) *SOURCE OF FUNDS.—Any payment under sub-*  
14       *section (a) shall be made using funds authorized to be ap-*  
15       *propriated by section 301(a)(18) for operation and mainte-*  
16       *nance for Environmental Restoration, Formerly Used De-*  
17       *fense Sites.*

18        (c) *USE OF FUNDS.—The Environmental Protection*  
19       *Agency shall use the amount transferred under subsection*  
20       *(a) to pay costs incurred by the Agency at the Former*  
21       *Nansemond 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 sec-*  
8 *tion 4544(a) of title 10, United States Code, as added by*  
9 *section 328(a)(1) of the National Defense Authorization Act*  
10 *for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 66),*  
11 *is amended by inserting after “not more than eight con-*  
12 *tracts or cooperative agreements” the following: “in addi-*  
13 *tion to the contracts and cooperative agreements in place*  
14 *as of the date of the enactment of the National Defense Au-*  
15 *thorization Act for Fiscal Year 2008 (Public Law 110–*  
16 *181)”.*

17             (b) *ADDITIONAL ELEMENTS REQUIRED FOR ANALYSIS*  
18 *OF USE OF AUTHORITY.*—*Section 328(b)(2) of the National*  
19 *Defense Authorization Act for Fiscal Year 2008 (Public*  
20 *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 such  
7           authority on the availability of facilities needed  
8           by the Army and on the private sector; and

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

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

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

23          (b) *ELEMENTS.*—The plan under subsection (a) shall  
24 *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, includ-*  
4 *ing the development of metrics to identify bias toward*  
5 *over-forecasting and adjust forecasting methods ac-*  
6 *cordingly.*

7           (2) *A plan to accelerate the efforts of the Depart-*  
8 *ment of Defense to achieve total asset visibility, in-*  
9 *cluding efforts to link wholesale and retail inventory*  
10 *levels through multi-echelon modeling.*

11           (3) *A plan to reduce the average level of on-order*  
12 *secondary inventory that is excess to requirements, in-*  
13 *cluding a requirement for the systemic review of such*  
14 *inventory for possible contract termination.*

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

19           (5) *A plan for an independent review of methods*  
20 *used by the military departments and the Defense Lo-*  
21 *gistics Agency to establish contingency retention re-*  
22 *quirements.*

23           (6) *A plan to identify items stored in secondary*  
24 *inventory that require substantial amounts of storage*

1     *space and shift such items, where practicable, to di-*  
2     *rect vendor delivery.*

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

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

8                     *(B) procedures for ensuring the systemic re-*  
9     *view of such items for potential reutilization or*  
10     *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 States*  
19     *shall submit to the congressional defense committees a*  
20     *report setting forth an assessment of the extent to*  
21     *which the plan meets the requirements of this section.*

22             *(2) ASSESSMENT OF IMPLEMENTATION.—Not*  
23     *later than 18 months after the date on which the plan*  
24     *required by subsection (a) is submitted, the Comp-*  
25     *troller General shall submit to the congressional de-*

1 *fense committees a report setting forth an assessment*  
2 *of the extent to which the plan has been effectively im-*  
3 *plemented by each military department and by the*  
4 *Defense Logistics Agency.*

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

8 *(1) is excess to the approved acquisition objective*  
9 *concerned; and*

10 *(2) is not needed for the purposes of economic re-*  
11 *tention or contingency retention.*

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

14 *(a) TEMPORARY SUSPENSION.—During the period be-*  
15 *ginning on the date of the enactment of this Act and ending*  
16 *on the date on which the Secretary of Defense submits to*  
17 *the congressional defense committees the certification de-*  
18 *scribed in subsection (b), no study or public-private com-*  
19 *petition regarding the conversion to contractor performance*  
20 *of any function of the Department of Defense performed by*  
21 *civilian employees may be begun or announced pursuant*  
22 *to section 2461 of title 10, United States Code, Office of*  
23 *Management and Budget Circular A-76, or any other au-*  
24 *thority.*

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 Department*  
6 *of Defense in compliance with the requirements of*  
7 *subsection (c) of section 2330a of title 10, United*  
8 *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) of*  
13 *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 sub-*  
2 *section (a) shall apply with respect to a function for which*  
3 *a public-private competition is commenced on or after the*  
4 *date of the enactment of this Act.*

5 **SEC. 323B. TIME LIMITATION ON DURATION OF PUBLIC-PR-**  
6 **VATE 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 Management*  
12 *and Budget Circular A-76 or any other provision of*  
13 *law for any function of the Department of Defense*  
14 *performed by Department of Defense civilian employ-*  
15 *ees may not exceed the period of specified in para-*  
16 *graph (B), commencing on the date on which funds*  
17 *are obligated for contractor support of the prelimi-*  
18 *nary planning for the public-private competition be-*  
19 *gins through the date on which a performance deci-*  
20 *sion 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 Court*  
6 *of Federal Claims.*

7           “(D) *In this paragraph, the term ‘preliminary*  
8 *planning’ with respect to a public-private competition*  
9 *means any action taken to carry out any of the fol-*  
10 *lowing 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 appli-*  
19 *cable 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 conducted*  
2 *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 competition*  
8 *that exceeds the time limits established in section 2461(a)*  
9 *shall be reviewed by the Secretary of Defense and considered*  
10 *for termination. If the Secretary of Defense does not termi-*  
11 *nate the competition, he shall report to Congress on the rea-*  
12 *sons 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 in-*  
21 *serting “2011”; and*

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

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

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

11 ***Subtitle D—Energy Provisions***

12 **SEC. 331. ENERGY SECURITY ON DEPARTMENT OF DEFENSE**  
13 **INSTALLATIONS.**

14 *(a) PLAN FOR ENERGY SECURITY REQUIRED.—*

15 *(1) IN GENERAL.—Not later than 180 days after*  
16 *the date of the enactment of this Act, the Secretary of*  
17 *Defense shall develop a plan for identifying and ad-*  
18 *dressing areas in which the electricity needed to carry*  
19 *out critical military missions on Department of De-*  
20 *fense 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 vulner-*  
25 *ability 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 by*  
4           *the Department to address such areas of vulner-*  
5           *ability.*

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

10        ***(b) WORK WITH NON-DEPARTMENT OF DEFENSE EN-***  
11        ***TITIES.—***

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

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

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

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 317(e)*  
12 *of the National Defense Authorization Act for Fiscal Year*  
13 *2002 (Public Law 107–107; 115 Stat. 1054) is amended*  
14 *to read as follows:*

15 *“(e) REPORTING REQUIREMENTS.—*

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

1           “(2) *REPORTS SUBMITTED AFTER JANUARY 1,*  
2           *2009.—Each report required under paragraph (1) that*  
3           *is submitted after the date of the enactment of the Na-*  
4           *tional Defense Authorization Act for Fiscal Year 2010*  
5           *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 steps*  
9                   *taken to achieve the renewable energy goals in*  
10                   *the Energy Policy Act of 2005 (42 U.S.C. 15801*  
11                   *et seq.) and Executive Order 13423 by fiscal year*  
12                   *2015, and section 2911(e) of title 10, United*  
13                   *States Code, by fiscal year 2025.*

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

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

1           “(E) A description of steps taken to comply  
2 with requirements of the Energy Independence  
3 and Security Act of 2007, including new design  
4 and construction requirements for buildings.

5           “(F) A description of steps taken to comply  
6 with section 533 of the National Energy Con-  
7 servation Policy Act (42 U.S.C. 8259b), regard-  
8 ing the supply by the General Services Adminis-  
9 tration and the Defense Logistics Agency of En-  
10 ergy Star and Federal Energy Management Pro-  
11 gram (FEMP) designated products to its Depart-  
12 ment of Defense customers.

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

17           “(H) A description of steps taken to comply  
18 with standards for projects built using appro-  
19 priated funds and established by the Energy  
20 Independence and Security Act of 2007 for  
21 privatized construction projects, whether residen-  
22 tial, administrative, or industrial.

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

1       (b) *ADDITIONAL MATERIAL REQUIRED FOR FIRST EX-*  
2 *PANDED REPORT.*—*The first report submitted by the Sec-*  
3 *retary of Defense under section 317(e) of the National De-*  
4 *fense Authorization Act for Fiscal Year 2002 (Public Law*  
5 *107–107; 115 Stat. 1054), as amended by subsection (a),*  
6 *after the date of the enactment of this Act shall include,*  
7 *in addition to the matters required under such section, the*  
8 *following:*

9           (1) *A determination of whether the existing tools,*  
10 *such as the Energy Conservation Investment Program*  
11 *(ECIP) and the Energy Savings Performance Con-*  
12 *tracts (ESPC) program, are sufficient to support re-*  
13 *newable energy projects to achieve the Department’s*  
14 *installation energy goals, or if new funding mecha-*  
15 *nisms would be beneficial.*

16           (2) *An appropriate goal or goals for the use of*  
17 *alternative fuels for ground vehicles, aircraft, sea ves-*  
18 *sels, and applicable weapons systems, taking into con-*  
19 *sideration a broad range of factors, including cost,*  
20 *availability, technological feasibility, energy inde-*  
21 *pendence and security, and environmental impact.*

22           (3) *A determination of the cost and feasibility of*  
23 *a policy that would require new power generation*  
24 *projects established on installations to be able to*

1       *switch to provide power for military operations in the*  
2       *event of a commercial grid outage.*

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

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

11            (6) *A determination of the cost and feasibility of*  
12       *implementing the recommendations of the 2008 De-*  
13       *fense Science Board Report entitled, “More Fight –*  
14       *Less Fuel”.*

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

16       (a) *FINDINGS.*—*Congress makes the following findings:*

17             (1) *Dependence on foreign sources of oil is detri-*  
18       *mental to the national security of the United States*  
19       *due to possible disruptions in supply.*

20             (2) *The Department of Defense is the largest sin-*  
21       *gle consumer of fuel in the United States.*

22             (3) *The United States Air Force is the largest*  
23       *consumer of fuel in the Department of Defense.*

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

4           (5) *The United States Air Force uses about*  
5 *2,600,000,000 gallons of jet fuel a year, or 10 percent*  
6 *of the entire domestic market in aviation fuel.*

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

18           (7) *The Air Force Energy Program will provide*  
19 *options to reduce the use of foreign oil, by focusing on*  
20 *expanding alternative energy options that provide fa-*  
21 *vorable environmental attributes as compared to cur-*  
22 *rently-available options.*

23           (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 stor-*  
6 *age 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 of*  
10 *its domestic aviation fuel requirement from al-*  
11 *ternative or synthetic fuels (including blends of*  
12 *alternative or synthetic fuels with conventional*  
13 *fuels) by not later than December 31, 2016, pro-*  
14 *vided that—*

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

23                           (ii) *prices for such fuels are cost com-*  
24 *petitive with petroleum-based alternatives*  
25 *that are used for the same functions;*



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

5           (D) taking actions in collaboration with  
6           other Federal agencies, the commercial sector,  
7           and academia to solicit for and test the next gen-  
8           eration of environmentally-friendly alternative  
9           aviation fuels.

10          (2) *ADJUSTMENT OF GOAL.*—The Secretary of  
11          the Air Force may adjust the goal of acquiring 50  
12          percent of Air Force domestic fuel requirements from  
13          alternative or synthetic fuels by not later than Decem-  
14          ber 31, 2016, if the Secretary determines in writing  
15          that it would not be practicable, or in the best inter-  
16          ests of the Air Force, to do so and informs the con-  
17          gressional defense committees within 30 days of the  
18          basis for such determination.

19          (3) *ANNUAL REPORT.*—Not later than 180 days  
20          after the date of the enactment of this Act and annu-  
21          ally thereafter in each of fiscal years 2011 through  
22          2016, the Secretary of Defense, in consultation with  
23          the Secretary of the Air Force, shall submit to Con-  
24          gress a report on the progress of the alternative avia-  
25          tion fuel initiative program, including—

1           (A) *the status of aircraft fleet certification,*  
2           *until complete;*

3           (B) *the quantities of alternative or synthetic*  
4           *fuels (including blends of alternative or synthetic*  
5           *fuels with conventional fuels) purchased for use*  
6           *by the Air Force in the fiscal year ending in*  
7           *such year;*

8           (C) *progress made against published goals*  
9           *for such fiscal year;*

10          (D) *the status of recovery plans to achieve*  
11          *any goals set for previous years that were not*  
12          *achieved; and*

13          (E) *the establishment or adjustment of goals*  
14          *and objectives for the current fiscal year or for*  
15          *future years.*

16          (c) *ANNUAL REPORT FOR ARMY AND NAVY.—Not later*  
17          *than 180 days after the date of the enactment of this Act,*  
18          *and annually thereafter in each of fiscal years 2011 through*  
19          *2016, the Secretary of the Army and the Secretary of the*  
20          *Navy shall each submit to Congress a report on goals and*  
21          *progress to research, test, and certify the use of alternative*  
22          *fuels in their respective aircraft fleets.*

23          (d) *DEFENSE SCIENCE BOARD REVIEW.—*

24                 (1) *REPORT REQUIRED.—Not later than October*  
25                 *1, 2011, the Defense Science Board shall report to the*

1 *Secretary of Defense on the feasibility and advis-*  
2 *ability of achieving the goals established in subsection*  
3 *(b)(1). The report shall address—*

4 *(A) the technological and economic*  
5 *achievability of the goals;*

6 *(B) the impact of actions required to meet*  
7 *such goals on the military readiness of the Air*  
8 *Force, energy costs, environmental performance,*  
9 *and dependence on foreign oil; and*

10 *(C) any recommendations the Defense*  
11 *Science Board may have for improving the Air*  
12 *Force program.*

13 *(2) SUBMISSION TO CONGRESS.—Not later than*  
14 *30 days after receiving the report required by under*  
15 *paragraph (1), the Secretary of Defense shall forward*  
16 *the report to Congress, together with the comments*  
17 *and recommendations of the Secretary.*

18 **SEC. 334. AUTHORIZATION OF APPROPRIATIONS FOR DI-**  
19 **RECTOR OF OPERATIONAL ENERGY.**

20 *Of the amounts authorized to be appropriated for Op-*  
21 *eration and Maintenance, Defense-wide, \$5,000,000 is for*  
22 *the Director of Operational Energy Plans and Programs*  
23 *to carry out the duties prescribed for the Director under*  
24 *section 139b of title 10, United States Code, to be made*

1 *available upon the confirmation of an individual to serve*  
2 *as the Director of Operational Energy Plans and Programs.*

3 **SEC. 335. DEPARTMENT OF DEFENSE PARTICIPATION IN**  
4 **PROGRAMS FOR MANAGEMENT OF ENERGY**  
5 **DEMAND OR REDUCTION OF ENERGY USAGE**  
6 **DURING PEAK PERIODS.**

7 *(a) IN GENERAL.—Subchapter I of chapter 173 of title*  
8 *10, United States Code, is amended by adding at the end*  
9 *the following new section:*

10 **“§2919. Department of Defense participation in pro-**  
11 **grams for management of energy demand**  
12 **or reduction of energy usage during peak**  
13 **periods**

14 **“(a) PARTICIPATION IN DEMAND RESPONSE OR LOAD**  
15 **MANAGEMENT PROGRAMS.—The Secretary of Defense, the**  
16 **Secretaries of the military departments, the heads of the De-**  
17 **fense Agencies, and the heads of other instrumentalities of**  
18 **the Department of Defense are authorized to participate in**  
19 **demand response programs for the management of energy**  
20 **demand or the reduction of energy usage during peak peri-**  
21 **ods conducted by any of the following parties:**

22 **“(1) An electric utility**

23 **“(2) An independent system operator.**

24 **“(3) A State agency.**

1           “(4) *A third party entity (such as a demand re-*  
2           *ponse aggregator or curtailment service provider)*  
3           *implementing demand response programs on behalf of*  
4           *an electric utility, independent system operator, or*  
5           *State agency.*

6           “(b) *TREATMENT OF CERTAIN FINANCIAL INCEN-*  
7           *TIVES.—Financial incentives received from an entity speci-*  
8           *fied in subsection (a) shall be received in cash and deposited*  
9           *into the Treasury as a miscellaneous receipt. Amounts re-*  
10          *ceived shall be available for obligation only to the extent*  
11          *provided in advance in an appropriations Act. The Sec-*  
12          *retary concerned or the head of the Defense Agency or other*  
13          *instrumentality, as the case may be, shall pay for the cost*  
14          *of the design and implementation of these services in full*  
15          *in the year in which they are received from amounts pro-*  
16          *vided in advance in an appropriations Act.*

17          “(c) *USE OF CERTAIN FINANCIAL INCENTIVES.—Of the*  
18          *amounts derived from financial incentives awarded to a*  
19          *military installation as described in subsection (b) and pro-*  
20          *vided for in advance by an appropriations Act—*

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

23                 “(2) *not less than 30 percent shall be made*  
24                 *available for energy management initiatives at such*  
25                 *installation.”.*

1       **(b) CLERICAL AMENDMENT.**—*The table of sections at*  
 2 *the beginning of such subchapter is amended by adding at*  
 3 *the end the following new item:*

“2919. *Department of Defense participation in programs for management of energy demand or reduction of energy usage during peak periods.*”.

4                                   ***Subtitle E—Reports***

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

6       **(a) STUDY.**—

7               **(1) IN GENERAL.**—*Not later than 30 days after*  
 8 *the date of the enactment of this Act, the Secretary of*  
 9 *Defense shall enter into a contract with a Federally*  
 10 *Funded Research and Development Center (FFRDC)*  
 11 *to conduct a study on the current and planned*  
 12 *modularity structures of the Army to determine the*  
 13 *following:*

14                           **(A)** *The operational capability of the Army*  
 15 *to execute its core mission to contribute land*  
 16 *power to joint operations.*

17                           **(B)** *The ability to manage flexibility and*  
 18 *versatility of Army forces across the range of*  
 19 *military operations.*

20                           **(C)** *The tactical, operational, and strategic*  
 21 *risk associated with the heavy and light modular*  
 22 *combat brigades and functional brigades.*

23                           **(D)** *The required and planned end strength*  
 24 *for the Army.*

1           (2) *FACTORS TO CONSIDER.*—*The study required*  
2 *under subsection (a) shall take into consideration the*  
3 *following factors:*

4                   (A) *The Army’s historical experience with*  
5 *separate brigade structures.*

6                   (B) *The original Army analysis, including*  
7 *explicit or implicit assumptions, upon which the*  
8 *brigade combat team, functional brigade, and*  
9 *higher headquarters’ designs were based.*

10                  (C) *Subsequent analysis that confirmed or*  
11 *modified the original designs.*

12                  (D) *Lessons learned from Operations Iraqi*  
13 *Freedom and Enduring Freedom that confirmed*  
14 *or modified the original designs.*

15                  (E) *Improvements in brigade and head-*  
16 *quarters designs the Army has made or is imple-*  
17 *menting.*

18           (3) *ACCESS TO INFORMATION.*—*The Secretary of*  
19 *Defense and the Secretary of the Army shall ensure*  
20 *that the FFRDC conducting the study has access to*  
21 *all necessary data, records, analysis, personnel, and*  
22 *other resources necessary to complete the study.*

23           (b) *REPORT.*—*Not later than December 31, 2010, the*  
24 *Secretary of Defense shall submit to the congressional de-*  
25 *fense committees a report containing the results of the study*

1 *conducted under subsection (a), together with comments by*  
2 *the Chief of Staff of the Army and the Secretary of Defense.*

3 **SEC. 342. PLAN FOR MANAGING VEGETATIVE ENCROACH-**  
4 **MENT AT TRAINING RANGES.**

5 *Section 366(a)(5) of the Bob Stump National Defense*  
6 *Authorization Act for Fiscal Year 2003 (Public Law 107-*  
7 *314; 10 U.S.C. 113 note) is amended—*

8 *(1) by striking “(5) At the same time” and in-*  
9 *serting “(5)(A) At the same time”; and*

10 *(2) by adding at the end the following new sub-*  
11 *paragraph:*

12 *“(B) Beginning with the report submitted to Congress*  
13 *at the same time as the President submits the budget for*  
14 *fiscal year 2011, the report required under this subsection*  
15 *shall include the following:*

16 *“(i) An assessment of the extent to which vegeta-*  
17 *tion and overgrowth limits the use of military lands*  
18 *available for training of the Armed Forces in the*  
19 *United States and overseas.*

20 *“(ii) Identification of the particular installations*  
21 *and training areas at which vegetation and over-*  
22 *growth negatively impact the use of training space.*

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



1           “(II) As part of each subsequent report, any nec-  
2           essary updates to such plan.”.

3 **SEC. 343. REPORT ON STATUS OF AIR NATIONAL GUARD**  
4           **AND AIR FORCE RESERVE.**

5           *Not later than 180 days after the date of the enactment*  
6 *of this Act, the Secretary of Defense, in consultation with*  
7 *the Secretary of the Air Force, the Chief of the National*  
8 *Guard Bureau, the Director of the Air National Guard, the*  
9 *Chief of the Air Force Reserve, and such other officials as*  
10 *the Secretary of Defense considers appropriate, shall submit*  
11 *to Congress a report on—*

12           (1) *the status of the Air National Guard and the*  
13 *Air Force Reserve; and*

14           (2) *the plans of the Department of Defense to en-*  
15 *sure that the Air National Guard and the Air Force*  
16 *Reserve remain ready to meet the requirements of the*  
17 *Air Force and the combatant commands and for*  
18 *homeland defense.*

19 **TITLE IV—MILITARY PERSONNEL**  
20           **AUTHORIZATIONS**  
21           **Subtitle A—Active Forces**

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

23           *The Armed Forces are authorized strengths for active*  
24 *duty personnel as of September 30, 2010, as follows:*

25           (1) *The Army, 547,400.*

1           (2) *The Navy, 328,800.*

2           (3) *The Marine Corps, 202,100.*

3           (4) *The Air Force, 331,700.*

4 **SEC. 402. ADDITIONAL AUTHORITY FOR INCREASES OF**  
5 **ARMY ACTIVE-DUTY END STRENGTHS FOR**  
6 **FISCAL YEARS 2010, 2011, AND 2012.**

7           (a) *AUTHORITY TO INCREASE ARMY ACTIVE-DUTY*  
8 *END STRENGTH.—*

9           (1) *AUTHORITY.—For each of fiscal years 2010,*  
10 *2011, and 2012, the Secretary of Defense may, as the*  
11 *Secretary determines necessary for the purposes speci-*  
12 *fied in paragraph (2), establish the active-duty end*  
13 *strength for the Army at a number greater than the*  
14 *number otherwise authorized by law up to the number*  
15 *equal to the fiscal-year 2010 baseline plus 30,000.*

16           (2) *PURPOSE OF INCREASES.—The purposes for*  
17 *which an increase may be made in the active duty*  
18 *end strength for the Army under paragraph (1) are*  
19 *the following:*

20                   (A) *To increase dwell time for members of*  
21 *the Army on active duty.*

22                   (B) *To support operational missions.*

23                   (C) *To achieve reorganizational objectives,*  
24 *including increased unit manning, force sta-*

1            *bilization and shaping, and supporting wounded*  
2            *warriors.*

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

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

13            (d) *BUDGET TREATMENT.*—

14            (1) *IN GENERAL.*—*If the Secretary of Defense in-*  
15 *creases active-duty end strength for the Army for fis-*  
16 *cal year 2010 under subsection (a), the Secretary may*  
17 *fund such an increase through Department of Defense*  
18 *reserve funds or through an emergency supplemental*  
19 *appropriation.*

20            (2) *FISCAL YEARS 2011 AND 2012.*—(2) *If the Sec-*  
21 *retary of Defense plans to increase the active-duty end*  
22 *strength for the Army for fiscal year 2011 or 2012,*  
23 *the budget for the Department of Defense for such fis-*  
24 *cal year as submitted to Congress shall include the*  
25 *amounts necessary for funding the active-duty end*

1 *strength for the Army in excess of the fiscal-year 2010*  
2 *baseline.*

3 *(e) DEFINITIONS.—In this section:*

4 *(1) FISCAL-YEAR 2010 BASELINE.—The term “fis-*  
5 *cal-year 2010 baseline”, with respect to the Army,*  
6 *means the active-duty end strength authorized for the*  
7 *Army in section 401(1).*

8 *(2) ACTIVE-DUTY END STRENGTH.—The term*  
9 *“active-duty end strength”, with respect to the Army*  
10 *for a fiscal year, means the strength for active duty*  
11 *personnel of Army as of the last day of the fiscal year.*

## 12 ***Subtitle B—Reserve Forces***

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

14 *(a) IN GENERAL.—The Armed Forces are authorized*  
15 *strengths for Selected Reserve personnel of the reserve com-*  
16 *ponents as of September 30, 2010, as follows:*

17 *(1) The Army National Guard of the United*  
18 *States, 358,200.*

19 *(2) The Army Reserve, 205,000.*

20 *(3) The Navy Reserve, 65,500.*

21 *(4) The Marine Corps Reserve, 39,600.*

22 *(5) The Air National Guard of the United*  
23 *States, 106,700.*

24 *(6) The Air Force Reserve, 69,500.*

25 *(7) The Coast Guard Reserve, 10,000.*

1       (b) *ADJUSTMENTS.*—*The end strengths prescribed by*  
2 *subsection (a) for the Selected Reserve of any reserve compo-*  
3 *nent shall be proportionately reduced by—*

4           (1) *the total authorized strength of units orga-*  
5 *nized to serve as units of the Selected Reserve of such*  
6 *component which are on active duty (other than for*  
7 *training) at the end of the fiscal year; and*

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

14 *Whenever such units or such individual members are re-*  
15 *leased from active duty during any fiscal year, the end*  
16 *strength prescribed for such fiscal year for the Selected Re-*  
17 *serve of such reserve component shall be increased propor-*  
18 *tionately by the total authorized strengths of such units and*  
19 *by the total number of such individual members.*

20 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
21 **DUTY IN SUPPORT OF THE RESERVES.**

22       *Within the end strengths prescribed in section 411(a),*  
23 *the reserve components of the Armed Forces are authorized,*  
24 *as of September 30, 2010, the following number of Reserves*  
25 *to be serving on full-time active duty or full-time duty, in*

1 *the case of members of the National Guard, for the purpose*  
2 *of organizing, administering, recruiting, instructing, or*  
3 *training the reserve components:*

4           (1) *The Army National Guard of the United*  
5 *States, 32,060.*

6           (2) *The Army Reserve, 16,261.*

7           (3) *The Navy Reserve, 10,818.*

8           (4) *The Marine Corps Reserve, 2,261.*

9           (5) *The Air National Guard of the United*  
10 *States, 14,555.*

11           (6) *The Air Force Reserve, 2,896.*

12 **SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS**  
13 **(DUAL STATUS).**

14 *The minimum number of military technicians (dual*  
15 *status) as of the last day of fiscal year 2010 for the reserve*  
16 *components of the Army and the Air Force (notwith-*  
17 *standing section 129 of title 10, United States Code) shall*  
18 *be the following:*

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

20           (2) *For the Army National Guard of the United*  
21 *States, 27,210.*

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

23           (4) *For the Air National Guard of the United*  
24 *States, 22,313.*

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

3 (a) *LIMITATIONS.*—

4 (1) *NATIONAL GUARD.*—*Within the limitation*  
5 *provided in section 10217(c)(2) of title 10, United*  
6 *States Code, the number of non-dual status techni-*  
7 *cians employed by the National Guard as of Sep-*  
8 *tember 30, 2010, may not exceed the following:*

9 (A) *For the Army National Guard of the*  
10 *United States, 1,600.*

11 (B) *For the Air National Guard of the*  
12 *United States, 350.*

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

16 (3) *AIR FORCE RESERVE.*—*The number of non-*  
17 *dual status technicians employed by the Air Force*  
18 *Reserve as of September 30, 2010, may not exceed 90.*

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

1 **SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**  
2 **THORIZED TO BE ON ACTIVE DUTY FOR**  
3 **OPERATIONAL SUPPORT.**

4 *During fiscal year 2010, the maximum number of*  
5 *members of the reserve components of the Armed Forces who*  
6 *may be serving at any time on full-time operational sup-*  
7 *port duty under section 115(b) of title 10, United States*  
8 *Code, is the following:*

9 (1) *The Army National Guard of the United*  
10 *States, 17,000.*

11 (2) *The Army Reserve, 13,000.*

12 (3) *The Navy Reserve, 6,200.*

13 (4) *The Marine Corps Reserve, 3,000.*

14 (5) *The Air National Guard of the United*  
15 *States, 16,000.*

16 (6) *The Air Force Reserve, 14,000.*

17 **SEC. 416. REPORT ON TRAINEE ACCOUNT FOR THE ARMY**  
18 **NATIONAL GUARD.**

19 (a) *REPORT REQUIRED.—Not later than 180 days*  
20 *after the date of the enactment of this Act, the Secretary*  
21 *of the Army shall submit to the congressional defense com-*  
22 *mittees a report setting forth an assessment of the establish-*  
23 *ment within the Army National Guard of a trainees, tran-*  
24 *sients, holdees, and students account (commonly referred to*  
25 *as a “TTHS” account).*



1       (b) *ELEMENTS.*—*The report required by subsection (a)*  
2 *shall include an assessment of the feasibility and advis-*  
3 *ability of permitting the Army National Guard to have,*  
4 *without regard to its authorized end strength levels for a*  
5 *fiscal year, a trainees, transients, holdees, and students ac-*  
6 *count for assigning all members of the Army National*  
7 *Guard who have not completed initial entry training in*  
8 *order to ensure that all personnel of fully manned and*  
9 *deployable units of the Army National Guard have com-*  
10 *pleted initial entry training.*

11 **SEC. 417. AUTHORITY FOR SERVICE SECRETARY VARIANCES**

12                               **FOR SELECTED RESERVE END STRENGTHS.**

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

15       “(g) *AUTHORITY FOR SERVICE SECRETARY VARIANCES*  
16 *FOR ACTIVE-DUTY AND SELECTED RESERVE END*  
17 *STRENGTHS.*—(1) *Upon determination by the Secretary of*  
18 *a military department that such action would enhance*  
19 *manning and readiness in essential units or in critical spe-*  
20 *cialties or ratings, the Secretary may—*

21               “(A) *increase the end strength authorized pursu-*  
22 *ant to subsection (a)(1)(A) for a fiscal year for the*  
23 *armed force under the jurisdiction of that Secretary*  
24 *or, in the case of the Secretary of the Navy, for any*  
25 *of the armed forces under the jurisdiction of that Sec-*

1        *retary, by a number equal to not more than 2 percent*  
2        *of such authorized end strength; and*

3                *“(B) increase the end strength authorized pursu-*  
4        *ant to subsection (a)(2) for a fiscal year for the Se-*  
5        *lected Reserve of the reserve component of the armed*  
6        *force under the jurisdiction of that Secretary or, in*  
7        *the case of the Secretary of the Navy, for the Selected*  
8        *Reserve of the reserve component of any of the armed*  
9        *forces under the jurisdiction of that Secretary, by a*  
10        *number equal to not more than 2 percent of such au-*  
11        *thorized end strength.*

12                *“(2) Any increase under paragraph (1) of the end*  
13        *strength for an armed force or the Selected Reserve of a re-*  
14        *serve component of an armed force shall be counted as part*  
15        *of the increase for that armed force or Selected Reserve for*  
16        *that fiscal year authorized under subsection (f)(1) or sub-*  
17        *section (f)(3), respectively.”.*

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

20        ***SEC. 421. MILITARY PERSONNEL.***

21                *(a) AUTHORIZATION OF APPROPRIATIONS.—There is*  
22        *hereby authorized to be appropriated for fiscal year 2010*  
23        *for the Department of Defense for military personnel*  
24        *amounts as follows:*

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

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

3           (b) *CONSTRUCTION OF AUTHORIZATION.—The author-*  
4     *ization of appropriations in subsection (a) supersedes any*  
5     *other authorization of appropriations (definite or indefi-*  
6     *nite) for such purpose for fiscal year 2010.*

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

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

10    ***SEC. 501. MODIFICATION OF LIMITATIONS ON GENERAL***  
11                             ***AND FLAG OFFICERS ON ACTIVE DUTY.***

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

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

20                     “(1) *in the Army, if that appointment would re-*  
21     *sult in more than—*

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

23                             “(B) *45 officers in a grade above the grade*  
24     *of major general; or*

1           “(C) 90 officers in the grade of major gen-  
2           eral;

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

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

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

8           “(C) 73 officers in the grade of major gen-  
9           eral;

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

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

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

15          “(C) 50 officers in the grade of rear admi-  
16          ral;

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

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

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

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

24          “(b)(1) The limitations of subsection (a) do not include  
25          the following:

1           “(A) *An officer released from a joint duty as-*  
2           *signment, but only during the 60-day period begin-*  
3           *ning on the date the officer departs the joint duty as-*  
4           *signment, except that the Secretary of Defense may*  
5           *authorize the Secretary of a military department to*  
6           *extend the 60-day period by an additional 120 days,*  
7           *but no more than 3 officers from each armed forces*  
8           *may be on active duty who are excluded under this*  
9           *subparagraph.*

10           “(B) *An officer while serving in the position of*  
11           *Staff Judge Advocate to the Commandant of the Ma-*  
12           *rine Corps under section 5046 of this title.*

13           “(C) *The number of officers required to serve in*  
14           *joint duty assignments as authorized by the Secretary*  
15           *of Defense under section 526(b) for each military*  
16           *service.*

17           “(D) *An officer while serving as Chief of the Na-*  
18           *tional Guard Bureau.*

19           “(2) *An officer of the Army while serving as Super-*  
20           *intendent of the United States Military Academy, if serving*  
21           *in the grade of lieutenant general, is in addition to the*  
22           *number that would otherwise be permitted for the Army for*  
23           *officers serving on active duty in grades above major gen-*  
24           *eral under subsection (a). An officer of the Navy or Marine*  
25           *Corps while serving as Superintendent of the United States*

1 *Naval Academy, if serving in the grade of vice admiral or*  
2 *lieutenant general, is in addition to the number that would*  
3 *otherwise be permitted for the Navy or Marine Corps, re-*  
4 *spectively, for officers serving on active duty in grades*  
5 *above major general or rear admiral under subsection (a).*  
6 *An officer while serving as Superintendent of the United*  
7 *States Air Force Academy, if serving in the grade of lieu-*  
8 *tenant general, is in addition to the number that would*  
9 *otherwise be permitted for the Air Force for officers serving*  
10 *on active duty in grades above major general under sub-*  
11 *section (a).”.*

12 (b) *CLARIFICATION ON OFFSETTING REDUCTIONS.—*  
13 *Subsection (c) of such section is amended—*

14 (1) *in paragraph (1)—*

15 (A) *by amending subparagraph (A) to read*  
16 *as follows:*

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

23 (B) *in subparagraph (B), by striking “sub-*  
24 *section (b)(2)” and inserting “this section”;*

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

6           (3) in paragraph (3)(B), by striking “the num-  
7       ber equal to 15 percent of the total number of officers  
8       that may be serving on active duty in those grades in  
9       the Army, Navy, Air Force, and Marine Corps” and  
10      inserting “5”.

11      (c) *OTHER DISTRIBUTION CLARIFICATIONS.*—Such  
12      section is further amended—

13           (1) in subsection (e), by striking “In deter-  
14      mining the total number of general officers or flag of-  
15      ficers of an armed force on active duty for purposes  
16      of this section, the following officers shall not be  
17      counted:” in the matter preceding paragraph (1) and  
18      inserting “The following officers shall not be counted  
19      for purposes of this section:”; and

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

22      “(g) The limitations of this section do not apply to  
23      a reserve component general or flag officer who is on active  
24      duty and serving in a position that is a joint duty assign-

1 *ment for the purposes of chapter 38 of this title for a period*  
2 *not to exceed three years.”.*

3 (d) *CHANGE TO AUTHORIZED STRENGTHS.*—Sub-  
4 *section (a) of section 526 of such title is amended—*

5 (1) *in paragraph (1), by striking “307” and in-*  
6 *serting “230”;*

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

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

11 (4) *in paragraph (4), by striking “81” and in-*  
12 *serting “60”.*

13 (e) *CHANGES TO LIMITED EXCLUSION FOR JOINT*  
14 *DUTY REQUIREMENTS.*—Subsection (b) of such section is  
15 *amended—*

16 (1) *in paragraph (1)—*

17 (A) *by striking “Chairman of the Joint*  
18 *Chiefs of Staff” and inserting “Secretary of De-*  
19 *fense”;*

20 (B) *by striking “65” and inserting “324”;*  
21 *and*

22 (C) *by striking the second sentence and in-*  
23 *serting the following new sentence: “The Sec-*  
24 *retary of Defense shall allocate those exclusions*  
25 *to the armed forces based on the number of gen-*



1            *eral or flag officers required from each armed*  
2            *force for assignment to these designated posi-*  
3            *tions.”;*

4            *(2) by redesignating paragraph (2) as para-*  
5            *graph (4); and*

6            *(3) by inserting after paragraph (1) the fol-*  
7            *lowing new paragraphs:*

8            *“(2) Unless the Secretary of Defense determines that*  
9            *a lower number is in the best interest of the Department,*  
10           *the minimum number of officers serving in positions des-*  
11           *ignated under paragraph (1) for each armed force shall be*  
12           *as follows:*

13           *“(A) For the Army, 85.*

14           *“(B) For the Navy, 61.*

15           *“(C) For the Air Force, 76.*

16           *“(D) For the Marine Corps, 21.*

17           *“(3) The number excluded under paragraph (1) and*  
18           *servicing in positions designated under that paragraph—*

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

21           *“(B) in a grade above the grade of major general*  
22           *or rear admiral may not exceed 68; and*

23           *“(C) in the grade of major general or rear admi-*  
24           *ral may not exceed 144.”.*

1       (f) *OTHER AUTHORIZATION CLARIFICATIONS.*—Such  
2 section is further amended—

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

5       “(3) The limitations of this section do not apply to  
6 a reserve component general or flag officer who is on active  
7 duty and serving in a position that is a joint duty assign-  
8 ment for the purposes of chapter 38 of this title for a period  
9 not to exceed three years.”; and

10          (2) by adding at the end the following new sub-  
11 sections:

12       “(g) *TEMPORARY EXCLUSION FOR ASSIGNMENT TO*  
13 *CERTAIN TEMPORARY BILLETS.*—(1) The limitations in  
14 subsection (a) and in section 525(a) of this title do not  
15 apply to a general or flag officer assigned to a temporary  
16 joint duty assignment designated by the Secretary of De-  
17 fense.

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

22       “(h) *EXCLUSION OF OFFICERS DEPARTING FROM*  
23 *JOINT DUTY ASSIGNMENTS.*—The limitations in subsection  
24 (a) do not apply to an officer released from a joint duty  
25 assignment, but only during the 60-day period beginning

1 *on the date the officer departs the joint duty assignment;*  
2 *except that the Secretary of Defense may authorize the Sec-*  
3 *retary of a military department to extend the 60-day by*  
4 *an additional 120 days, but no more than 3 officers from*  
5 *each armed force may be on active duty who are excluded*  
6 *under this subsection.”.*

7 *(g) REPEAL OF LIMITATIONS ON GENERAL AND FLAG*  
8 *OFFICER ACTIVITIES OUTSIDE THE OFFICER’S OWN SERV-*  
9 *ICE.—*

10 *(1) REPEAL.—Section 721 of such title is re-*  
11 *pealed.*

12 *(2) CLERICAL AMENDMENT.—The table of sec-*  
13 *tions at the beginning of chapter 41 of such title is*  
14 *amended by striking the item relating to section 721.*

15 *(h) REPEAL OF SUPERSEDED AUTHORITY.—Section*  
16 *506 of the Duncan Hunter National Defense Authorization*  
17 *Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.*  
18 *4434; 10 U.S.C. 525 note) is repealed.*

19 **SEC. 502. REVISIONS TO ANNUAL REPORT REQUIREMENT**  
20 **ON JOINT OFFICER MANAGEMENT.**

21 *Section 667 of title 10, United States Code, is amend-*  
22 *ed—*

23 *(1) in paragraph (1)(A), by striking “and their*  
24 *education and experience”;*

25 *(2) by striking paragraph (3);*

1           (3) by transferring subparagraph (B) of para-  
2           graph (4) to the end of paragraph (1), redesignating  
3           that subparagraph as subparagraph (C), aligning  
4           that subparagraph with the margin of subparagraph  
5           (B) of paragraph (1), and capitalizing the first word  
6           of that subparagraph;

7           (4) by striking the remainder of paragraph (4),  
8           as amended by paragraph (3) of this section;

9           (5) by redesignating paragraph (5) as para-  
10          graph (3);

11          (6) by striking paragraph (6);

12          (7) by redesignating paragraphs (7) through (11)  
13          as paragraphs (4) through (8), respectively;

14          (8) by redesignating paragraph (12) as para-  
15          graph (9) and in that paragraph striking “each time  
16          the” and all that follows and inserting “the principal  
17          courses of instruction for Joint Professional Military  
18          Education Level II, the number of officers graduating  
19          from each of the following:

20                 “(A) The Joint Forces Staff College.

21                 “(B) The National Defense University.

22                 “(C) Senior Service Schools.”; and

23          (9) by redesignating paragraph (13) as para-  
24          graph (10).

1 **SEC. 503. GRADE OF LEGAL COUNSEL TO THE CHAIRMAN OF**  
2 **THE JOINT CHIEFS OF STAFF.**

3 (a) *IN GENERAL.*—Section 156(c) of title 10, United  
4 States Code, is amended by striking “, while so serving,  
5 hold the” and inserting “be appointed in the regular”.

6 (b) *EFFECTIVE DATE.*—The amendment made by sub-  
7 section (a) shall take effect on the date of the enactment  
8 of this Act, and shall apply with respect to individuals ap-  
9 pointed as Legal Counsel to the Chairman of the Joint  
10 Chiefs of Staff on or after that date.

11 **SEC. 504. CHIEF AND DEPUTY CHIEF OF CHAPLAINS OF THE**  
12 **AIR FORCE.**

13 (a) *IN GENERAL.*—Chapter 805 of title 10, United  
14 States Code, is amended by inserting after section 8038 the  
15 following new section:

16 **“§8039. Chief and Deputy Chief of Chaplains: ap-**  
17 **pointment; duties**

18 “(a) *CHIEF OF CHAPLAINS.*—(1) There is a Chief of  
19 Chaplains in the Air Force, who shall be appointed by the  
20 President, by and with the advice and consent of the Senate,  
21 from active duty officers of the Air Force Chaplain Corps  
22 serving in the grade of colonel or above who have served  
23 on active duty as a chaplain for at least eight years.

24 “(2) An officer appointed as the Chief of Chaplains  
25 shall be appointed for a term of three years. However, the

1 *President may terminate or extend the appointment at any*  
2 *time.*

3       “(3) *The Chief of Chaplains shall be appointed in the*  
4 *regular grade of major general.*

5       “(4) *The Chief of Chaplains shall perform such duties*  
6 *as may be prescribed by the Secretary of the Air Force and*  
7 *by law.*

8       “(b) *DEPUTY CHIEF OF CHAPLAINS.—(1) There is a*  
9 *Deputy Chief of Chaplains in the Air Force who shall be*  
10 *appointed by the President by and with the advice and con-*  
11 *sent of the Senate from active duty officers of the Air Force*  
12 *Chaplain Corps serving in the grade of colonel who have*  
13 *served on active duty as a chaplain for at least eight years.*

14       “(2) *An officer appointed as the Deputy Chief of Chap-*  
15 *lains shall be appointed for a term of three years. However,*  
16 *the President may terminate or extend the appointment at*  
17 *any time.*

18       “(3) *The Deputy Chief of Chaplains shall be appointed*  
19 *in the regular grade of brigadier general.*

20       “(4) *The Deputy Chief of Chaplains shall perform such*  
21 *duties as may be prescribed by the Secretary of the Air*  
22 *Force, the Chief of Chaplains, and by law.*

23       “(c) *SELECTION OF RECOMMENDED OFFICERS*  
24 *THROUGH SELECTION BOARD PROCEDURES.—Under regu-*  
25 *lations approved by the Secretary of Defense, the Secretary*

1 *of the Air Force in selecting an officer for recommendation*  
 2 *to the President under subsection (a) for appointment as*  
 3 *the Chief of Chaplains or under subsection (b) for appoint-*  
 4 *ment as the Deputy Chief of Chaplains shall ensure that*  
 5 *the officer selected is recommended by a board of officers*  
 6 *that, insofar as is practicable, is subject to the procedures*  
 7 *applicable to selection boards convened under chapter 36*  
 8 *of this title.”.*

9 (b) *CLERICAL AMENDMENT.—The table of sections at*  
 10 *the beginning of chapter 805 of such title is amended by*  
 11 *inserting after the item related to section 8038 the following*  
 12 *new item:*

*“8039. Chief and Deputy Chief of Chaplains: appointment; duties.”.*

13 ***Subtitle B—Reserve Component***  
 14 ***Management***

15 ***SEC. 511. REPORT ON REQUIREMENTS OF THE NATIONAL***  
 16 ***GUARD FOR NON-DUAL STATUS TECHN-***  
 17 ***CIANS.***

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 submit to the Committees on Armed Serv-*  
 21 *ices of the Senate and House of Representatives a report*  
 22 *setting forth the following:*

23 (1) *A description of the types of duties performed*  
 24 *for the National Guard by non-dual status techni-*  
 25 *cians.*

1           (2) *A description of the current requirements of*  
2 *the National Guard for non-dual status technicians.*

3           (3) *A description of various means of addressing*  
4 *any shortfalls in meeting such requirements, includ-*  
5 *ing both temporary shortfalls and permanent short-*  
6 *falls.*

7           (b) *CONSIDERATIONS.*—*The report required by sub-*  
8 *section (a) shall take into consideration the effects of the*  
9 *mobilization of large numbers of National Guard military*  
10 *technicians (dual status) on the readiness of National*  
11 *Guard units in critically important areas and on the ca-*  
12 *capacity of the National Guard to continue performing home-*  
13 *based missions and responsibilities for the States.*

## 14           ***Subtitle C—Education and*** 15           ***Training***

### 16 ***SEC. 521. GRADE OF COMMISSIONED OFFICERS IN UNI-*** 17           ***FORMED MEDICAL ACCESSION PROGRAMS.***

18           (a) *MEDICAL STUDENTS OF USUHS.*—*Section*  
19 *2114(b) of title 10, United States Code, is amended—*

20           (1) *in paragraph (1), by striking the second sen-*  
21 *tence and inserting the following new sentences:*

22           *“Each medical student shall be appointed as a reg-*  
23 *ular officer in the grade of second lieutenant or en-*  
24 *sign. An officer so appointed may, upon meeting such*  
25 *criteria for promotion as may be prescribed by the*



1     *Secretary concerned, be appointed in the regular*  
2     *grade of first lieutenant or lieutenant (junior grade).*  
3     *Medical students commissioned under this section*  
4     *shall serve on active duty in their respective grades.”;*  
5     *and*

6             *(2) in paragraph (2), by striking “grade of sec-*  
7     *ond lieutenant or ensign” and inserting “grade in*  
8     *which the member is serving under paragraph (1)”.*

9     ***(b) PARTICIPANTS IN HEALTH PROFESSIONS SCHOL-***  
10  ***ARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—Section***  
11  ***2121(c) of such title is amended—***

12             *(1) in paragraph (1), by striking the second sen-*  
13     *tence and inserting the following new sentences:*  
14     *“Each person so commissioned shall be appointed as*  
15     *a reserve officer in the grade of second lieutenant or*  
16     *ensign. An officer so appointed may, upon meeting*  
17     *such criteria for promotion as may be prescribed by*  
18     *the Secretary concerned, be appointed in the reserve*  
19     *grade of first lieutenant or lieutenant (junior grade).*  
20     *Medical students commissioned under this section*  
21     *shall serve on active duty in their respective grades*  
22     *for a period of 45 days during each year of participa-*  
23     *tion in the program.”; and*

1           (2) in paragraph (2), by striking “grade of sec-  
2           ond lieutenant or ensign” and inserting “grade in  
3           which the member is serving under paragraph (1)”.

4           (c) *OFFICERS DETAILED AS STUDENTS AT MEDICAL*  
5 *SCHOOLS.*—Subsection (e) of section 2004a of such title is  
6 amended—

7           (1) in the subsection heading, by striking “AP-  
8           POINTMENT AND TREATMENT OF PRIOR ACTIVE  
9           SERVICE” and inserting “SERVICE ON ACTIVE  
10          DUTY”; and

11          (2) by striking paragraph (1) and inserting the  
12          following new paragraph (1):

13          “(1) A commissioned officer detailed under subsection  
14 (a) shall serve on active duty, subject to the limitations on  
15 grade specified in section 2114(b)(1) of this title and with  
16 the entitlement to basic pay as specified in section  
17 2114(b)(2) of this title.”.

18 **SEC. 522. EXPANSION OF CRITERIA FOR APPOINTMENT AS**  
19                           **MEMBER OF THE BOARD OF REGENTS OF THE**  
20                           **UNIFORMED SERVICES UNIVERSITY OF THE**  
21                           **HEALTH SCIENCES.**

22          Section 2113a(b)(1) of title 10, United States Code, is  
23 amended by striking “health and health education” and in-  
24 serting “health care, higher education administration, and  
25 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 the  
5 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 training  
12 leading to the degree of Doctor of Philosophy in clinical  
13 psychology. No more than 25 officers from each military  
14 department may commence such training in any single fis-  
15 cal year.

16 “(b) *ELIGIBILITY FOR DETAIL.*—To be eligible for de-  
17 tail under subsection (a), an officer must be a citizen of  
18 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 psy-  
26 chological 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 of  
6           the officer’s training, on active duty (or on ac-  
7           tive duty and in the Selected Reserve) for a pe-  
8           riod as specified pursuant to subsection (c).

9           “(c) SERVICE OBLIGATION.—(1) Except as provided in  
10          paragraph (2), the agreement of an officer under subsection  
11          (b) shall provide that the officer shall serve on active duty  
12          for two years for each year or part thereof of the officer’s  
13          training under subsection (a).

14          “(2) The agreement of an officer may authorize the of-  
15          ficer to serve a portion of the officer’s service obligation on  
16          active duty and to complete the service obligation that re-  
17          mains upon separation from active duty in the Selected Re-  
18          serve. Under any such agreement, an officer shall serve three  
19          years in the Selected Reserve for each year or part thereof  
20          of the officer’s training under subsection (a) for any service  
21          obligation that was not completed before separation from  
22          active duty.

23          “(d) SELECTION OF OFFICERS FOR DETAIL.—Officers  
24          detailed for training under subsection (a) shall be selected

1 *on a competitive basis by the Secretary of the military de-*  
2 *partment 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 of-*  
10 *ficers under this section shall be paid from any funds ap-*  
11 *propriated for the military department concerned.*

12       “(g) *FAILURE TO COMPLETE PROGRAM.*—(1) *An offi-*  
13 *cer who is dropped from a program of psychological train-*  
14 *ing to which detailed under subsection (a) for deficiency*  
15 *in conduct or studies, or for other reasons, may be required*  
16 *to perform active duty in an appropriate military capacity*  
17 *in accordance with the active duty obligation imposed on*  
18 *the officer under regulations issued by the Secretary of De-*  
19 *fense 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 excess*  
22 *of one year for each year or part thereof the officer partici-*  
23 *pated in the program.*

24       “(h) *LIMITATION ON DETAILS.*—*No agreement detail-*  
25 *ing an officer of the armed forces to an accredited school*

1 *of psychology may be entered into during any period in*  
2 *which the President is authorized by law to induct persons*  
3 *into the armed forces involuntarily. Nothing in this sub-*  
4 *section shall affect any agreement entered into during any*  
5 *period when the President is not authorized by law to so*  
6 *induct persons into the armed forces.”.*

7       **(b) CLERICAL AMENDMENT.**—*The table of sections at*  
8 *the beginning of chapter 101 of such title is amended by*  
9 *inserting after the item relating to section 2004 the fol-*  
10 *lowing 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 the*  
14 *following new section:*

15 **“§9362. Air Force Academy athletic programs support**

16       **“(a) ESTABLISHMENT AUTHORIZED.—**

17               **“(1) IN GENERAL.**—*The Secretary of the Air*  
18 *Force may, in accordance with the laws of the State*  
19 *of incorporation, establish a corporation to support*  
20 *the athletic programs of the Academy (in this section*  
21 *referred to as the ‘corporation’). All stock of the cor-*  
22 *poration shall be owned by the United States and*  
23 *held in the name of and voted by the Secretary of the*  
24 *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 incorpo-*  
11           *ration, its articles of incorporation, and its bylaws.*

12           “(c) *CORPORATE BOARD OF DIRECTORS.*—

13           “(1) *COMPENSATION.*—*The members of the board*  
14           *of directors shall serve without compensation, except*  
15           *for reasonable travel and other related expenses for at-*  
16           *tendance at meetings.*

17           “(2) *AIR FORCE PERSONNEL.*—*The Secretary of*  
18           *the Air Force may authorize military and civilian*  
19           *personnel of the Air Force under section 1033 of this*  
20           *title to serve, in their official capacities, as members*  
21           *of the board of directors, but such personnel shall not*  
22           *hold more than one third of the directorships.*

23           “(d) *TRANSFER FROM NONAPPROPRIATED FUND OP-*  
24           *ERATION.*—*The Secretary of the Air Force may, subject to*  
25           *the acceptance of the corporation, transfer to the corpora-*

1 *tion all title to and ownership of the assets and liabilities*  
2 *of the Air Force nonappropriated fund instrumentality*  
3 *whose functions include providing support for the athletic*  
4 *programs of the Academy, including bank accounts and fi-*  
5 *nancial reserves in its accounts, equipment, supplies, and*  
6 *other personal property, but excluding any interest in real*  
7 *property.*

8       “(e) *ACCEPTANCE OF GIFTS.—The Secretary of the Air*  
9 *Force may accept from the corporation funds, supplies, and*  
10 *services for the support of cadets and Academy personnel*  
11 *during their participation in, or in support of, Academy*  
12 *or corporate events related to the Academy athletic pro-*  
13 *grams.*

14       “(f) *LEASING.—The Secretary of the Air Force may,*  
15 *in accordance with section 2667 of this title, lease real and*  
16 *personal property to the corporation for purposes related*  
17 *to the Academy athletic programs. Money rentals received*  
18 *from any such lease may be retained and spent by the Sec-*  
19 *retary to support athletic programs of the Academy.”.*

20       “(b) *CLERICAL AMENDMENT.—The table of sections at*  
21 *the beginning of such chapter is amended by inserting after*  
22 *the item relating to section 9361 the following new 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 U.S.C.*  
17    *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 for*  
24    *the purpose of providing assistance to local educational*

1 agencies under subsection (b) of such section 572, as amend-  
 2 ed by section 533 of this Act.

3 (c) *LOCAL EDUCATIONAL AGENCY DEFINED.*—In this  
 4 section, the term “local educational agency” has the mean-  
 5 ing given that term in section 8013(9) of the Elementary  
 6 and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

7 **SEC. 532. IMPACT AID FOR CHILDREN WITH SEVERE DIS-**  
 8 **ABILITIES.**

9 Of the amount authorized to be appropriated for fiscal  
 10 year 2010 pursuant to section 301(a)(5) for operation and  
 11 maintenance for Defense-wide activities, \$5,000,000 shall be  
 12 available for payments under section 363 of the Floyd D.  
 13 Spence National Defense Authorization Act for Fiscal Year  
 14 2001 (as enacted into law by Public Law 106-398; 114 Stat.  
 15 1654A-77; 20 U.S.C. 7703a).

16 **SEC. 533. TWO-YEAR EXTENSION OF AUTHORITY FOR AS-**  
 17 **SISTANCE TO LOCAL EDUCATIONAL AGEN-**  
 18 **CIES WITH ENROLLMENT CHANGES DUE TO**  
 19 **BASE CLOSURES, FORCE STRUCTURE**  
 20 **CHANGES, OR FORCE RELOCATIONS.**

21 Section 572(b)(4) of the National Defense Authoriza-  
 22 tion Act for Fiscal Year 2006 (Public Law 109-163; 119  
 23 Stat. 3271; 20 U.S.C. 7703b(b)(4)) is amended by striking  
 24 “September 30, 2010” and inserting “September 30, 2012”.

1 **SEC. 534. PERMANENT AUTHORITY FOR ENROLLMENT IN**  
2 **DEFENSE DEPENDENTS' EDUCATION SYSTEM**  
3 **OF DEPENDENTS OF FOREIGN MILITARY**  
4 **MEMBERS ASSIGNED TO SUPREME HEAD-**  
5 **QUARTERS ALLIED POWERS, EUROPE.**

6 (a) *PERMANENT AUTHORITY.*—Subsection (a)(2) of  
7 section 1404A of the Defense Dependents' Education Act of  
8 1978 (20 U.S.C. 923a) is amended by striking “, and only  
9 through the 2010–2011 school year”.

10 (b) *COMBATANT COMMANDER ADVICE AND ASSIST-*  
11 *ANCE.*—Subsection (c)(1) of such section is amended by in-  
12 serting after “Secretary” the following: “, with the advice  
13 and assistance of the commander of the geographic combat-  
14 ant command with jurisdiction over Mons, Belgium,”.

15 **SEC. 535. STUDY ON OPTIONS FOR EDUCATIONAL OPPOR-**  
16 **TUNITIES FOR DEPENDENT CHILDREN OF**  
17 **MEMBERS OF THE ARMED FORCES WHO DO**  
18 **NOT ATTEND DEPARTMENT OF DEFENSE DE-**  
19 **PENDENTS SCHOOLS.**

20 (a) *STUDY ON OPTIONS FOR EDUCATIONAL OPPORTU-*  
21 *NITIES.*—

22 (1) *STUDY REQUIRED.*—The Secretary of Defense  
23 shall, in consultation with the Secretary of Edu-  
24 cation, conduct a study on options for educational op-  
25 portunities that are, or may be, available for depend-  
26 ent children of members of the Armed Forces who do

1     *not attend Department of Defense dependents' schools*  
2     *when the public elementary and secondary schools at-*  
3     *tended by such children are determined to be in need*  
4     *of improvement pursuant to the No Child Left Behind*  
5     *Act of 2001 (Public Law 110–117).*

6             (2) *OPTIONS.—The options to be considered*  
7     *under the study required by paragraph (1) shall in-*  
8     *clude the following:*

9                     (A) *Vouchers.*

10                    (B) *Education provided by the Department*  
11     *of Defense through the Internet.*

12                    (C) *Charter schools.*

13                    (D) *Such other options as the Secretary of*  
14     *Defense, in consultation with the Secretary of*  
15     *Education, considers appropriate for purposes of*  
16     *the study.*

17             (3) *ELEMENTS.—The study required by para-*  
18     *graph (1) shall address the following matters:*

19                    (A) *The challenges faced by parents in mili-*  
20     *tary families in securing quality elementary and*  
21     *secondary education for their children when the*  
22     *public elementary and secondary schools at-*  
23     *tended by their children are identified as being*  
24     *in need of improvement.*

1           (B) *The extent to which perceptions of dif-*  
2 *fering degrees of quality in public elementary*  
3 *and secondary schools in different regions of the*  
4 *United States affect plans of military families to*  
5 *relocate, including relocation pursuant to a per-*  
6 *manent change of duty station.*

7           (C) *The various reasons why military fami-*  
8 *lies seek educational opportunities for their chil-*  
9 *dren other than those available through local*  
10 *public elementary and secondary schools.*

11           (D) *The current level of student achievement*  
12 *in public elementary and secondary schools in*  
13 *school districts which have a high percentage of*  
14 *students who are children of military families.*

15           (E) *The educational needs of children of*  
16 *military families who are required by location to*  
17 *attend public elementary and secondary schools*  
18 *identified as being in need of improvement.*

19           (F) *The value and impact of a school vouch-*  
20 *er or other alternative educational program for*  
21 *military families.*

22           (G) *The extent to which the options referred*  
23 *to in paragraph (2) would provide a meaningful*  
24 *option for education for military children when*  
25 *the public elementary and secondary schools at-*

1           *tended by such children are determined to be in*  
2           *need of improvement.*

3           *(H) The extent to which the options referred*  
4           *to in paragraph (2) would improve the quality*  
5           *of education available for students with special*  
6           *needs, including students with learning disabil-*  
7           *ities and gifted students.*

8           *(I) Such other matters as the Secretary of*  
9           *Defense, in consultation with the Secretary of*  
10          *Education, considers appropriate for purposes of*  
11          *the study.*

12          *(b) REPORT.—Not later than March 31, 2010, the Sec-*  
13          *retary of Defense shall submit to the Committee on Armed*  
14          *Services of the Senate and the Committee on Armed Serv-*  
15          *ices of the House of Representatives a report on the study*  
16          *required by subsection (b). The report shall include the fol-*  
17          *lowing:*

18                 *(1) A description of the results of the study.*

19                 *(2) Such recommendations for legislative or ad-*  
20                 *ministrative action as the Secretary of Defense con-*  
21                 *siders appropriate in light of the results of the study.*

1 **SEC. 536. SENSE OF SENATE ON THE INTERSTATE COMPACT**  
2 **ON EDUCATIONAL OPPORTUNITY FOR MILI-**  
3 **TARY CHILDREN.**

4 (a) *FINDINGS.*—*The Senate makes the following find-*  
5 *ings:*

6 (1) *The incongruity in how States assess and en-*  
7 *roll transfer students creates challenges for the moving*  
8 *military family and can, in some cases, be detri-*  
9 *mental to the higher education opportunities of mili-*  
10 *tary children.*

11 (2) *The inability to transfer credits, maintain*  
12 *the proper number of school-year hours, missing*  
13 *exams, and other obstacles can make moving as a*  
14 *military family difficult.*

15 (3) *The average military child moves six to nine*  
16 *times between kindergarten and high school gradua-*  
17 *tion, creating a variety of challenges and obstacles re-*  
18 *lated to permanent change of station moves.*

19 (4) *The demands and strains on members of the*  
20 *Armed Forces and their families continue to increase*  
21 *and will do so for the foreseeable future as the United*  
22 *States continues overseas contingency operations, and*  
23 *children and adolescents are acutely vulnerable to*  
24 *family stresses caused by the high operational tempo*  
25 *and may therefore be at a heightened risk for emo-*  
26 *tional distress.*

1           (5) *The routine of the school environment can be*  
2 *a source of stability for military children as they cope*  
3 *with the disruptive challenges caused by the deploy-*  
4 *ment of a parent or a relocation.*

5           (b) *SENSE OF SENATE.—It is the sense of the Senate*  
6 *to—*

7           (1) *express strong support and commendation for*  
8 *Alabama, Alaska, Arizona, Colorado, Connecticut,*  
9 *Delaware, Florida, Hawaii, Indiana, Iowa, Kansas,*  
10 *Kentucky, Maryland, Michigan, Mississippi, Mis-*  
11 *souri, Nevada, North Carolina, Oklahoma, Texas, Vir-*  
12 *ginia, and Washington as States that have success-*  
13 *fully enacted the Interstate Compact on Educational*  
14 *Opportunity for Military Children;*

15           (2) *express its strong support and encourage all*  
16 *remaining States to enact the Interstate Compact on*  
17 *Educational Opportunity for Military Children;*

18           (3) *recognize the importance of the components*  
19 *of the Interstate Compact on Educational Oppor-*  
20 *tunity for Military Children, including—*

21           (A) *the transfer of educational records to ex-*  
22 *pedite the proper enrollment and placement of*  
23 *students;*

24           (B) *the ability of students to continue their*  
25 *enrollment at a grade level in the receiving State*



1           *commensurate with their grade level from the*  
2           *sending State;*

3           *(C) priority for attendance to children of*  
4           *members of the Armed Forces assuming the*  
5           *school district accepts transfer students;*

6           *(D) the ability of students to continue their*  
7           *course placement, including but not limited to*  
8           *Honors, International Baccalaureate, Advanced*  
9           *Placement, vocational, technical, and career*  
10          *pathways courses;*

11          *(E) the recalculation of grades to consider*  
12          *the weights offered by a receiving school for the*  
13          *same performance in the same course when a*  
14          *student transfers from one grading system to an-*  
15          *other system (for example, number-based system*  
16          *to letter-based system);*

17          *(F) the waiver of specific courses required*  
18          *for graduation if similar course work has been*  
19          *satisfactorily completed in another local edu-*  
20          *cation agency or the provision of an alternative*  
21          *means of acquiring required coursework so that*  
22          *graduation may occur on time; and*

23          *(G) the recognition of an appointed guard-*  
24          *ian as a custodial parent while the child's par-*  
25          *ent or parents are deployed; and*

1           (4) *express strong support for States to develop*  
2           *a State Council to provide for the coordination*  
3           *among their agencies of government, local education*  
4           *agencies, and military installations concerning the*  
5           *participation of a State in the Interstate Compact on*  
6           *Educational Opportunity for Military Children.*

7   **SEC. 537. COMPTROLLER GENERAL AUDIT OF ASSISTANCE**  
8                   **TO LOCAL EDUCATIONAL AGENCIES FOR DE-**  
9                   **PENDENT CHILDREN OF MEMBERS OF THE**  
10                   **ARMED FORCES.**

11           (a) *IN GENERAL.*—*The Comptroller General of the*  
12           *United States shall conduct an audit of the utilization by*  
13           *local educational agencies of the assistance specified in sub-*  
14           *section (b) provided to such agencies for fiscal years 2001*  
15           *through 2009 for the education of dependent children of*  
16           *members of the Armed Forces. The audit shall include—*

17                   (1) *an evaluation of the utilization of such as-*  
18                   *stance by such agencies; and*

19                   (2) *an assessment of the effectiveness of such as-*  
20                   *stance in improving the quality of education pro-*  
21                   *vided to dependent children of members of the Armed*  
22                   *Forces.*

23           (b) *ASSISTANCE SPECIFIED.*—*The assistance specified*  
24           *in this subsection is—*

25                   (1) *assistance provided under—*

1           (A) *section 572 of the National Defense Au-*  
2           *thorization Act for Fiscal Year 2006 (Public*  
3           *Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b);*

4           (B) *section 559 of the Ronald W. Reagan*  
5           *National Defense Authorization Act for Fiscal*  
6           *Year 2005 (Public Law 108–375; 118 Stat.*  
7           *1917);*

8           (C) *section 536 of the National Defense Au-*  
9           *thorization Act for Fiscal Year 2004 (Public*  
10          *Law 108–136; 117 Stat. 1474);*

11          (D) *section 341 of the Bob Stump National*  
12          *Defense Authorization Act for Fiscal Year 2003*  
13          *(Public Law 107–314; 116 Stat. 2514);*

14          (E) *section 351 of the National Defense Au-*  
15          *thorization Act for Fiscal Year 2002 (Public*  
16          *Law 107–107; 115 Stat. 1063); or*

17          (F) *section 362 of the Floyd D. Spence Na-*  
18          *tional Defense Authorization Act for Fiscal Year*  
19          *2001 (as enacted into law by Public Law 106–*  
20          *398; 114 Stat. 1654A–76); and*

21          (2) *payments made under section 363 of the*  
22          *Floyd D. Spence National Defense Authorization Act*  
23          *for Fiscal Year 2001 (as enacted into law by Public*  
24          *Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).*

1       (c) *REPORT.*—Not later than March 1, 2010, the  
 2 *Comptroller General shall submit to the congressional de-*  
 3 *fense committees a report containing the results of the audit*  
 4 *required by subsection (a).*

5 **SEC. 538. AUTHORITY TO EXTEND ELIGIBILITY FOR EN-**  
 6 **ROLLMENT IN DEPARTMENT OF DEFENSE EL-**  
 7 **EMENTARY AND SECONDARY SCHOOLS TO**  
 8 **CERTAIN ADDITIONAL CATEGORIES OF DE-**  
 9 **PENDENTS.**

10       Section 2164 of title 10, United States Code, is amend-  
 11 *ed by adding at the end the following new subsection:*

12       “(j) *TUITION-FREE ENROLLMENT OF DEPENDENTS OF*  
 13 *FOREIGN MILITARY PERSONNEL RESIDING ON DOMESTIC*  
 14 *MILITARY INSTALLATIONS AND DEPENDENTS OF CERTAIN*  
 15 *DECEASED MEMBERS OF THE ARMED FORCES.*—(1) *The*  
 16 *Secretary may authorize the enrollment in an education*  
 17 *program provided by the Secretary pursuant to subsection*  
 18 *(a) of a dependent not otherwise eligible for such enrollment*  
 19 *who is the dependent of an individual described in para-*  
 20 *graph (2). Enrollment of such a dependent shall be on a*  
 21 *tuition-free basis.*

22       “(2) *An individual referred to in paragraph (1) is any*  
 23 *of the following:*

24               “(A) *A member of a foreign armed force residing*  
 25 *on a military installation in the United States (in-*

1 *cluding territories, commonwealths, and possessions of*  
2 *the United States).*

3 *“(B) A deceased member of the armed forces who*  
4 *died in the line of duty in a combat-related operation,*  
5 *as designated by the Secretary.”.*

6 ***Subtitle E—Military Justice and***  
7 ***Legal Assistance Matters***

8 ***SEC. 541. INDEPENDENT REVIEW OF JUDGE ADVOCATE RE-***  
9 ***QUIREMENTS OF THE DEPARTMENT OF THE***  
10 ***NAVY.***

11 *(a) INDEPENDENT PANEL FOR REVIEW.—*

12 *(1) ESTABLISHMENT.—There is hereby estab-*  
13 *lished an independent panel to review the judge advo-*  
14 *cate requirements of the Department of the Navy.*

15 *(2) COMPOSITION.—The panel shall be composed*  
16 *of five members, appointed by the Secretary of De-*  
17 *fense from among private United States citizens who*  
18 *have expertise in law, military manpower policies,*  
19 *the missions of the Navy and Marine Corps, and the*  
20 *current responsibilities of Navy and Marine Corps*  
21 *judge advocates in ensuring competent legal represen-*  
22 *tation and advice to commanders.*

23 *(3) CHAIR.—The chair of the panel shall be ap-*  
24 *pointed by the Secretary from among the members of*  
25 *the panel appointed under paragraph (2).*

1           (4) *PERIOD OF APPOINTMENT; VACANCIES.*—  
2           *Members shall be appointed for the life of the panel.*  
3           *Any vacancy in the panel shall be filled in the same*  
4           *manner as the original appointment.*

5           (5) *MEETINGS.*—*The panel shall meet at the call*  
6           *of the chair.*

7           (6) *DEADLINE FOR APPOINTMENTS.*—*All original*  
8           *appointments to the panel shall be made not later*  
9           *than April 1, 2010.*

10          (7) *FIRST MEETING.*—*The chair shall call the*  
11          *first meeting of the panel not later than June 1, 2010.*

12          (b) *DUTIES.*—

13               (1) *IN GENERAL.*—*The panel established under*  
14               *subsection (a) shall carry out a study of the policies*  
15               *and management and organizational practices of the*  
16               *Navy and Marine Corps with respect to the respon-*  
17               *sibilities, assignment, and career development of judge*  
18               *advocates for purposes of determining the number of*  
19               *judge advocates required to fulfill the legal mission of*  
20               *the Department of the Navy.*

21               (2) *REVIEW.*—*In carrying out the study required*  
22               *by paragraph (1), the panel shall—*

23                       (A) *review the emergent operational law re-*  
24                       *quirements of the Navy and Marine Corps, in-*  
25                       *cluding requirements for judge advocates on joint*

1           *task forces, in support of rule of law objectives in*  
2           *Iraq and Afghanistan, and in operational units;*

3                     *(B) review new requirements to support the*  
4           *Office of Military Commissions and to support*  
5           *the disability evaluation system for members of*  
6           *the Armed Forces;*

7                     *(C) review the judge advocate requirements*  
8           *of the Department of the Navy for the military*  
9           *justice mission, including assignment policies,*  
10          *training and education, increasing complexity of*  
11          *court-martial litigation, and the performance of*  
12          *the Navy and Marine Corps in providing legally*  
13          *sufficient post-trial processing of cases in general*  
14          *courts-martial and special courts-martial;*

15                    *(D) review the role of the Judge Advocate*  
16          *General of the Navy, as the senior uniformed*  
17          *legal officer of the Department of the Navy, to*  
18          *determine whether additional authority for the*  
19          *Judge Advocate General over manpower policies*  
20          *and assignments of judge advocates in the Navy*  
21          *and Marine Corps is warranted;*

22                    *(E) review directives issued by the Navy*  
23          *and the Marine Corps pertaining to jointly-*  
24          *shared missions requiring legal support;*

1           (F) review career patterns for Marine Corps  
2           judge advocates in order to identify and validate  
3           assignments to nonlegal billets required for pro-  
4           fessional development and promotion; and

5           (G) review, evaluate, and assess such other  
6           matters and materials as the panel considers ap-  
7           propriate for purposes of the study.

8           (3) UTILIZATION OF OTHER STUDIES.—In car-  
9           rying out the study required by paragraph (1), the  
10          panel may review, and incorporate as appropriate,  
11          the findings of applicable ongoing and completed  
12          studies in future manpower requirements, including  
13          the two-part study by CNA Analysis and Solutions  
14          entitled “An Analysis of Navy JAG Corps Future  
15          Manpower Requirements”.

16          (4) REPORT.—Not later than 120 days after its  
17          first meeting under subsection (a)(7), the panel shall  
18          submit to the Secretary of Defense and the Commit-  
19          tees on Armed Services of the Senate and the House  
20          of Representatives a report on the study. The report  
21          shall include—

22               (A) the findings and conclusions of the  
23               panel as a result of the study; and



1           (B) any recommendations for legislative or  
2           administrative action that the panel considers  
3           appropriate in light of the study.

4           (c) *PERSONNEL MATTERS.*—

5           (1) *PAY OF MEMBERS.*—(A) Members of the  
6           panel established under subsection (a) shall serve  
7           without pay by reason of their work on the panel.

8           (B) Section 1342 of title 31, United States Code,  
9           shall not apply to the acceptance of services of a  
10          member of the panel under this section.

11          (2) *TRAVEL EXPENSES.*—The members of the  
12          panel shall be allowed travel expenses, including per  
13          diem in lieu of subsistence, at rates authorized for  
14          employees of agencies under subchapter I of chapter  
15          57 of title 5, United States Code, while away from  
16          their homes or regular places of business in the per-  
17          formance or services for the panel.

## 18           ***Subtitle F—Military Family***

### 19                   ***Readiness Matters***

20          ***SEC. 551. ADDITIONAL MEMBERS ON THE DEPARTMENT OF***  
21                   ***DEFENSE MILITARY FAMILY READINESS***  
22                   ***COUNCIL.***

23          Section 1781a(b)(1) of title 10, United States Code, is  
24          amended—

1           (1) by redesignating subparagraphs (C) and (D)  
2 as subparagraphs (D) and (E), respectively;

3           (2) by inserting after subparagraph (B) the fol-  
4 lowing new subparagraph (C):

5           “(C) In addition to the representatives appointed  
6 under subparagraph (B)—

7                 “(i) one representative from the National  
8 Guard, who shall be appointed by the Secretary  
9 of Defense; and

10                “(ii) one representative from a reserve com-  
11 ponent of the armed forces (other than the Na-  
12 tional Guard), who shall be so appointed.”; and

13           (3) in subparagraph (E), as redesignated by  
14 paragraph (1), by striking “subparagraph (B)” and  
15 inserting “subparagraphs (B) and (C)”.

16 **SEC. 552. COMPREHENSIVE PLAN ON PREVENTION, DIAG-**  
17 **NOSIS, AND TREATMENT OF SUBSTANCE USE**  
18 **DISORDERS AND DISPOSITION OF SUB-**  
19 **STANCE ABUSE OFFENDERS IN THE ARMED**  
20 **FORCES.**

21           (a) *REVIEW AND ASSESSMENT OF CURRENT CAPABILI-*  
22 *TIES.*—

23           (1) *IN GENERAL.*—Not later than 180 days after  
24 the date of the enactment of this Act, the Secretary of  
25 Defense shall, in consultation with the Secretaries of

1     *the military departments, conduct a comprehensive*  
2     *review of the following:*

3             *(A) The programs and activities of the De-*  
4             *partment of Defense for the prevention, diag-*  
5             *nosis, and treatment of substance use disorders*  
6             *in members of the Armed Forces.*

7             *(B) The policies of the Department of De-*  
8             *fense relating to the disposition of substance*  
9             *abuse offenders in the Armed Forces, including*  
10            *disciplinary action and administrative separa-*  
11            *tion.*

12            *(2) ELEMENTS.—The review conducted under*  
13            *paragraph (1) shall include, but not be limited to, an*  
14            *assessment of each of the following:*

15            *(A) The current state and effectiveness of the*  
16            *programs of the Department of Defense and the*  
17            *military departments relating to the prevention,*  
18            *diagnosis, and treatment of substance use dis-*  
19            *orders.*

20            *(B) The adequacy of the availability of and*  
21            *access to care for substance abusers in military*  
22            *medical treatment facilities and under the*  
23            *TRICARE program.*

24            *(C) The adequacy of oversight by the De-*  
25            *partment of Defense of programs relating to the*

1           *prevention, diagnosis, and treatment of substance*  
2           *abuse in members of the Armed Forces.*

3           *(D) The adequacy and appropriateness of*  
4           *current credentials and other requirements for*  
5           *healthcare professionals treating members of the*  
6           *Armed Forces with substance use disorders.*

7           *(E) The advisable ratio of physician and*  
8           *nonphysician care providers for substance use*  
9           *disorders to members of the Armed Forces with*  
10          *such disorders.*

11          *(F) The adequacy and appropriateness of*  
12          *protocols and directives for the diagnosis and*  
13          *treatment of substance use disorders in members*  
14          *of the Armed Forces and for the disposition, in-*  
15          *cluding disciplinary action and administrative*  
16          *separation, of members of the Armed Forces who*  
17          *abuse substances.*

18          *(G) The adequacy of the availability of and*  
19          *access to care for substance use disorders for*  
20          *members of the reserve components of the Armed*  
21          *Forces, including an identification of any obsta-*  
22          *cles that are unique to the prevention, diagnosis,*  
23          *and treatment of substance use disorders and the*  
24          *appropriate disposition of substance abuse of-*  
25          *fenders (including disciplinary action and ad-*

1           *ministrative separation) in members of the re-*  
2           *serve components of the Armed Forces.*

3           *(H) The adequacy of the prevention, diag-*  
4           *nosis, and treatment of substance use disorders*  
5           *in family members of members of the Armed*  
6           *Forces.*

7           *(I) Any gaps in the current capabilities of*  
8           *the Department of Defense for the prevention, di-*  
9           *agnosis, and treatment of substance use disorders*  
10          *in members of the Armed Forces.*

11          *(3) REPORT.—Not later than 180 days after the*  
12          *date of the enactment of this Act, the Secretary of De-*  
13          *fense shall submit to the Committees on Armed Serv-*  
14          *ices of the Senate and the House of Representatives a*  
15          *report setting forth the findings and recommendations*  
16          *of the Secretary as a result of the review conducted*  
17          *under paragraph (1). The report shall—*

18                 *(A) set forth the findings and recommenda-*  
19                 *tions of the Secretary regarding each element of*  
20                 *the review specified in paragraph (2);*

21                 *(B) set forth relevant statistics on the fre-*  
22                 *quency of substance use disorders, disciplinary*  
23                 *actions, and administrative separations for sub-*  
24                 *stance abuse in members of the regular compo-*  
25                 *nents of the Armed Forces, members of the re-*

1           *serve component of the Armed Forces, and to the*  
2           *extent applicable, depends of such members*  
3           *(including spouses and children); and*

4           (C) *include such other findings and rec-*  
5           *ommendations on improvements to the current*  
6           *capabilities of the Department of Defense for the*  
7           *prevention, diagnosis, and treatment of substance*  
8           *use disorders in members of the Armed Forces*  
9           *and the policies relating to the disposition, in-*  
10          *cluding disciplinary action and administrative*  
11          *separation, of members of the Armed Forces for*  
12          *substance abuse, as the Secretary considers ap-*  
13          *propriate.*

14          (b) *PLAN FOR IMPROVEMENT AND ENHANCEMENT OF*  
15 *PROGRAMS AND POLICIES.—*

16           (1) *PLAN REQUIRED.—Not later than 270 days*  
17          *after the date of the enactment of this Act, the Sec-*  
18          *retary of Defense shall submit to the congressional de-*  
19          *fense committees a comprehensive plan for the im-*  
20          *provement and enhancement of the following:*

21           (A) *The programs and activities of the De-*  
22          *partment of Defense for the prevention, diag-*  
23          *nosis, and treatment of substance use disorders*  
24          *in members of the Armed Forces and their de-*  
25          *pendent family members.*

1           (B) *The policies of the Department of De-*  
2 *fense relating to the disposition of substance*  
3 *abuse offenders in the Armed Forces, including*  
4 *disciplinary action and administrative separa-*  
5 *tion.*

6           (2) *BASIS.—The comprehensive plan required by*  
7 *paragraph (1) shall take into account the following:*

8           (A) *The results of the review and assessment*  
9 *conducted under subsection (a).*

10           (B) *Similar initiatives of the Secretary of*  
11 *Veterans Affairs to expand and improve care for*  
12 *substance use disorders among veterans, includ-*  
13 *ing the programs and activities conducted under*  
14 *title I of the Veterans' Mental Health and Other*  
15 *Care Improvements Act of 2008 (Public Law*  
16 *110–387; 112 Stat. 4112).*

17           (3) *COMPREHENSIVE STATEMENT OF POLICY.—*  
18 *The comprehensive plan required by paragraph (1)*  
19 *shall include a comprehensive statement of the fol-*  
20 *lowing:*

21           (A) *The policy of the Department of Defense*  
22 *regarding the prevention, diagnosis, and treat-*  
23 *ment of substance use disorders in members of*  
24 *the Armed Forces and their dependent family*  
25 *members.*

1           (B) *The policies of the Department of De-*  
2           *fense relating to the disposition of substance*  
3           *abuse offenders in the Armed Forces, including*  
4           *disciplinary action and administrative separa-*  
5           *tion.*

6           (4) *AVAILABILITY OF SERVICES AND TREAT-*  
7           *MENT.—The comprehensive plan required by para-*  
8           *graph (1) shall include mechanisms to ensure the*  
9           *availability to members of the Armed Forces and*  
10          *their dependent family members of a core of evidence-*  
11          *based practices across the spectrum of medical and*  
12          *non-medial services and treatments for substance use*  
13          *disorders.*

14          (5) *PREVENTION AND REDUCTION OF DIS-*  
15          *ORDERS.—The comprehensive plan required by para-*  
16          *graph (1) shall include mechanisms to facilitate the*  
17          *prevention and reduction of substance use disorders*  
18          *in members of the Armed Forces through science-based*  
19          *initiatives, including education programs, for mem-*  
20          *bers of the Armed Forces and their families.*

21          (6) *SPECIFIC INSTRUCTIONS.—The comprehen-*  
22          *sive plan required by paragraph (1) shall include*  
23          *each of the following:*

24                 (A) *SUBSTANCES OF ABUSE.—Instructions*  
25                 *on the prevention, diagnosis, and treatment of*



1 *substance abuse in members of the Armed Forces,*  
2 *including the abuse of alcohol, illicit drugs, and*  
3 *nonmedical use and abuse of prescription drugs.*

4 (B) *HEALTHCARE PROFESSIONALS.—In-*  
5 *structions on—*

6 (i) *appropriate training of healthcare*  
7 *professionals in the prevention, screening,*  
8 *diagnosis, and treatment of substance use*  
9 *disorders in members of the Armed Forces;*

10 (ii) *appropriate staffing levels for*  
11 *healthcare professionals at military medical*  
12 *treatment facilities for the prevention,*  
13 *screening, diagnosis, and treatment of sub-*  
14 *stance use disorders in members of the*  
15 *Armed Forces; and*

16 (iii) *such uniform training and*  
17 *credentialing requirements for physician*  
18 *and nonphysician healthcare professionals*  
19 *in the prevention, screening, diagnosis, and*  
20 *treatment of substance use disorders in*  
21 *members of the Armed Forces as the Sec-*  
22 *retary considers appropriate.*

23 (C) *SERVICES FOR DEPENDENT FAMILY*  
24 *MEMBERS.—Instructions on the availability of*  
25 *services for substance use disorders for dependent*

1       *family members of members of the Armed Forces,*  
2       *including instructions on making such services*  
3       *available to such dependents to the maximum ex-*  
4       *tent practicable.*

5               (D) *RELATIONSHIP BETWEEN DISCIPLINARY*  
6       *ACTION AND TREATMENT.—Policy on the rela-*  
7       *tionship between disciplinary actions and ad-*  
8       *ministrative separation processing and preven-*  
9       *tion and treatment of substance use disorders in*  
10       *members of the Armed Forces.*

11              (E) *CONFIDENTIALITY.—Recommendations*  
12       *regarding policies pertaining to confidentiality*  
13       *for members of the Armed Forces in seeking or*  
14       *receiving services or treatment for substance use*  
15       *disorders.*

16              (F) *PARTICIPATION OF CHAIN OF COM-*  
17       *MAND.—Policy on appropriate consultation, ref-*  
18       *erence to, and involvement of the chain of com-*  
19       *mand of members of the Armed Forces in mat-*  
20       *ters relating to the diagnosis and treatment of*  
21       *substance abuse and disposition of military*  
22       *members who abuse substances.*

23              (G) *CONSIDERATION OF GENDER.—Instruc-*  
24       *tions on gender specific requirements, if appro-*  
25       *priate, in the prevention, diagnosis, treatment,*

1           *and management of substance use disorders in*  
2           *members of the Armed Forces, including gender*  
3           *specific care and treatment requirements.*

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 disorder*  
11          *(PTSD) and depression) and suicide prevention.*

12          (7) OTHER ELEMENTS.—*In addition to the mat-*  
13          *ters specified in paragraph (3), the comprehensive*  
14          *plan required by paragraph (1) shall include the fol-*  
15          *lowing:*

16               (A) IMPLEMENTATION PLAN.—*An imple-*  
17               *mentation plan for the achievement of the goals*  
18               *of the comprehensive plan, including goals relat-*  
19               *ing to the following:*

20                       (i) *Enhanced education of members of*  
21                       *the Armed Forces and their families regard-*  
22                       *ing substance use disorders.*

23                       (ii) *Enhanced and improved identi-*  
24                       *fication and diagnosis of substance use dis-*

1                    *orders in members of the Armed Forces and*  
2                    *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 facili-*  
9                    *ties for the treatment of substance use dis-*  
10                   *orders 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 incorpora-*  
17                   *tion of applicable results of available studies, re-*  
18                   *search, and academic reviews on the prevention,*  
19                   *diagnosis, treatment, and management of sub-*  
20                   *stance 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 com-*  
6            *mittees a report setting forth the comprehensive*  
7            *plan as modified and improved under subpara-*  
8            *graph (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 Secretary*  
14            *of Defense shall provide for a study on substance use*  
15            *disorders programs for members of the Armed Forces*  
16            *to be conducted by the Institute of Medicine of the Na-*  
17            *tional Academies of Sciences or such other inde-*  
18            *pendent entity as the Secretary shall select for pur-*  
19            *poses of the study.*

20            *(2) ELEMENTS.—The study required by para-*  
21            *graph (1) shall include a review and assessment of the*  
22            *following:*

23            *(A) The adequacy and appropriateness of*  
24            *protocols for the diagnosis, treatment, and man-*

1            *agement of substance use disorders in members of*  
2            *the Armed Forces.*

3            *(B) The adequacy of the availability of and*  
4            *access to care for substance use disorders in mili-*  
5            *tary medical treatment facilities and under the*  
6            *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 Armed*  
19           *Forces when compared with the availability of*  
20           *and access to care for substance use disorders for*  
21           *members of the regular components of the Armed*  
22           *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, wheth-*  
2           *er such family members suffer from their own*  
3           *substance use disorder or because of the substance*  
4           *use disorder of a member of the Armed Forces.*

5           *(G) Such other matters as the Secretary*  
6           *considers appropriate for purposes of the study.*

7           *(3) REPORT.—Not later than two years after the*  
8           *date of the enactment of this Act, the entity con-*  
9           *ducting the study required by paragraph (1) shall*  
10          *submit to the Secretary of Defense and the congres-*  
11          *sional defense committees a report on the results of*  
12          *the study. The report shall set forth the findings and*  
13          *recommendations of the entity as a result of the*  
14          *study.*

15   **SEC. 553. MILITARY COMMUNITY SUPPORT FOR CHILDREN**  
16                           **WITH AUTISM AND THEIR FAMILIES.**

17          *(a) POLICY ON MILITARY COMMUNITY SUPPORT RE-*  
18          *QUIRED.—The Secretary of Defense shall develop and im-*  
19          *plement a policy for the Department of Defense on the sup-*  
20          *port of military children with autism and their families.*  
21          *The policy shall seek to establish and further an integrated,*  
22          *family-centered approach to providing services to military*  
23          *children with autism and their families by leveraging the*  
24          *resources of local military communities and local and na-*

1 *tional public and private entities devoted to research and*  
2 *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 mili-*  
7 *tary 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 medical*  
14 *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 effec-*



1     *tiveness of various approaches to developing and en-*  
2     *hancing integrated community support for military*  
3     *children with autism, including adolescent military*  
4     *children with autism, and their families utilizing the*  
5     *program elements specified in paragraph (2).*

6             (4) *CONSULTATION.*—*For purposes of carrying*  
7     *out the requirements of this subsection, the Secretary*  
8     *shall establish a partnership with one or more entities*  
9     *(whether public or private) that provide services or*  
10    *support for, or conduct research on, individuals with*  
11    *autism spectrum disorder and their families.*

12    (c) *REPORTS.*—

13             (1) *INITIAL REPORT.*—*Not later than 60 days*  
14    *after the date of the enactment of this Act, the Sec-*  
15    *retary shall submit to the congressional defense com-*  
16    *mittees a report setting forth the actions the Secretary*  
17    *proposes to take to carry out this section and a pro-*  
18    *posed schedule for the taking of such actions.*

19             (2) *PILOT PROJECTS.*—*Not later than 60 days*  
20    *after the date of the completion of the pilot project or*  
21    *projects conducted under subsection (b)(3), the Sec-*  
22    *retary shall submit to the congressional defense com-*  
23    *mittees a report on the pilot project or projects. The*  
24    *report shall include a description of the pilot project*  
25    *or projects, an assessment of the lessons learned from*

1     *the pilot project or projects, and a discussion of the*  
2     *manner in which the lessons so learned shall be inte-*  
3     *grated into the policy required by subsection (a) and*  
4     *the program required by subsection (b).*

5     *(d) FUNDING.—Of the amount authorized to be appro-*  
6     *priated for fiscal year 2010 pursuant to section 301(a)(5)*  
7     *for operation and maintenance, Defense-wide activities,*  
8     *\$5,000,000 may be available to carry out this section.*

9     *(e) MILITARY CHILDREN WITH AUTISM DEFINED.—*  
10    *In this section, the term “military children with autism”*  
11    *means dependent children of members of the Armed Forces*  
12    *with autism spectrum disorder.*

13    **SEC. 554. REPORTS ON EFFECTS OF DEPLOYMENTS ON**  
14                    **MILITARY CHILDREN AND THE AVAILABILITY**  
15                    **OF MENTAL HEALTH CARE AND COUNSELING**  
16                    **SERVICES FOR MILITARY CHILDREN.**

17    *(a) IMPACT OF DEPLOYMENTS OF MILITARY PARENTS*  
18    *ON MILITARY CHILDREN.—*

19            *(1) IN GENERAL.—The Secretary of Defense shall*  
20    *undertake a comprehensive assessment of the impacts*  
21    *of military deployment on dependent children of*  
22    *members of the Armed Forces. The assessment shall*  
23    *separately address each of the categories of such chil-*  
24    *dren as follows:*

25            *(A) Preschool-age children.*

1                   (B) *Elementary-school age children.*

2                   (C) *Teenage or adolescent children.*

3                   (2) *ELEMENTS.—The assessment undertaken*  
4 *under paragraph (1) shall include an assessment of*  
5 *the following:*

6                   (A) *The impact that separation due to the*  
7 *deployment of a military parent or parents has*  
8 *on children.*

9                   (B) *The impact that multiple deployments*  
10 *of a military parent or parents have on children.*

11                   (C) *The impact that the return from deploy-*  
12 *ment of a severely wounded or injured military*  
13 *parent or parents has on children.*

14                   (D) *The impact that the death of a military*  
15 *parent or parents in connection with a deploy-*  
16 *ment has on children.*

17                   (E) *The impact that deployment of a mili-*  
18 *tary parent or parents has on children with pre-*  
19 *existing psychological conditions, such as anxiety*  
20 *and depression.*

21                   (F) *The impact that deployment of a mili-*  
22 *tary parent or parents has on risk factors such*  
23 *as child abuse, child neglect, family violence,*  
24 *substance abuse by children, or parental sub-*  
25 *stance abuse.*

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

3           (3) *REPORT.*—*Not later than one year after the*  
4           *date of the enactment of this Act, the Secretary shall*  
5           *submit to the Committees on Armed Services of the*  
6           *Senate and the House of Representatives a report on*  
7           *the assessment undertaken under paragraph (1), in-*  
8           *cluding the findings and recommendations of the Sec-*  
9           *retary as a result of the assessment.*

10          (b) *MENTAL HEALTH CARE AND COUNSELING SERV-*  
11 *ICES AVAILABLE TO MILITARY CHILDREN.*—

12           (1) *IN GENERAL.*—*The Secretary of Defense shall*  
13           *conduct a comprehensive review of the mental health*  
14           *care and counseling services available to dependent*  
15           *children of members of the Armed Forces through the*  
16           *Department of Defense.*

17           (2) *ELEMENTS.*—*The review under paragraph*  
18           (1) *shall include an assessment of the following:*

19                   (A) *The availability, quality, and effective-*  
20                   *ness of Department of Defense programs in-*  
21                   *tended to meet the mental health care needs of*  
22                   *military children.*

23                   (B) *The availability, quality, and effective-*  
24                   *ness of Department of Defense programs in-*  
25                   *tended to promote resiliency in military children*

1           *in coping with deployment cycles, injury, or*  
2           *death in military parents.*

3           *(C) The extent of access to, adequacy, and*  
4           *availability of mental health care and counseling*  
5           *services for military children in military med-*  
6           *ical treatment facilities, in family assistance*  
7           *centers, through Military OneSource, under the*  
8           *TRICARE program, and in Department of De-*  
9           *fense dependents' schools.*

10           *(D) Whether the status of a member of the*  
11           *Armed Forces on active duty, or in reserve active*  
12           *status, affects the access of a military child to*  
13           *mental health care and counseling services.*

14           *(E) Whether, and to what extent, waiting*  
15           *lists, geographic distance, and other factors may*  
16           *obstruct the receipt by military children of men-*  
17           *tal health care and counseling services.*

18           *(F) The extent of access to, availability, and*  
19           *viability of specialized mental health care for*  
20           *military children (including adolescents).*

21           *(G) The extent of any gaps in the current*  
22           *capabilities of the Department of Defense to pro-*  
23           *vide preventive mental health services for mili-*  
24           *tary children.*

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

3           (3) *REPORT.*—*Not later than one year after the*  
 4           *date of the enactment of this Act, the Secretary shall*  
 5           *submit to the Committees on Armed Services of the*  
 6           *Senate and the House of Representatives a report on*  
 7           *the review conducted under paragraph (1), including*  
 8           *the findings and recommendations of the Secretary as*  
 9           *a result of the review.*

10           (4) *COMPREHENSIVE PLAN FOR IMPROVEMENTS*  
 11           *IN ACCESS TO CARE AND COUNSELING.*—*The Sec-*  
 12           *retary shall develop a comprehensive plan for im-*  
 13           *provements in access to quality mental health care*  
 14           *and counseling services for military children in order*  
 15           *to develop and promote psychological health and resil-*  
 16           *ience in children of deploying and deployed members*  
 17           *of the Armed Forces. The information in the report*  
 18           *required by paragraph (3) shall provide the basis for*  
 19           *the development of the plan.*

20 **SEC. 555. REPORT ON CHILD CUSTODY LITIGATION INVOLV-**  
 21                   **ING SERVICE OF MEMBERS OF THE ARMED**  
 22                   **FORCES.**

23           (a) *REPORT REQUIRED.*—*Not later than June 1, 2010,*  
 24           *the Secretary of Defense shall submit to the Committees on*  
 25           *Armed Services of the Senate and the House of Representa-*

1 *tives a report on all known reported cases since September*  
2 *2003 involving child custody disputes in which the service*  
3 *of a member of the Armed Forces, whether a member of a*  
4 *regular component of the Armed Forces or a member of a*  
5 *reserve component of the Armed Forces, was an issue in*  
6 *the custody dispute.*

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

9 (1) *A statement of the total number of cases, by*  
10 *Armed Force, in which members of the Armed Forces*  
11 *have lost custody of a child as a result of deployment,*  
12 *or the prospect of deployment, under military orders.*

13 (2) *A summary of applicable Federal law per-*  
14 *taining to child custody disputes involving members*  
15 *of the Armed Forces.*

16 (3) *An analysis of the litigation history of all*  
17 *available reported cases involving child custody dis-*  
18 *putes in which the deployment of a member of the*  
19 *Armed Forces was an issue in the dispute, and a dis-*  
20 *cussion of the rationale presented by deciding judges*  
21 *and courts of the reasons for their rulings.*

22 (4) *An assessment of the nature and extent of the*  
23 *problem, if any, for members of the Armed Forces who*  
24 *are custodial parents in being able to deploy and per-*  
25 *form their operational mission while continuing to*

1 *fulfill their role as parents with sole or joint custody*  
2 *of minor children.*

3 *(5) A discussion of measures being taken by the*  
4 *States, or which are under consideration by State leg-*  
5 *islatures, to address matters relating to child custody*  
6 *disputes in which one of the parties is a member of*  
7 *the Armed Forces, and an assessment whether State*  
8 *legislatures and State courts are cognizant of issues*  
9 *involving members of the Armed Forces with minor*  
10 *children.*

11 *(6) A discussion of Family Care Plan policies*  
12 *aimed at ensuring that appropriate measures are*  
13 *taken by members of the Armed Forces to avoid liti-*  
14 *gation in child custody disputes.*

15 *(7) Such recommendations as the Secretary con-*  
16 *siders appropriate regarding how best to assist mem-*  
17 *bers of the Armed Forces who are single, custodial*  
18 *parents with respect to child custody disputes in con-*  
19 *nection with the performance of military duties, in-*  
20 *cluding the need for legislative or administrative ac-*  
21 *tion to provide such assistance.*

22 *(8) Such other recommendations for legislative or*  
23 *administrative action as the Secretary considers ap-*  
24 *propriate.*



1 **SEC. 556. SENSE OF SENATE ON PREPARATION AND CO-**  
2 **ORDINATION OF FAMILY CARE PLANS.**

3 (a) *FINDINGS.*—*The Senate makes the following find-*  
4 *ings:*

5 (1) *Family Care Plans provide a military tool*  
6 *to document the plan by which members of the Armed*  
7 *Forces provide for the care of their family members*  
8 *when military duties prevent members of the Armed*  
9 *Forces from doing so themselves. Properly prepared*  
10 *Family Care Plans are essential to military readi-*  
11 *ness. Minimizing the strain on members of the Armed*  
12 *Forces of unresolved, challenged, or voided child cus-*  
13 *tody arrangements arising during deployments or*  
14 *temporary duty directly contributes to the national*  
15 *defense by enabling members of the Armed Forces to*  
16 *devote their entire energy to their military mission*  
17 *and duties.*

18 (2) *When Family Care Plans are properly pre-*  
19 *pared and coordinated with all affected parties, the*  
20 *legal difficulties that may otherwise arise in the ab-*  
21 *sence of the military custodial parent often can be*  
22 *minimized, if not eliminated.*

23 (b) *SENSE OF SENATE.*—*It is the sense of the Senate*  
24 *that—*

1           (1) *the responsibility for establishing workable*  
2 *and legally supportable Family Care Plans lies with*  
3 *the members of the Armed Forces;*

4           (2) *notwithstanding that responsibility, com-*  
5 *manders should—*

6                 (A) *ensure that the members of their com-*  
7 *mand fully understand the purpose of the Fam-*  
8 *ily Care Plan and its limitations, including the*  
9 *overriding authority of State courts to determine*  
10 *child custody arrangements notwithstanding a*  
11 *Family Care Plan;*

12                 (B) *understand and emphasize to their*  
13 *members that failure to involve, or at least in-*  
14 *form, the non-custodial parent of custody ar-*  
15 *rangements in anticipation of an absence can*  
16 *undermine the Family Care Plan or even render*  
17 *it useless, in such cases; and*

18                 (C) *apprise their members of the risks de-*  
19 *scribed in subparagraph (B), and strongly en-*  
20 *courage them to seek legal assistance, as far in*  
21 *advance of actual absences as practicable;*

22           (3) *the Secretary of Defense, and the Secretary*  
23 *of Homeland Security with respect to matters con-*  
24 *cerning the Coast Guard when it is not operating as*  
25 *a service in the Navy, should ensure that members of*

1     *the Armed Forces update their Family Care Plans*  
2     *and emphasize—*

3             *(A) the importance of prior planning;*

4             *(B) that Family Care Plans are necessary*  
5     *not only for the single parent and for the dual*  
6     *military couple but also for a married member*  
7     *of the Armed Forces who has custody of a child*  
8     *pursuant to a court order or separation agree-*  
9     *ment or who has custody of a child whose other*  
10    *parent is not the current spouse of the member;*

11            *(C) that in spite of how important Family*  
12    *Care Plans are to readiness, they are not legal*  
13    *documents that can change a court-mandated*  
14    *custodial arrangement or interfere with the other*  
15    *parent's right to custody of his or her child;*

16            *(D) that, to the greatest extent possible, a*  
17    *member of the Armed Forces should inform the*  
18    *other parent of the member's impending absence*  
19    *due to military orders if such absence prohibits*  
20    *the member from fulfilling the member's custody*  
21    *responsibilities and inform that other parent of*  
22    *the Family Care Plan;*

23            *(E) that a member of the Armed Forces*  
24    *should attempt to obtain the consent of the non-*  
25    *custodial or adoptive parent to any Family Care*

1           *Plan that would leave the child in the care of a*  
2           *third party; and*

3                     *(F) that if a member of the Armed Forces*  
4           *cannot or will not contact the non-custodial par-*  
5           *ent or cannot obtain that parent's consent to the*  
6           *Family Care Plan, the commander of the mem-*  
7           *ber should—*

8                             *(i) counsel the member about the im-*  
9                             *plications; and*

10                            *(ii) encourage in the strongest possible*  
11           *terms that the member seek immediate help*  
12           *from a legal assistance attorney or other*  
13           *qualified legal counsel; and*

14                     *(4) attorneys providing legal assistance as de-*  
15           *scribed in paragraph (3)(F)(ii) should provide mem-*  
16           *bers of the Armed Forces a full explanation of the*  
17           *dangers of not involving the non-custodial parent and*  
18           *discuss appropriate courses of action.*

19   **SEC. 557. EXPANSION OF SUICIDE PREVENTION AND COM-**  
20                             **MUNITY HEALING AND RESPONSE TRAINING**  
21                             **UNDER THE YELLOW RIBBON REINTEGRA-**  
22                             **TION PROGRAM.**

23           *Section 582 of the National Defense Authorization Act*  
24   *for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C.*  
25   *10101 note) is amended—*

1           (1) *in subsection (h)—*

2                   (A) *by striking paragraph (3); and*

3                   (B) *by redesignating paragraphs (4)*

4           *through (15) as paragraphs (3) through (14), re-*

5           *spectively; and*

6           (2) *by adding at the end the following new sub-*

7           *section:*

8           “(i) *SUICIDE PREVENTION AND COMMUNITY HEALING*

9           *AND RESPONSE PROGRAM.—*

10                   “(1) *ESTABLISHMENT.—As part of the Yellow*  
11           *Ribbon Reintegration Program, the Office for Re-*  
12           *integration Programs shall establish a program to*  
13           *provide National Guard and Reserve members and*  
14           *their families, and in coordination with community*  
15           *programs, assist the communities, with training in*  
16           *suicide prevention and community healing and re-*  
17           *sponse to suicide.*

18                   “(2) *DESIGN.—In establishing the program*  
19           *under paragraph (1), the Office for Reintegration*  
20           *Programs shall consult with—*

21                           “(A) *persons that have experience and ex-*  
22                           *pertise with combining military and civilian*  
23                           *intervention strategies that reduce risk and pro-*  
24                            *mote healing after a suicide attempt or suicide*

1 *death for National Guard and Reserve members;*  
2 *and*

3 *“(B) the adjutant general of each State, the*  
4 *Commonwealth of Puerto Rico, the District of*  
5 *Columbia, Guam, and the Virgin Islands.*

6 *“(3) OPERATION.—*

7 *“(A) SUICIDE PREVENTION TRAINING.—The*  
8 *Office for Reintegration Programs shall provide*  
9 *National Guard and Reserve members with*  
10 *training in suicide prevention. Such training*  
11 *shall include—*

12 *“(i) describing the warning signs for*  
13 *suicide and teaching effective strategies for*  
14 *prevention and intervention;*

15 *“(ii) examining the influence of mili-*  
16 *tary culture on risk and protective factors*  
17 *for suicide; and*

18 *“(iii) engaging in interactive case sce-*  
19 *narios and role plays to practice effective*  
20 *intervention strategies.*

21 *“(B) COMMUNITY HEALING AND RESPONSE*  
22 *TRAINING.—The Office for Reintegration Pro-*  
23 *grams shall provide the families and commu-*  
24 *nities of National Guard and Reserve members*  
25 *with training in responses to suicide that pro-*

1           *mote individual and community healing. Such*  
2           *training shall include—*

3                     “(i) *enhancing collaboration among*  
4                     *community members and local service pro-*  
5                     *viders to create an integrated, coordinated*  
6                     *community response to suicide;*

7                     “(ii) *communicating best practices for*  
8                     *preventing suicide, including safe mes-*  
9                     *saging, appropriate memorial services, and*  
10                    *media guidelines;*

11                    “(iii) *addressing the impact of suicide*  
12                    *on the military and the larger community,*  
13                    *and the increased risk that can result; and*

14                    “(iv) *managing resources to assist key*  
15                    *community and military service providers*  
16                    *in helping the families, friends, and fellow*  
17                    *soldiers of a suicide victim through the*  
18                    *processes of grieving and healing.*

19                    “(C) *COLLABORATION WITH CENTERS OF*  
20                    *EXCELLENCE.—The Office for Reintegration Pro-*  
21                    *grams, in consultation with the Defense Centers*  
22                    *of Excellence for Psychological Health and Trau-*  
23                    *matic Brain Injury, shall collect and analyze*  
24                    *‘lessons learned’ and suggestions from State Na-*  
25                    *tional Guard and Reserve organizations with ex-*

1            *isting or developing suicide prevention and com-*  
2            *munity response programs.*

3            “(4) *TERMINATION.*—*The program established*  
4            *under this subsection shall terminate on October 1,*  
5            *2012.”*

6 **SEC. 558. REPORT ON YELLOW RIBBON REINTEGRATION**  
7            **PROGRAM.**

8            (a) *REPORT REQUIRED.*—*Not later than 180 days*  
9            *after the date of the enactment of this Act, the Secretary*  
10           *of Defense shall submit to the congressional defense commit-*  
11           *tees a report on the various reintegration programs being*  
12           *administered in support of National Guard and Reserve*  
13           *members and their families.*

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

16           (1) *An evaluation of the initial implementation*  
17           *of the Yellow Ribbon Reintegration Program in fiscal*  
18           *year 2009, including an assessment of the best prac-*  
19           *tices from pilot programs offered by various States to*  
20           *provide supplemental services to Yellow Ribbon and*  
21           *the feasibility of incorporating those practices into*  
22           *Yellow Ribbon.*

23           (2) *An assessment of the extent to which Yellow*  
24           *Ribbon funding, although requested in multiple com-*  
25           *ponent accounts, supports robust joint programs that*



1 *provide reintegration and support services to Na-*  
2 *tional Guard and Reserve members and their families*  
3 *regardless of military affiliation.*

4 (3) *An assessment of the extent to which Yellow*  
5 *Ribbon programs are coordinating closely with the*  
6 *Department of Veterans Affairs and its various vet-*  
7 *erans' programs.*

8 (4) *Plans for further implementation of the Yel-*  
9 *low Ribbon Reintegration Program in fiscal year*  
10 *2010.*

11 **SEC. 559. IMPROVED ACCESS TO MENTAL HEALTH CARE**  
12 **FOR FAMILY MEMBERS OF MEMBERS OF THE**  
13 **NATIONAL GUARD AND RESERVE WHO ARE**  
14 **DEPLOYED OVERSEAS.**

15 (a) *INITIATIVE TO INCREASE ACCESS TO MENTAL*  
16 *HEALTH CARE.—*

17 (1) *IN GENERAL.—The Secretary of Defense shall*  
18 *develop and implement a plan to expand existing ini-*  
19 *tiatives of the Department of Defense to increase ac-*  
20 *cess to mental health care for family members of*  
21 *members of the National Guard and Reserve deployed*  
22 *overseas during the periods of mobilization, deploy-*  
23 *ment, and demobilization of such members of the Na-*  
24 *tional Guard and Reserve.*

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

3           (A) *Programs and activities to educate fam-*  
4 *ily members of members of the National Guard*  
5 *and Reserve who are deployed overseas on poten-*  
6 *tial mental health challenges connected with such*  
7 *deployment.*

8           (B) *Programs and activities to provide such*  
9 *family members with complete information on*  
10 *all mental health resources available to such*  
11 *family members through the Department of De-*  
12 *fense and otherwise.*

13           (C) *Efforts to expand counseling activities*  
14 *for such family members in local communities.*

15 (b) *REPORTS.*—

16           (1) *IN GENERAL.*—*Not later than 180 days after*  
17 *the date of the enactment of this Act, and at such*  
18 *times thereafter as the Secretary of Defense considers*  
19 *appropriate, the Secretary of Defense shall submit to*  
20 *the Committees on Armed Services of the Senate and*  
21 *the House of Representatives a report on this section.*

22           (2) *ELEMENTS.*—*Each report shall include the*  
23 *following:*

24           (A) *A current assessment of the extent to*  
25 *which family members of members of the Na-*

1            *tional Guard and Reserve who are deployed over-*  
2            *seas have access to, and are utilizing, mental*  
3            *health care available under this section.*

4            *(B) A current assessment of the quality of*  
5            *mental health care being provided to family*  
6            *members of members of the National Guard and*  
7            *Reserve who are deployed overseas, and an as-*  
8            *essment of expanding coverage for mental health*  
9            *care services under the TRICARE program to*  
10           *mental health care services provided at facilities*  
11           *currently outside the network of the TRICARE*  
12           *program.*

13           *(C) Such recommendations for legislative or*  
14           *administration action as the Secretary considers*  
15           *appropriate in order to further assure full access*  
16           *to mental health care by family members of*  
17           *members of the National Guard and Reserve who*  
18           *are deployed overseas during the mobilization,*  
19           *deployment, and demobilization of such members*  
20           *of the National Guard and Reserve.*

1 **SEC. 560. FULL ACCESS TO MENTAL HEALTH CARE FOR**  
2 **FAMILY MEMBERS OF MEMBERS OF THE NA-**  
3 **TIONAL GUARD AND RESERVE WHO ARE DE-**  
4 **PLOYED OVERSEAS.**

5 (a) *EXPANDED INITIATIVE TO INCREASE ACCESS TO*  
6 *MENTAL HEALTH CARE.*—

7 (1) *IN GENERAL.*—*The Secretary of Defense shall*  
8 *expand existing Department of Defense initiatives to*  
9 *increase access to mental health care for family mem-*  
10 *bers of members of the National Guard and Reserve*  
11 *deployed overseas during the periods of mobilization,*  
12 *deployment, and demobilization of such members of*  
13 *the National Guard and Reserve.*

14 (2) *ELEMENTS.*—*The expanded initiatives,*  
15 *which shall build upon and be consistent with ongo-*  
16 *ing efforts, shall include the following:*

17 (A) *Programs and activities to educate the*  
18 *family members of members of the National*  
19 *Guard and Reserve who are deployed overseas on*  
20 *potential mental health challenges connected with*  
21 *such deployment.*

22 (B) *Programs and activities to provide such*  
23 *family members with complete information on*  
24 *all mental health resources available to such*  
25 *family members through the Department of De-*  
26 *fense and otherwise.*

1           (C) *Guidelines for mental health counselors*  
2           *at military installations in communities with*  
3           *large numbers of mobilized members of the Na-*  
4           *tional Guard and Reserve to expand the reach of*  
5           *their counseling activities to include families of*  
6           *such members in such communities.*

7           (b) *REPORTS.—*

8           (1) *IN GENERAL.—Not later than 180 days after*  
9           *the date of the enactment of this Act, and at such*  
10           *times as the Secretary deems appropriate thereafter,*  
11           *the Secretary of Defense shall submit to the Commit-*  
12           *tees on Armed Services of the Senate and the House*  
13           *of Representatives a report on this section.*

14           (2) *ELEMENTS.—Each report shall include the*  
15           *following:*

16           (A) *A current assessment of the extent to*  
17           *which family members of members of the Na-*  
18           *tional Guard and Reserve who are deployed over-*  
19           *seas have access to, and are utilizing, mental*  
20           *health care available under this section.*

21           (B) *A current assessment of the quality of*  
22           *mental health care being provided to family*  
23           *members of members of the National Guard and*  
24           *Reserve who are deployed overseas, and an as-*  
25           *essment of expanding coverage for mental health*

1           *care services under the TRICARE program to*  
2           *mental health care services provided at facilities*  
3           *currently outside the accredited network of the*  
4           *TRICARE program.*

5                   *(C) Such recommendations for legislative or*  
6           *administration action as the Secretary considers*  
7           *appropriate in order to further assure full access*  
8           *to mental health care by family members of*  
9           *members of the National Guard and Reserve who*  
10          *are deployed overseas during the mobilization,*  
11          *deployment, and demobilization of such members*  
12          *of the National Guard and Reserve.*

13 **SEC. 561. COMPTROLLER GENERAL REPORT ON CHILD**  
14                   **CARE ASSISTANCE FOR DEPLOYED MEMBERS**  
15                   **OF THE RESERVE COMPONENTS OF THE**  
16                   **ARMED FORCES.**

17           *(a) IN GENERAL.—Not later than 18 months after the*  
18          *date of the enactment of this Act, the Comptroller General*  
19          *of the United States shall submit to the Committees on*  
20          *Armed Services of the Senate and the House of Representa-*  
21          *tive a report on financial assistance for child care provided*  
22          *by the Department of Defense, including through the Oper-*  
23          *ation: Military Child Care and Military Child Care in*  
24          *Your Neighborhood programs, to members of the reserve*

1 *components of the Armed Forces who are deployed in con-*  
2 *nection with a contingency operation.*

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

5 (1) *The types of financial assistance for child*  
6 *care made available by the Department of Defense to*  
7 *members of the reserve components of the Armed*  
8 *Forces who are deployed in connection with a contin-*  
9 *gency operation.*

10 (2) *The extent to which such members have taken*  
11 *advantage of such assistance since such assistance was*  
12 *first made available.*

13 (3) *The formulas used for calculating the amount*  
14 *of such assistance provided to such members.*

15 (4) *The funding allocated to such assistance.*

16 (5) *The remaining costs of child care to families*  
17 *of such members that are not covered by the Depart-*  
18 *ment of Defense.*

19 (6) *Any barriers to access to such assistance*  
20 *faced by such members and the families of such mem-*  
21 *bers.*

22 (7) *The different criteria used by different States*  
23 *with respect to the regulation of child care services*  
24 *and the potential impact differences in such criteria*

1        *may have on the access of such members to such as-*  
2        *sistance.*

3            (8) *The different standards and criteria used by*  
4        *different programs of the Department of Defense for*  
5        *providing such assistance with respect to child care*  
6        *providers and the potential impact differences in such*  
7        *standards and criteria may have on the access of such*  
8        *members to such assistance.*

9            (9) *Any other matters the Comptroller General*  
10       *determines relevant to the improvement of financial*  
11       *assistance for child care made available by the De-*  
12       *partment of Defense to members of the reserve compo-*  
13       *nents of the Armed Forces who are deployed in con-*  
14       *nection with a contingency operation.*

## 15            ***Subtitle G—Other Matters***

### 16        ***SEC. 571. DEADLINE FOR REPORT ON SEXUAL ASSAULT IN*** 17                            ***THE ARMED FORCES BY DEFENSE TASK*** 18                            ***FORCE ON SEXUAL ASSAULT IN THE MILI-*** 19                            ***TARY SERVICES.***

20            *Section 576(e)(1) of the Ronald W. Reagan National*  
21        *Defense Authorization Act for Fiscal Year 2005 (Public*  
22        *Law 108–375; 118 Stat. 1924; 10 U.S.C. 4331 note) is*  
23        *amended by striking “one year after the initiation of its*  
24        *examination under subsection (b)” and inserting “Decem-*  
25        *ber 1, 2009”.*



1 **SEC. 572. CLARIFICATION OF PERFORMANCE POLICIES FOR**  
 2 **MILITARY MUSICAL UNITS AND MUSICIANS.**

3 (a) *CLARIFICATION.*—Section 974 of title 10, United  
 4 States Code, is amended to read as follows:

5 **“§974. Military musical units and musicians: per-**  
 6 **formance policies; restriction on perform-**  
 7 **ance in competition with local civilian**  
 8 **musicians**

9 “(a) *MILITARY MUSICIANS PERFORMING IN AN OFFI-*  
 10 *CIAL CAPACITY.*—(1) *A military musical unit, and a mem-*  
 11 *ber of the armed forces who is a member of such a unit*  
 12 *performing in an official capacity, may not engage in the*  
 13 *performance of music in competition with local civilian*  
 14 *musicians.*

15 “(2) *For purposes of paragraph (1), the following*  
 16 *shall, except as provided in paragraph (3), be included*  
 17 *among the performances that are considered to be a per-*  
 18 *formance of music in competition with local civilian musi-*  
 19 *cians:*

20 “(A) *A performance that is more than incidental*  
 21 *to an event that—*

22 “(i) *is not supported, in whole or in part,*  
 23 *by United States Government funds; and*

24 “(ii) *is not free to the public.*

25 “(B) *A performance of background, dinner,*  
 26 *dance, or other social music at an event that—*

1           “(i) is not supported, in whole or in part,  
2           by United States Government funds; and

3           “(ii) is held at a location not on a military  
4           installation.

5           “(3) For purposes of paragraph (1), the following shall  
6           not be considered to be a performance of music in competi-  
7           tion with local civilian musicians:

8           “(A) A performance (including background, din-  
9           ner, dance, or other social music) at an official  
10          United States Government event that is supported, in  
11          whole or in part, by United States Government funds.

12          “(B) A performance at a concert, parade, or  
13          other event, that—

14               “(i) is a patriotic event or a celebration of  
15               a national holiday; and

16               “(ii) is free to the public.

17          “(C) A performance that is incidental to an  
18          event that—

19               “(i) is not supported, in whole or in part,  
20               by United States Government funds; or

21               “(ii) is not free to the public.

22          “(D) A performance (including background, din-  
23          ner, dance, or other social music) at—

1           “(i) an event that is sponsored by or for a  
2           military welfare society, as defined in section  
3           2566 of this title;

4           “(ii) an event that is a traditional military  
5           event intended to foster the morale and welfare  
6           of members of the armed forces and their fami-  
7           lies; or

8           “(iii) an event that is specifically for the  
9           benefit or recognition of members of the armed  
10          forces, their family members, veterans, civilian  
11          employees of the Department of Defense, or  
12          former civilian employees of the Department of  
13          Defense, to the extent provided in regulations  
14          prescribed by the Secretary of Defense.

15          “(E) A performance (including background, din-  
16          ner, dance, or other social music)—

17               “(i) to uphold the standing and prestige of  
18               the United States with dignitaries and distin-  
19               guished or prominent persons or groups of the  
20               United States or another nation; or

21               “(ii) in support of fostering and sustaining  
22               a cooperative relationship with another nation.

23          “(b) *PROHIBITION OF MILITARY MUSICIANS ACCEPT-*  
24          *ING ADDITIONAL REMUNERATION FOR OFFICIAL PERFORM-*  
25          *ANCES.*—A military musical unit, and a member of the

1 *armed forces who is a member of such a unit performing*  
2 *in an official capacity, may not receive remuneration for*  
3 *an official performance, other than applicable military pay*  
4 *and allowances.*

5       “(c) *RECORDINGS.—(1) When authorized under regu-*  
6 *lations prescribed by the Secretary of Defense for purposes*  
7 *of this section, a military musical unit may produce record-*  
8 *ings for distribution to the public, at a cost not to exceed*  
9 *expenses of production and distribution.*

10       “(2) *Amounts received in payment for a recording dis-*  
11 *tributed to the public under this subsection shall be credited*  
12 *to the appropriation or account providing the funds for the*  
13 *production of the recording. Any amount so credited shall*  
14 *be merged with amounts in the appropriation or account*  
15 *to which credited, and shall be available for the same pur-*  
16 *poses, and subject to the same conditions and limitations,*  
17 *as amounts in such appropriation or account.*

18       “(d) *PERFORMANCES AT FOREIGN LOCATIONS.—Sub-*  
19 *section (a) does not apply to a performance outside the*  
20 *United States, its commonwealths, or its possessions.*

21       “(e) *MILITARY MUSICAL UNIT DEFINED.—In this sec-*  
22 *tion, the term ‘military musical unit’ means a band, ensem-*  
23 *ble, chorus, or similar musical unit of the armed forces.’”.*

1       (b) *CLERICAL AMENDMENT.*—*The item relating to*  
 2 *such section in the table of sections at the beginning of chap-*  
 3 *ter 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.”.*

4 **SEC. 573. GUARANTEE OF RESIDENCY FOR SPOUSES OF**  
 5 **MILITARY PERSONNEL FOR VOTING PUR-**  
 6 **POSES.**

7       (a) *IN GENERAL.*—*Section 705 of the Servicemembers*  
 8 *Civil Relief Act (50 U.S.C. App. 595) is amended—*

9           (1) *by striking “For” and inserting the fol-*  
 10 *lowing:*

11       “*(a) IN GENERAL.—For*”;

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

14       “*(b) SPOUSES.—For the purposes of voting for any*  
 15 *Federal office (as defined in section 301 of the Federal Elec-*  
 16 *tion Campaign Act of 1971 (2 U.S.C. 431)) or a State or*  
 17 *local office, a person who is absent from a State because*  
 18 *the person is accompanying the person’s spouse who is ab-*  
 19 *sent from that same State in compliance with military or*  
 20 *naval orders shall not, solely by reason of that absence—*

21           “*(1) be deemed to have lost a residence or domi-*  
 22 *cile in that State, without regard to whether or not*  
 23 *the person intends to return to that State;*



1           (A) by striking “A servicemember” and in-  
2           serting the following:

3           “(1) *IN GENERAL.—A servicemember*”; and

4           (B) by adding at the end the following:

5           “(2) *SPOUSES.—A spouse of a servicemember*  
6           *shall neither lose nor acquire a residence or domicile*  
7           *for purposes of taxation with respect to the person,*  
8           *personal property, or income of the spouse by reason*  
9           *of being absent or present in any tax jurisdiction of*  
10          *the United States solely to be with the servicemember*  
11          *in compliance with the servicemember’s military or-*  
12          *ders if the residence or domicile, as the case may be,*  
13          *is the same for the servicemember and the spouse.*”;

14          (2) by redesignating subsections (c), (d), (e), and  
15          (f) as subsections (d), (e), (f), and (g), respectively;

16          (3) by inserting after subsection (b) the following  
17          new subsection:

18          “(c) *INCOME OF A MILITARY SPOUSE.—Income for*  
19          *services performed by the spouse of a servicemember shall*  
20          *not be deemed to be income for services performed or from*  
21          *sources within a tax jurisdiction of the United States if the*  
22          *spouse is not a resident or domiciliary of the jurisdiction*  
23          *in which the income is earned because the spouse is in the*  
24          *jurisdiction solely to be with the servicemember serving in*  
25          *compliance with military orders.*”; and

1           (4) in subsection (d), as redesignated by para-  
2 graph (2)—

3           (A) in paragraph (1), by inserting “or the  
4 spouse of a servicemember” after “The personal  
5 property of a servicemember”; and

6           (B) in paragraph (2), by inserting “or the  
7 spouse’s” after “servicemember’s”.

8       (b) *APPLICATION.*—Subsections (a)(2) and (c) of sec-  
9 tion 511 of such Act (50 U.S.C. App. 571), as added by  
10 subsection (a) of this section, and the amendments made  
11 to such section 511 by subsection (a)(4) of this section, shall  
12 apply with respect to any return of State or local income  
13 tax filed for any taxable year beginning with the taxable  
14 year that includes the date of the enactment of this Act.

15 **SEC. 575. SUSPENSION OF LAND RIGHTS RESIDENCY RE-**  
16 **QUIREMENT FOR SPOUSES OF MILITARY PER-**  
17 **SONNEL.**

18       (a) *IN GENERAL.*—Section 508 of the Servicemembers  
19 Civil Relief Act (50 U.S.C. App. 568) is amended in sub-  
20 section (b) by inserting “or the spouse of such servicemem-  
21 ber” after “a servicemember in military 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 operating*  
13 *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 sub-*  
19 *section (a) shall take effect on October 1, 2009, and shall*  
20 *apply with respect to fiscal years beginning on or after that*  
21 *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 RE-*  
7 *QUIRED.—The Secretary of the military department con-*  
8 *cerned shall, at each time specified in subsection (b), pro-*  
9 *vide to each member of the Armed Forces and, when prac-*  
10 *ticable, the family members of such member comprehensive*  
11 *information on the benefits available to such member and*  
12 *family members as described in subsection (c), including*  
13 *the estimated monetary amount of such benefits and of any*  
14 *applicable offsets to such benefits.*

15 (b) *TIMES FOR PROVISION OF INFORMATION.—Com-*  
16 *prehensive information on benefits shall be provided a mem-*  
17 *ber of the Armed Forces and family members at each time*  
18 *as follows:*

19 (1) *Within 180 days of the enlistment, accession,*  
20 *or commissioning of the member as a member of the*  
21 *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 of  
3           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 be  
8           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 offsets  
20                   in the receipt of such benefits under the Survivor  
21                   Benefit Plan and in connection with the receipt  
22                   of dependency and indemnity compensation.

23                   (E) Educational assistance benefits, includ-  
24                   ing limitations on and the transferability of such  
25                   assistance.

1           (F) *Housing assistance benefits, including*  
2           *counseling.*

3           (G) *Relocation planning and preparation.*

4           (H) *Such other benefits as the Secretary*  
5           *concerned considers appropriate.*

6           (2) *At the time described in paragraph (1) of*  
7           *such subsection, the benefits shall include the fol-*  
8           *lowing:*

9           (A) *Maintaining military records.*

10          (B) *Legal assistance.*

11          (C) *Quality of life programs.*

12          (D) *Family and community programs.*

13          (E) *Such other benefits as the Secretary*  
14          *concerned considers appropriate.*

15          (3) *At the times described in paragraphs (2) and*  
16          *(3) of such subsection, the benefits shall include the*  
17          *following:*

18          (A) *Employment assistance.*

19          (B) *Continuing Reserve Component service.*

20          (C) *Disability benefits, including offsets in*  
21          *connection with the receipt of such benefits.*

22          (D) *Benefits and services provided under*  
23          *laws administered by the Secretary of Veterans*  
24          *Affairs.*

1                   (E) *Such other benefits as the Secretary*  
2                   *concerned considers appropriate.*

3           (d) *BIENNIAL NOTICE TO MEMBERS OF THE ARMED*  
4 *FORCES ON THE VALUE OF PAY AND BENEFITS.—*

5                   (1) *BIENNIAL NOTICE REQUIRED.—The Sec-*  
6 *retary of each military department shall provide to*  
7 *each member of the Armed Forces under the jurisdic-*  
8 *tion of such Secretary on a biennial basis notice on*  
9 *the value of the pay and benefits paid or provided to*  
10 *such member by law during the preceding year. The*  
11 *notice may be provided in writing or electronically,*  
12 *at the election of the Secretary.*

13                   (2) *ELEMENTS.—Each notice provided a member*  
14 *under paragraph (1) shall include the following:*

15                           (A) *A statement of the estimated value of*  
16 *the military health care, retirement benefits, dis-*  
17 *ability benefits, commissary and exchange privi-*  
18 *leges, government-provided housing, tax benefits*  
19 *associated with service in the Armed Forces, and*  
20 *special pays paid or provided the member dur-*  
21 *ing the preceding 24 months.*

22                           (B) *A notice regarding the death and sur-*  
23 *vivor benefits, including Servicemembers' Group*  
24 *Life Insurance, to which the family of the mem-*  
25 *ber would be entitled in the event of the death of*

1           *the member, and a description of any offsets that*  
2           *might be applicable to such benefits.*

3           (C) *Information on other programs avail-*  
4           *able to members of the Armed Forces generally,*  
5           *such as access to morale, welfare, and recreation*  
6           *(MWR) facilities, child care, and education tui-*  
7           *tion assistance, and the estimated value, if ascer-*  
8           *tainable, of the availability of such programs in*  
9           *the area where the member is stationed or re-*  
10          *sides.*

11       (e) *OTHER OUTREACH.—*

12           (1) *IN GENERAL.—The Secretaries of the mili-*  
13          *tary departments shall, on a periodic basis, conduct*  
14          *outreach on the pay, benefits, and programs and serv-*  
15          *ices available to members of the Armed Forces by rea-*  
16          *son of service in the Armed Forces. The outreach shall*  
17          *be conducted pursuant to public service announce-*  
18          *ments, publications, and such other announcements*  
19          *through general media as will serve to disseminate the*  
20          *information broadly among the general public.*

21           (2) *INTERNET OUTREACH WEBSITE.—*

22           (A) *IN GENERAL.—The Secretary of Defense*  
23          *shall establish an Internet website for the pur-*  
24          *pose of providing the comprehensive information*  
25          *about the benefits and offsets described in sub-*

1            *section (c) to members of the Armed Forces and*  
2            *their families.*

3            (B) *CONTACT INFORMATION.*—*The Internet*  
4            *website required by subparagraph (A) shall pro-*  
5            *vide contact information, both telephone and e-*  
6            *mail, that a member of the Armed Forces and a*  
7            *family member of the member can use to get per-*  
8            *sonalized information about the benefits and off-*  
9            *sets described in subsection (c).*

10          (f) *REPORTS.*—

11            (1) *INITIAL REPORT.*—*Not later than one year*  
12            *after the date of the enactment of this Act, the Sec-*  
13            *retary of Defense shall submit to the congressional de-*  
14            *fense committees a report on the implementation of*  
15            *the requirements of this section by the Department of*  
16            *Defense. Such report shall include a description of the*  
17            *quality and scope of available online resources that*  
18            *provide information about benefits for members of the*  
19            *Armed Forces and their families.*

20            (2) *RECORDS MAINTAINED.*—*The Secretary of*  
21            *Defense or the military department concerned shall*  
22            *maintain records that contain the number of individ-*  
23            *uals that received a briefing under this section in the*  
24            *previous year disaggregated by the following:*

1           (A) Whether the individual is a member of  
2           the Armed Forces or a family member of a mem-  
3           ber of the Armed Forces.

4           (B) The Armed Force of the members.

5           (C) The State or territory in which the  
6           briefing occurred.

7           (D) The subject of the briefing.

## 8           **Subtitle H—Military Voting**

### 9           **SEC. 581. SHORT TITLE.**

10          This subtitle may be cited as the “Military and Over-  
11          seas Voter Empowerment Act”.

### 12          **SEC. 582. FINDINGS.**

13          Congress makes the following findings:

14               (1) The right to vote is a fundamental right.

15               (2) Due to logistical, geographical, operational  
16          and environmental barriers, military and overseas  
17          voters are burdened by many obstacles that impact  
18          their right to vote and register to vote, the most crit-  
19          ical of which include problems transmitting balloting  
20          materials and not being given enough time to vote.

21               (3) States play an essential role in facilitating  
22          the ability of military and overseas voters to register  
23          to vote and have their ballots cast and counted, espe-  
24          cially with respect to timing and improvement of ab-



1     *sentee voter registration and absentee ballot proce-*  
2     *dures.*

3             *(4) The Department of Defense educates military*  
4     *and overseas voters of their rights under the Uni-*  
5     *formed and Overseas Citizens Absentee Voting Act*  
6     *and plays an indispensable role in facilitating the*  
7     *procedural channels that allow military and overseas*  
8     *voters to have their votes count.*

9             *(5) The local, State, and Federal Government en-*  
10    *tities involved with getting ballots to military and*  
11    *overseas voters must work in conjunction to provide*  
12    *voter registration services and balloting materials in*  
13    *a secure and expeditious manner.*

14    **SEC. 583. CLARIFICATION REGARDING DELEGATION OF**  
15             **STATE RESPONSIBILITIES.**

16             *A State may delegate its responsibilities in carrying*  
17    *out the requirements under the Uniformed and Overseas*  
18    *Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.) im-*  
19    *posed as a result of the provisions of and amendments made*  
20    *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 period  
14 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 general,  
24 special, primary, and runoff elections for Federal  
25 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 absent  
4           uniformed services voter or overseas voter under  
5           subparagraph (C)) voter registration applica-  
6           tions and absentee ballot applications requested  
7           under subparagraph (A) in accordance with sub-  
8           section (e); and

9           “(C) by which the absent uniformed services  
10          voter or overseas voter can designate whether  
11          they prefer for such voter registration applica-  
12          tion or absentee ballot application to be trans-  
13          mitted 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 VOTERS  
18          AND OVERSEAS VOTERS TO REQUEST AND FOR STATES TO  
19          SEND VOTER REGISTRATION APPLICATIONS AND ABSENTEE  
20          BALLOT APPLICATIONS, AND FOR OTHER PURPOSES RE-  
21          LATED 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 elec-  
25          tronic communication—

1           “(A) for use by absent uniformed services  
2 voters and overseas voters who wish to register to  
3 vote or vote in any jurisdiction in the State to  
4 request voter registration applications and ab-  
5 sentee 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 ab-  
12 sent uniformed services voters and overseas vot-  
13 ers.

14           “(2) CLARIFICATION REGARDING PROVISION OF  
15 MULTIPLE MEANS OF ELECTRONIC COMMUNICATION.—  
16 A State may, in addition to the means of electronic  
17 communication so designated, provide multiple means  
18 of electronic communication to absent uniformed serv-  
19 ices voters and overseas voters, including a means of  
20 electronic communication for the appropriate juris-  
21 diction of the State.

22           “(3) INCLUSION OF DESIGNATED MEANS OF  
23 ELECTRONIC COMMUNICATION WITH INFORMATIONAL  
24 AND INSTRUCTIONAL MATERIALS THAT ACCOMPANY  
25 BALLOTING MATERIALS.—Each State shall include a

1     *means of electronic communication so designated with*  
2     *all informational and instructional materials that ac-*  
3     *company balloting materials sent by the State to ab-*  
4     *sent uniformed services voters and overseas voters.*

5             “(4) *AVAILABILITY AND MAINTENANCE OF ON-*  
6     *LINE REPOSITORY OF STATE CONTACT INFORMA-*  
7     *TION.—The Federal Voting Assistance Program of the*  
8     *Department of Defense shall maintain and make*  
9     *available to the public an online repository of State*  
10    *contact information with respect to elections for Fed-*  
11    *eral office, including the single State office designated*  
12    *under subsection (b) and the means of electronic com-*  
13    *munication designated under paragraph (1), to be*  
14    *used by absent uniformed services voters and overseas*  
15    *voters as a resource to send voter registration applica-*  
16    *tions and absentee ballot applications to the appro-*  
17    *priate jurisdiction in the State.*

18            “(5) *TRANSMISSION IF NO PREFERENCE INDI-*  
19    *CATED.—In the case where an absent uniformed serv-*  
20    *ices voter or overseas voter does not designate a pref-*  
21    *erence under subsection (a)(6)(C), the State shall*  
22    *transmit the voter registration application or absentee*  
23    *ballot application by any delivery method allowable*  
24    *in accordance with applicable State law, or if there*  
25    *is no applicable State law, by mail.*

1           “(6) *SECURITY AND PRIVACY PROTECTIONS.*—

2                   “(A) *SECURITY PROTECTIONS.*—*To the extent practicable, States shall ensure that the procedures established under subsection (a)(6) protect the security and integrity of the voter registration and absentee ballot application request processes.*

3                   “(B) *PRIVACY PROTECTIONS.*—*To the extent practicable, the procedures established under subsection (a)(6) shall ensure that the privacy of the identity and other personal data of an absent uniformed services voter or overseas voter who requests or is sent a voter registration application or absentee ballot application under such subsection is protected throughout the process of making such request or being sent such application.*”.

4           (b) *EFFECTIVE DATE.*—*The amendments made by this section shall apply with respect to the regularly scheduled general election for Federal office held in November 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 period  
 13 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 serv-  
 20 ices voters and overseas voters with respect to general,  
 21 special, primary, and runoff elections for Federal of-  
 22 fice in accordance with subsection (f).”; and

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

25 “(f) *TRANSMISSION OF BLANK ABSENTEE BALLOTS BY*  
 26 *MAIL AND ELECTRONICALLY.*—

1           “(1) *IN GENERAL.*—*Each State shall establish*  
2 *procedures—*

3           “(A) *to transmit blank absentee ballots by*  
4 *mail and electronically (in accordance with the*  
5 *preferred method of transmission designated by*  
6 *the absent uniformed services voter or overseas*  
7 *voter under subparagraph (B)) to absent uni-*  
8 *formed services voters and overseas voters for an*  
9 *election for Federal office; and*

10           “(B) *by which the absent uniformed services*  
11 *voter or overseas voter can designate whether*  
12 *they prefer for such blank absentee ballot to be*  
13 *transmitted by mail or electronically.*

14           “(2) *TRANSMISSION IF NO PREFERENCE INDI-*  
15 *CATED.*—*In the case where an absent uniformed serv-*  
16 *ices voter or overseas voter does not designate a pref-*  
17 *erence under paragraph (1)(B), the State shall trans-*  
18 *mit the ballot by any delivery method allowable in*  
19 *accordance with applicable State law, or if there is no*  
20 *applicable State law, by mail.*

21           “(3) *SECURITY AND PRIVACY PROTECTIONS.*—

22           “(A) *SECURITY PROTECTIONS.*—*To the ex-*  
23 *tent practicable, States shall ensure that the pro-*  
24 *cedures established under subsection (a)(7) pro-*  
25 *tect the security and integrity of absentee ballots.*



1           “(B) *PRIVACY PROTECTIONS.*—*To the extent*  
 2           *practicable, the procedures established under sub-*  
 3           *section (a)(7) shall ensure that the privacy of the*  
 4           *identity and other personal data of an absent*  
 5           *uniformed services voter or overseas voter to*  
 6           *whom a blank absentee ballot is transmitted*  
 7           *under such subsection is protected throughout the*  
 8           *process of such transmission.”.*

9           (b) *EFFECTIVE DATE.*—*The amendments made by this*  
 10          *section shall apply with respect to the regularly scheduled*  
 11          *general election for Federal office held in November 2010*  
 12          *and each succeeding election for Federal office.*

13          **SEC. 586. ENSURING ABSENT UNIFORMED SERVICES VOT-**  
 14                                **ERS AND OVERSEAS VOTERS HAVE TIME TO**  
 15                                **VOTE.**

16          (a) *IN GENERAL.*—*Section 102 of the Uniformed and*  
 17          *Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-*  
 18          *1(a)(1)), as amended by section 585, is amended—*

19               (1) *in subsection (a)—*

20                       (A) *in paragraph (6), by striking “and” at*  
 21                       *the end;*

22                       (B) *in paragraph (7), by striking the period*  
 23                       *at the end and inserting a semicolon; and*

24                       (C) *by adding at the end the following new*  
 25                       *paragraph:*

1           “(8) transmit a validly requested absentee ballot  
2 to an absent uniformed services voter or overseas  
3 voter—

4           “(A) except as provided in subsection (g), in  
5 the case where the request is received at least 45  
6 days before an election for Federal office, not  
7 later than 45 days before the election; and

8           “(B) in the case where the request is re-  
9 ceived less than 45 days before an election for  
10 Federal office—

11           “(i) in accordance with State law; and

12           “(ii) if practicable and as determined  
13 appropriate by the State, in a manner that  
14 expedites the transmission of such absentee  
15 ballot.”.

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

18           “(g) *HARDSHIP EXEMPTION.*—

19           “(1) *IN GENERAL.*—If the chief State election of-  
20 ficial determines that the State is unable to meet the  
21 requirement under subsection (a)(8)(A) with respect  
22 to an election for Federal office due to an undue  
23 hardship described in paragraph (2)(B), the chief  
24 State election official shall request that the Presi-  
25 dential designee grant a waiver to the State of the ap-

1     *plication of such subsection. Such request shall in-*  
2     *clude—*

3             *“(A) a recognition that the purpose of such*  
4     *subsection is to allow absent uniformed services*  
5     *voters and overseas voters enough time to vote in*  
6     *an election for Federal office;*

7             *“(B) an explanation of the hardship that*  
8     *indicates why the State is unable to transmit ab-*  
9     *sent uniformed services voters and overseas voters*  
10    *an absentee ballot in accordance with such sub-*  
11    *section;*

12            *“(C) the number of days prior to the elec-*  
13    *tion for Federal office that the State requires ab-*  
14    *sentee ballots be transmitted to absent uniformed*  
15    *services voters and overseas voters; and*

16            *“(D) a comprehensive plan to ensure that*  
17    *absent uniformed services voters and overseas*  
18    *voters are able to receive absentee ballots which*  
19    *they have requested and submit marked absentee*  
20    *ballots to the appropriate State election official*  
21    *in time to have that ballot counted in the elec-*  
22    *tion for Federal office, which includes—*

23                *“(i) the steps the State will undertake*  
24     *to ensure that absent uniformed services vot-*  
25     *ers and overseas voters have time to receive,*

1           *mark, and submit their ballots in time to*  
2           *have those ballots counted in the election;*

3           “(ii) *why the plan provides absent uni-*  
4           *formed services voters and overseas voters*  
5           *sufficient time to vote as a substitute for the*  
6           *requirements under such subsection; and*

7           “(iii) *the underlying factual informa-*  
8           *tion which explains how the plan provides*  
9           *such sufficient time to vote as a substitute*  
10          *for such requirements.*

11          “(2) *APPROVAL OF WAIVER REQUEST.—After*  
12          *consulting with the Attorney General, the Presidential*  
13          *designee shall approve a waiver request under para-*  
14          *graph (1) if the Presidential designee determines each*  
15          *of the following requirements are met:*

16               “(A) *The comprehensive plan under sub-*  
17               *paragraph (D) of such paragraph provides ab-*  
18               *sent uniformed services voters and overseas voters*  
19               *sufficient time to receive absentee ballots they*  
20               *have requested and submit marked absentee bal-*  
21               *lots to the appropriate State election official in*  
22               *time to have that ballot counted in the election*  
23               *for Federal office.*

24               “(B) *One or more of the following issues*  
25               *creates an undue hardship for the State:*

1           “(i) *The State’s primary election date*  
2           *prohibits the State from complying with*  
3           *subsection (a)(8)(A).*

4           “(ii) *The State has suffered a delay in*  
5           *generating ballots due to a legal contest.*

6           “(iii) *The State Constitution prohibits*  
7           *the State from complying with such sub-*  
8           *section.*

9           “(3) *TIMING OF WAIVER.—*

10           “(A) *IN GENERAL.—Except as provided*  
11           *under subparagraph (B), a State that requests a*  
12           *waiver under paragraph (1) shall submit to the*  
13           *Presidential designee the written waiver request*  
14           *not later than 90 days before the election for*  
15           *Federal office with respect to which the request*  
16           *is submitted. The Presidential designee shall ap-*  
17           *prove or deny the waiver request not later than*  
18           *65 days before such election.*

19           “(B) *EXCEPTION.—If a State requests a*  
20           *waiver under paragraph (1) as the result of an*  
21           *undue hardship described in paragraph*  
22           *(2)(B)(ii), the State shall submit to the Presi-*  
23           *dential designee the written waiver request as*  
24           *soon as practicable. The Presidential designee*  
25           *shall approve or deny the waiver request not*

1           *later than 5 business days after the date on*  
2           *which the request is received.*

3           “(4) *APPLICATION OF WAIVER.*—*A waiver ap-*  
4           *proved under paragraph (2) shall only apply with re-*  
5           *spect to the election for Federal office for which the*  
6           *request was submitted. For each subsequent election*  
7           *for Federal office, the Presidential designee shall only*  
8           *approve a waiver if the State has submitted a request*  
9           *under paragraph (1) with respect to such election.”.*

10          (b) *RUNOFF ELECTIONS.*—*Section 102(a) of the Uni-*  
11          *formed and Overseas Citizens Absentee Voting Act (42*  
12          *U.S.C. 1973ff-1(a)), as amended by subsection (a), is*  
13          *amended—*

14                 (1) *in paragraph (7), by striking “and” at the*  
15                 *end;*

16                 (2) *in paragraph (8), by striking the period at*  
17                 *the end and inserting “; and”; and*

18                 (3) *by adding at the end the following new para-*  
19                 *graph:*

20                         “(9) *if the State declares or otherwise holds a*  
21                         *runoff election for Federal office, establish a written*  
22                         *plan that provides absentee ballots are made available*  
23                         *to absent uniformed services voters and overseas voters*  
24                         *in manner that gives them sufficient time to vote in*  
25                         *the runoff election.”.*

1       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
 2 *section shall apply with respect to the regularly scheduled*  
 3 *general election for Federal office held in November 2010*  
 4 *and each succeeding election for Federal office.*

5 **SEC. 587. PROCEDURES FOR COLLECTION AND DELIVERY**  
 6 **OF MARKED ABSENTEE BALLOTS OF ABSENT**  
 7 **OVERSEAS UNIFORMED SERVICES VOTERS.**

8       (a) *IN GENERAL.*—*The Uniformed and Overseas Citi-*  
 9 *zens Absentee Voting Act (42 U.S.C. 1973ff et seq.) is*  
 10 *amended by inserting after section 103 the following new*  
 11 *section:*

12 **“SEC. 103A. PROCEDURES FOR COLLECTION AND DELIVERY**  
 13 **OF MARKED ABSENTEE BALLOTS OF ABSENT**  
 14 **OVERSEAS UNIFORMED SERVICES VOTERS.**

15       “(a) *ESTABLISHMENT OF PROCEDURES.*—*The Presi-*  
 16 *dential designee shall establish procedures for collecting*  
 17 *marked absentee ballots of absent overseas uniformed serv-*  
 18 *ices voters in regularly scheduled general elections for Fed-*  
 19 *eral office, including absentee ballots prepared by States*  
 20 *and the Federal write-in absentee ballot prescribed under*  
 21 *section 103, and for delivering such marked absentee ballots*  
 22 *to the appropriate election officials.*

23       “(b) *DELIVERY TO APPROPRIATE ELECTION OFFI-*  
 24 *CIALS.*—

1           “(1) *IN GENERAL.*—Under the procedures estab-  
2           lished under this section, the Presidential designee  
3           shall implement procedures that facilitate the delivery  
4           of marked absentee ballots of absent overseas uni-  
5           formed services voters for regularly scheduled general  
6           elections for Federal office to the appropriate election  
7           officials, in accordance with this section, not later  
8           than the date by which an absentee ballot must be re-  
9           ceived in order to be counted in the election.

10           “(2) *COOPERATION AND COORDINATION WITH*  
11           *THE UNITED STATES POSTAL SERVICE.*—The Presi-  
12           dential designee shall carry out this section in co-  
13           operation and coordination with the United States  
14           Postal Service, and shall provide expedited mail de-  
15           livery service for all such marked absentee ballots of  
16           absent uniformed services voters that are collected on  
17           or before the deadline described in paragraph (3) and  
18           then transferred to the United States Postal Service.

19           “(3) *DEADLINE DESCRIBED.*—

20           “(A) *IN GENERAL.*—Except as provided in  
21           subparagraph (B), the deadline described in this  
22           paragraph is noon (in the location in which the  
23           ballot is collected) on the seventh day preceding  
24           the date of the regularly scheduled general elec-  
25           tion for Federal office.



1           “(B) *AUTHORITY TO ESTABLISH ALTER-*  
2           *NATIVE DEADLINE FOR CERTAIN LOCATIONS.—If*  
3           *the Presidential designee determines that the*  
4           *deadline described in subparagraph (A) is not*  
5           *sufficient to ensure timely delivery of the ballot*  
6           *under paragraph (1) with respect to a particular*  
7           *location because of remoteness or other factors,*  
8           *the Presidential designee may establish as an al-*  
9           *ternative deadline for that location the latest*  
10           *date occurring prior to the deadline described in*  
11           *subparagraph (A) which is sufficient to provide*  
12           *timely delivery of the ballot under paragraph*  
13           *(1).*

14           “(4) *NO POSTAGE REQUIREMENT.—In accord-*  
15           *ance with section 3406 of title 39, United States*  
16           *Code, such marked absentee ballots and other balloting*  
17           *materials shall be carried free of postage.*

18           “(5) *DATE OF MAILING.—Such marked absentee*  
19           *ballots shall be postmarked with a record of the date*  
20           *on which the ballot is mailed.*

21           “(c) *OUTREACH FOR ABSENT OVERSEAS UNIFORMED*  
22           *SERVICES VOTERS ON PROCEDURES.—The Presidential*  
23           *designee shall take appropriate actions to inform individ-*  
24           *uals who are anticipated to be absent overseas uniformed*  
25           *services voters in a regularly scheduled general election for*

1 *Federal office to which this section applies of the procedures*  
2 *for the collection and delivery of marked absentee ballots*  
3 *established pursuant to this section, including the manner*  
4 *in which such voters may utilize such procedures for the*  
5 *submittal of marked absentee ballots pursuant to this sec-*  
6 *tion.*

7 “(d) *ABSENT OVERSEAS UNIFORMED SERVICES*  
8 *VOTER DEFINED.*—*In this section, the term ‘absent overseas*  
9 *uniformed services voter’ means an overseas voter described*  
10 *in section 107(5)(A).*

11 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
12 *authorized to be appropriated to the Presidential designee*  
13 *such sums as may be necessary to carry out this section.”.*

14 (b) *CONFORMING AMENDMENT.*—*Section 101(b) of*  
15 *such Act (42 U.S.C. 1973ff(b)) is amended—*

16 (1) *by striking “and” at the end of paragraph*  
17 *(6);*

18 (2) *by striking the period at the end of para-*  
19 *graph (7) and inserting “; and”; and*

20 (3) *by adding at the end the following new para-*  
21 *graph:*

22 “(8) *carry out section 103A with respect to the*  
23 *collection and delivery of marked absentee ballots of*  
24 *absent overseas uniformed services voters in elections*  
25 *for Federal office.”.*

1       (c) *STATE RESPONSIBILITIES.*—Section 102(a) of such  
2 Act (42 U.S.C. 1973ff–1(a)), as amended by section 586,  
3 is amended—

4           (1) in paragraph (8), by striking “and” at the  
5 end;

6           (2) in paragraph (9), by striking the period at  
7 the end and inserting “; and”; and

8           (3) by adding the following new paragraph:

9           “(10) carry out section 103A(b)(1) with respect  
10 to the processing and acceptance of marked absentee  
11 ballots of absent overseas uniformed services voters.”.

12       (d) *TRACKING MARKED BALLOTS.*—Section 102 of  
13 such Act (42 U.S.C. 1973ff–1(a)), as amended by section  
14 586, is amended by adding at the end the following new  
15 subsection:

16       “(h) *TRACKING MARKED BALLOTS.*—The chief State  
17 election official, in coordination with local election jurisdic-  
18 tions, shall develop a free access system by which an absent  
19 uniformed services voter or overseas voter may determine  
20 whether the absentee ballot of the absent uniformed services  
21 voter or overseas voter has been received by the appropriate  
22 State election official.”.

23       (e) *PROTECTING VOTER PRIVACY AND SECRECY OF AB-*  
24 *SENTEE BALLOTS.*—Section 101(b) of the Uniformed and

1 *Overseas Citizens Absentee Voting Act* (42 U.S.C.  
2 1973ff(b)), as amended by subsection (b), is amended—

3 (1) by striking “and” at the end of paragraph  
4 (7);

5 (2) by striking the period at the end of para-  
6 graph (8) and inserting “; and”; and

7 (3) by adding at the end the following new para-  
8 graph:

9 “(9) to the greatest extent practicable, take such  
10 actions as may be necessary—

11 “(A) to ensure that absent uniformed serv-  
12 ices voters who cast absentee ballots at locations  
13 or facilities under the jurisdiction of the Presi-  
14 dential designee are able to do so in a private  
15 and independent manner; and

16 “(B) to protect the privacy of the contents  
17 of absentee ballots cast by absentee uniformed  
18 services voters and overseas voters while such bal-  
19 lots are in the possession or control of the Presi-  
20 dential designee.”.

21 (f) *EFFECTIVE DATE.*—The amendments made by this  
22 section shall apply with respect to the regularly scheduled  
23 general election for Federal office held in November 2010  
24 and each succeeding election for Federal office.

1 **SEC. 588. FEDERAL WRITE-IN ABSENTEE BALLOT.**

2 (a) *USE IN GENERAL, SPECIAL, PRIMARY, AND RUN-*  
3 *OFF ELECTIONS FOR FEDERAL OFFICE.—*

4 (1) *IN GENERAL.—Section 103 of the Uniformed*  
5 *and Overseas Citizens Absentee Voting Act (42 U.S.C.*  
6 *1973ff-2) is amended—*

7 (A) *in subsection (a), by striking “general*  
8 *elections for Federal office” and inserting “gen-*  
9 *eral, special, primary, and runoff elections for*  
10 *Federal office”;*

11 (B) *in subsection (e), in the matter pre-*  
12 *ceding paragraph (1), by striking “a general*  
13 *election” and inserting “a general, special, pri-*  
14 *mary, or runoff election for Federal office”;* and

15 (C) *in subsection (f), by striking “the gen-*  
16 *eral election” each place it appears and inserting*  
17 *“the general, special, primary, or runoff election*  
18 *for Federal office”.*

19 (2) *EFFECTIVE DATE.—The amendments made*  
20 *by this subsection shall take effect on December 31,*  
21 *2010, and apply with respect to elections for Federal*  
22 *office held on or after such date.*

23 (b) *PROMOTION AND EXPANSION OF USE.—Section*  
24 *103(a) of the Uniformed and Overseas Citizens Absentee*  
25 *Voting Act (42 U.S.C. 1973ff-2) is amended—*

1           (1) by striking “GENERAL.—*The Presidential*”  
2 and inserting “GENERAL.—

3           “(1) *FEDERAL WRITE-IN ABSENTEE BALLOT.—*  
4 *The Presidential*”; and

5           (2) by adding at the end the following new para-  
6 graph:

7           “(2) *PROMOTION AND EXPANSION OF USE OF*  
8 *FEDERAL WRITE-IN ABSENTEE BALLOTS.—*

9           “(A) *IN GENERAL.—Not later than Decem-*  
10 *ber 31, 2011, the Presidential designee shall*  
11 *adopt procedures to promote and expand the use*  
12 *of the Federal write-in absentee ballot as a back-*  
13 *up measure to vote in elections for Federal office.*

14           “(B) *USE OF TECHNOLOGY.—Under such*  
15 *procedures, the Presidential designee shall utilize*  
16 *technology to implement a system under which*  
17 *the absent uniformed services voter or overseas*  
18 *voter may—*

19           “(i) *enter the address of the voter or*  
20 *other information relevant in the appro-*  
21 *prate jurisdiction of the State, and the sys-*  
22 *tem will generate a list of all candidates in*  
23 *the election for Federal office in that juris-*  
24 *diction; and*

1                   “(ii) submit the marked Federal write-  
 2                   in absentee ballot by printing the ballot (in-  
 3                   cluding complete instructions for submitting  
 4                   the marked Federal write-in absentee ballot  
 5                   to the appropriate State election official  
 6                   and the mailing address of the single State  
 7                   office designated under section 102(b)).

8                   “(C) AUTHORIZATION OF APPROPRIA-  
 9                   TIONS.—There are authorized to be appropriated  
 10                  to the Presidential designee such sums as may be  
 11                  necessary to carry out this paragraph.”.

12 **SEC. 589. PROHIBITING REFUSAL TO ACCEPT VOTER REG-**  
 13 **ISTRATION AND ABSENTEE BALLOT APPLICA-**  
 14 **TIONS, MARKED ABSENTEE BALLOTS, AND**  
 15 **FEDERAL WRITE-IN ABSENTEE BALLOTS FOR**  
 16 **FAILURE TO MEET CERTAIN REQUIREMENTS.**

17           (a) *VOTER REGISTRATION AND ABSENTEE BALLOT*  
 18 *APPLICATIONS.*—Section 102 of the Uniformed and Over-  
 19 *seas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as*  
 20 *amended by section 587, is amended by adding at the end*  
 21 *the following new subsection:*

22           “(i) *PROHIBITING REFUSAL TO ACCEPT APPLICA-*  
 23 *TIONS FOR FAILURE TO MEET CERTAIN REQUIREMENTS.*—  
 24 *A State shall not refuse to accept and process any otherwise*  
 25 *valid voter registration application or absentee ballot appli-*

1 cation (including the official post card form prescribed  
2 under section 101) or marked absentee ballot submitted in  
3 any manner by an absent uniformed services voter or over-  
4 seas voter solely on the basis of the following:

5           “(1) Notarization requirements.

6           “(2) Restrictions on paper type, including  
7 weight and size.

8           “(3) Restrictions on envelope type, including  
9 weight and size.”.

10       (b) *FEDERAL WRITE-IN ABSENTEE BALLOT*.—Section  
11 103 of such Act (42 U.S.C. 1973ff-2) is amended—

12           (1) by redesignating subsection (f) as subsection  
13 (g); and

14           (2) by inserting after subsection (e) the following  
15 new subsection:

16       “(f) *PROHIBITING REFUSAL TO ACCEPT BALLOT FOR*  
17 *FAILURE TO MEET CERTAIN REQUIREMENTS*.—A State  
18 shall not refuse to accept and process any otherwise valid  
19 Federal write-in absentee ballot submitted in any manner  
20 by an absent uniformed services voter or overseas voter sole-  
21 ly on the basis of the following:

22           “(1) Notarization requirements.

23           “(2) Restrictions on paper type, including  
24 weight and size.



1           “(3) *Restrictions on envelope type, including*  
2           *weight and size.*”.

3           (c) *EFFECTIVE DATE.*—*The amendments made by this*  
4           *section shall apply with respect to the regularly scheduled*  
5           *general election for Federal office held in November 2010*  
6           *and each succeeding election for Federal office.*

7           **SEC. 590. FEDERAL VOTING ASSISTANCE PROGRAM IM-**  
8   **PROVEMENTS.**

9           (a) *FEDERAL VOTING ASSISTANCE PROGRAM IM-*  
10           *PROVEMENTS.*—

11                               (1) *IN GENERAL.*—*The Uniformed and Overseas*  
12           *Citizens Absentee Voting Act (42 U.S.C. 1973ff et*  
13           *seq.), as amended by section 587, is amended by in-*  
14           *serting after section 103A the following new section:*

15           **“SEC. 103B. FEDERAL VOTING ASSISTANCE PROGRAM IM-**  
16   **PROVEMENTS.**

17           “(a) *DUTIES.*—*The Presidential designee shall carry*  
18           *out the following duties:*

19                               “(1) *Develop online portals of information to in-*  
20           *form absent uniformed services voters regarding voter*  
21           *registration procedures and absentee ballot procedures*  
22           *to be used by such voters with respect to elections for*  
23           *Federal office.*

24                               “(2) *Establish a program to notify absent uni-*  
25           *formed services voters of voter registration informa-*

1        *tion and resources, the availability of the Federal*  
2        *postcard application, and the availability of the Fed-*  
3        *eral write-in absentee ballot on the military Global*  
4        *Network, and shall use the military Global Network*  
5        *to notify absent uniformed services voters of the fore-*  
6        *going 90, 60, and 30 days prior to each election for*  
7        *Federal office.*

8        “(b) *CLARIFICATION REGARDING OTHER DUTIES AND*  
9        *OBLIGATIONS.—Nothing in this section shall relieve the*  
10       *Presidential designee of their duties and obligations under*  
11       *any directives or regulations issued by the Department of*  
12       *Defense, including the Department of Defense Directive*  
13       *1000.04 (or any successor directive or regulation) that is*  
14       *not inconsistent or contradictory to the provisions of this*  
15       *section.*

16       “(c) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
17       *authorized to be appropriated to the Federal Voting Assist-*  
18       *ance Program of the Department of Defense (or a successor*  
19       *program) such sums as are necessary for purposes of car-*  
20       *rying out this section.”.*

21       (2) *CONFORMING AMENDMENTS.—Section 101 of*  
22       *such Act (42 U.S.C. 1973ff), as amended by section*  
23       *587, is amended—*

24                    (A) *in subparagraph (b)—*

1                   (i) by striking “and” at the end of  
2                   paragraph (8);

3                   (ii) by striking the period at the end of  
4                   paragraph (9) and inserting “; and”; and

5                   (iii) by adding at the end the following  
6                   new paragraph:

7                   “(10) carry out section 103B with respect to  
8                   Federal Voting Assistance Program Improvements.”;  
9                   and

10                  (B) by adding at the end the following new  
11                  subsection:

12                  “(d) *AUTHORIZATION OF APPROPRIATIONS FOR CAR-*  
13                  *RYING OUT FEDERAL VOTING ASSISTANCE PROGRAM IM-*  
14                  *PROVEMENTS.—There are authorized to be appropriated to*  
15                  *the Presidential designee such sums as are necessary for*  
16                  *purposes of carrying out subsection (b)(10).”.*

17                  (b) *VOTER REGISTRATION ASSISTANCE FOR ABSENT*  
18                  *UNIFORMED SERVICES VOTERS.—Section 102 of the Uni-*  
19                  *formed and Overseas Citizens Absentee Voting Act (42*  
20                  *U.S.C. 1973ff-1), as amended by section 589, is amended*  
21                  *by adding at the end the following new subsection:*

22                  “(j) *VOTER REGISTRATION ASSISTANCE FOR ABSENT*  
23                  *UNIFORMED SERVICES VOTERS.—*

24                  “(1) *DESIGNATING AN OFFICE AS A VOTER REG-*  
25                  *ISTRATION AGENCY ON EACH INSTALLATION OF THE*

1     *ARMED FORCES.*—*Not later than 180 days after the*  
2     *date of enactment of this subsection, each Secretary of*  
3     *a military department shall take appropriate actions*  
4     *to designate an office on each installation of the*  
5     *Armed Forces under the jurisdiction of such Secretary*  
6     *(excluding any installation in a theater of combat),*  
7     *consistent across every installation of the department*  
8     *of the Secretary concerned, to provide each individual*  
9     *described in paragraph (3)—*

10            “(A) *written information on voter registra-*  
11            *tion procedures and absentee ballot procedures*  
12            *(including the official post card form prescribed*  
13            *under section 101);*

14            “(B) *the opportunity to register to vote in*  
15            *an election for Federal office;*

16            “(C) *the opportunity to update the individ-*  
17            *ual’s voter registration information, including*  
18            *clear written notice and instructions for the ab-*  
19            *sent uniformed services voter to change their ad-*  
20            *dress by submitting the official post card form*  
21            *prescribed under section 101 to the appropriate*  
22            *State election official; and*

23            “(D) *the opportunity to request an absentee*  
24            *ballot under this Act.*

1           “(2) *DEVELOPMENT OF PROCEDURES.*—*Each*  
2           *Secretary of a military department shall develop, in*  
3           *consultation with each State and the Presidential des-*  
4           *ignee, the procedures necessary to provide the assist-*  
5           *ance described in paragraph (1).*

6           “(3) *INDIVIDUALS DESCRIBED.*—*The following*  
7           *individuals are described in this paragraph:*

8           “(A) *An absent uniformed services voter—*

9           “(i) *who is undergoing a permanent*  
10           *change of duty station;*

11           “(ii) *who is deploying overseas for at*  
12           *least 6 months;*

13           “(iii) *who is or returning from an*  
14           *overseas deployment of at least 6 months; or*

15           “(iv) *who at any time requests assist-*  
16           *ance related to voter registration.*

17           “(B) *All other absent uniformed services*  
18           *voters (as defined in section 107(1)).*

19           “(4) *TIMING OF PROVISION OF ASSISTANCE.*—  
20           *The assistance described in paragraph (1) shall be*  
21           *provided to an absent uniformed services voter—*

22           “(A) *described in clause (i) of paragraph*  
23           *(3)(A), as part of the administrative in-proc-*  
24           *essing of the member upon arrival at the new*

1 *duty station of the absent uniformed services*  
2 *voter;*

3 “(B) described in clause (ii) of such para-  
4 *graph, as part of the administrative in-proc-*  
5 *essing of the member upon deployment from the*  
6 *home duty station of the absent uniformed serv-*  
7 *ices voter;*

8 “(C) described in clause (iii) of such para-  
9 *graph, as part of the administrative in-proc-*  
10 *essing of the member upon return to the home*  
11 *duty station of the absent uniformed services*  
12 *voter;*

13 “(D) described in clause (iv) of such para-  
14 *graph, at any time the absent uniformed services*  
15 *voter requests such assistance; and*

16 “(E) described in paragraph (3)(B), at any  
17 *time the absent uniformed services voter requests*  
18 *such assistance.*

19 “(5) *PAY, PERSONNEL, AND IDENTIFICATION OF-*  
20 *FICES OF THE DEPARTMENT OF DEFENSE.—The Sec-*  
21 *retary of Defense may designate pay, personnel, and*  
22 *identification offices of the Department of Defense for*  
23 *persons to apply to register to vote, update the indi-*  
24 *vidual’s voter registration information, and request*  
25 *an absentee ballot under this Act.*

1           “(6) *TREATMENT OF OFFICES DESIGNATED AS*  
2 *VOTER REGISTRATION AGENCIES.*—*An office des-*  
3 *ignated under paragraph (1) or (5) shall be consid-*  
4 *ered to be a voter registration agency designated*  
5 *under section 7(a)(2) of the National Voter Registra-*  
6 *tion Act of 1993 for all purposes of such Act.*

7           “(7) *OUTREACH TO ABSENT UNIFORMED SERV-*  
8 *ICES VOTERS.*—*The Secretary of each military de-*  
9 *partment or the Presidential designee shall take ap-*  
10 *propriate actions to inform absent uniformed services*  
11 *voters of the assistance available under this subsection*  
12 *including—*

13                 “(A) *the availability of voter registration*  
14 *assistance at offices designated under paragraphs*  
15 *(1) and (5); and*

16                 “(B) *the time, location, and manner in*  
17 *which an absent uniformed voter may utilize*  
18 *such assistance.*

19           “(8) *DEFINITION OF MILITARY DEPARTMENT AND*  
20 *SECRETARY CONCERNED.*—*In this subsection, the*  
21 *terms ‘military department’ and ‘Secretary con-*  
22 *cerned’ have the meaning given such terms in para-*  
23 *graphs (8) and (9), respectively, of section 101 of title*  
24 *10, United States Code.*

1           “(9) *AUTHORIZATION OF APPROPRIATIONS.*—  
2           *There are authorized to be appropriated such sums as*  
3           *are necessary to carry out this subsection.*”.

4           (c) *EFFECTIVE DATE.*—*The amendments made by this*  
5           *section shall apply with respect to the regularly scheduled*  
6           *general election for Federal office held in November 2010*  
7           *and each succeeding election for Federal office.*

8           **SEC. 591. DEVELOPMENT OF STANDARDS FOR REPORTING**  
9                                   **AND STORING CERTAIN DATA.**

10           (a) *IN GENERAL.*—*Section 101(b) of such Act (42*  
11           *U.S.C. 1973ff(b)), as amended by section 590, is amended—*

12                   (1) *by striking “and” at the end of paragraph*  
13                   (9);

14                   (2) *by striking the period at the end of para-*  
15                   *graph (10) and inserting “; and”; and*

16                   (3) *by adding at the end the following new para-*  
17                   *graph:*

18                   “(11) *working with the Election Assistance Com-*  
19                   *mission and the chief State election official of each*  
20                   *State, develop standards—*

21                           “(A) *for States to report data on the num-*  
22                           *ber of absentee ballots transmitted and received*  
23                           *under section 102(c) and such other data as the*  
24                           *Presidential designee determines appropriate;*  
25                           *and*



1                   “(B) for the Presidential designee to store  
2                   the data reported.”.

3           (b) *CONFORMING AMENDMENT.*—Section 102(a) of  
4 such Act (42 U.S.C. 1973ff–1(a)), as amended by section  
5 587, is amended—

6                   (1) in paragraph (9), by striking “and” at the  
7                   end;

8                   (2) in paragraph (10), by striking the period at  
9                   the end and inserting “; and”; and

10                   (3) by adding at the end the following new para-  
11                   graph:

12                   “(11) report data on the number of absentee bal-  
13                   lots transmitted and received under section 102(c)  
14                   and such other data as the Presidential designee de-  
15                   termines appropriate in accordance with the stand-  
16                   ards developed by the Presidential designee under sec-  
17                   tion 101(b)(11).”.

18           (c) *EFFECTIVE DATE.*—The amendments made by this  
19 section shall apply with respect to the regularly scheduled  
20 general election for Federal office held in November 2010  
21 and each succeeding election for Federal office.

1 **SEC. 592. REPEAL OF PROVISIONS RELATING TO USE OF**  
 2 **SINGLE APPLICATION FOR ALL SUBSEQUENT**  
 3 **ELECTIONS.**

4 (a) *IN GENERAL.*—Subsections (a) through (d) of sec-  
 5 tion 104 of the Uniformed and Overseas Citizens Absentee  
 6 Voting Act (42 U.S.C. 1973ff-3) are repealed.

7 (b) *CONFORMING AMENDMENTS.*—The Uniformed and  
 8 Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et  
 9 seq.) is amended—

10 (1) in section 101(b)—

11 (A) in paragraph (2), by striking “, for use  
 12 by States in accordance with section 104”; and

13 (B) in paragraph (4), by striking “for use  
 14 by States in accordance with section 104”; and

15 (2) in section 104, as amended by subsection

16 (a)—

17 (A) in the section heading, by striking

18 “**USE OF SINGLE APPLICATION FOR ALL**  
 19 **SUBSEQUENT ELECTIONS**” and inserting

20 “**PROHIBITION OF REFUSAL OF APPLICA-**  
 21 **TIONS ON GROUNDS OF EARLY SUBMIS-**  
 22 **SION**”; and

23 (B) in subsection (e), by striking “(e) **PRO-**  
 24 **HIBITION OF REFUSAL OF APPLICATIONS ON**  
 25 **GROUNDS OF EARLY SUBMISSION.**—”.

1 **SEC. 593. REPORTING REQUIREMENTS.**

2 *The Uniformed and Overseas Citizens Absentee Voting*  
3 *Act (42 U.S.C. 1973ff et seq.) is amended by inserting after*  
4 *section 105 the following new section:*

5 **“SEC. 105A. REPORTING REQUIREMENTS.**

6 *“(a) REPORT ON STATUS OF IMPLEMENTATION AND*  
7 *ASSESSMENT OF PROGRAMS.—Not later than 180 days*  
8 *after the date of the enactment of the Military and Overseas*  
9 *Voter Empowerment Act, the Presidential designee shall*  
10 *submit to the relevant committees of Congress a report con-*  
11 *taining the following information:*

12 *“(1) The status of the implementation of the pro-*  
13 *cedures established for the collection and delivery of*  
14 *marked absentee ballots of absent overseas uniformed*  
15 *services voters under section 103A, and a detailed de-*  
16 *scription of the specific steps taken towards such im-*  
17 *plementation for the regularly scheduled general elec-*  
18 *tion for Federal office held in November 2010.*

19 *“(2) An assessment of the effectiveness of the Vot-*  
20 *ing Assistance Officer Program of the Department of*  
21 *Defense, which shall include the following:*

22 *“(A) A thorough and complete assessment of*  
23 *whether the Program, as configured and imple-*  
24 *mented as of such date of enactment, is effec-*  
25 *tively assisting absent uniformed services voters*  
26 *in exercising their right to vote.*

1           “(B) *An inventory and explanation of any*  
2           *areas of voter assistance in which the Program*  
3           *has failed to accomplish its stated objectives and*  
4           *effectively assist absent uniformed services voters*  
5           *in exercising their right to vote.*

6           “(C) *As necessary, a detailed plan for the*  
7           *implementation of any new program to replace*  
8           *or supplement voter assistance activities required*  
9           *to be performed under this Act.*

10          “(3) *A detailed description of the specific steps*  
11          *taken towards the implementation of voter registra-*  
12          *tion assistance for absent uniformed services voters*  
13          *under section 102(j), including the designation of of-*  
14          *fices under paragraphs (1) and (5) of such section.*

15          “(b) *ANNUAL REPORT ON EFFECTIVENESS OF ACTIVI-*  
16          *TIES AND UTILIZATION OF CERTAIN PROCEDURES.—Not*  
17          *later than March 31 of each year, the Presidential designee*  
18          *shall transmit to the President and to the relevant commit-*  
19          *tees of Congress a report containing the following informa-*  
20          *tion:*

21                 “(1) *An assessment of the effectiveness of activi-*  
22                 *ties carried out under section 103B, including the ac-*  
23                 *tivities and actions of the Federal Voting Assistance*  
24                 *Program of the Department of Defense, a separate as-*  
25                 *essment of voter registration and participation by*

1 *absent uniformed services voters, a separate assess-*  
2 *ment of voter registration and participation by over-*  
3 *seas voters who are not members of the uniformed*  
4 *services, and a description of the cooperation between*  
5 *States and the Federal Government in carrying out*  
6 *such section.*

7 “(2) *A description of the utilization of voter reg-*  
8 *istration assistance under section 102(j), which shall*  
9 *include the following:*

10 “(A) *A description of the specific programs*  
11 *implemented by each military department of the*  
12 *Armed Forces pursuant to such section.*

13 “(B) *The number of absent uniformed serv-*  
14 *ices voters who utilized voter registration assist-*  
15 *ance provided under such section.*

16 “(3) *In the case of a report submitted under this*  
17 *subsection in the year following a year in which a*  
18 *regularly scheduled general election for Federal office*  
19 *is held, a description of the utilization of the proce-*  
20 *dures for the collection and delivery of marked absen-*  
21 *tee ballots established pursuant to section 103A, which*  
22 *shall include the number of marked absentee ballots*  
23 *collected and delivered under such procedures and the*  
24 *number of such ballots which were not delivered by*  
25 *the time of the closing of the polls on the date of the*

1 election (and the reasons such ballots were not so de-  
2 livered).

3 “(c) *DEFINITIONS.*—*In this section:*

4 “(1) *ABSENT OVERSEAS UNIFORMED SERVICES*  
5 *VOTER.*—*The term ‘absent overseas uniformed services*  
6 *voter’ has the meaning given such term in section*  
7 *103A(d).*

8 “(2) *PRESIDENTIAL DESIGNEE.*—*The term ‘Pres-*  
9 *idential designee’ means the Presidential designee*  
10 *under section 101(a).*

11 “(3) *RELEVANT COMMITTEES OF CONGRESS DE-*  
12 *FINED.*—*The term ‘relevant committees of Congress’*  
13 *means—*

14 “(A) *the Committees on Appropriations,*  
15 *Armed Services, and Rules and Administration*  
16 *of the Senate; and*

17 “(B) *the Committees on Appropriations,*  
18 *Armed Services, and House Administration of*  
19 *the House of Representatives.”.*

20 **SEC. 594. ANNUAL REPORT ON ENFORCEMENT.**

21 *Section 105 of the Uniformed and Overseas Citizens*  
22 *Absentee Voting Act (42 U.S.C. 1973f-4) is amended—*

23 (1) *by striking “The Attorney” and inserting*

24 “(a) *IN GENERAL.*—*The Attorney”; and*

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

3           “(b) *REPORT TO CONGRESS.*—*Not later than December*  
4           *31 of each year, the Attorney General shall submit to Con-*  
5           *gress an annual report on any civil action brought under*  
6           *subsection (a) during the preceding year.”.*

7           **SEC. 595. REQUIREMENTS PAYMENTS.**

8           (a) *USE OF FUNDS.*—*Section 251(b) of the Help Amer-*  
9           *ica Vote Act of 2002 (42 U.S.C. 15401(b)) is amended—*

10           (1) *in paragraph (1), by striking “paragraph*  
11           *(2)” and inserting “paragraphs (2) and (3)”;* and

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

14           “(3) *ACTIVITIES UNDER UNIFORMED AND OVER-*  
15           *SEAS CITIZENS ABSENTEE VOTING ACT.*—*A State*  
16           *shall use a requirements payment made using funds*  
17           *appropriated pursuant to the authorization under*  
18           *section 257(4) only to meet the requirements under*  
19           *the Uniformed and Overseas Citizens Absentee Voting*  
20           *Act imposed as a result of the provisions of and*  
21           *amendments made by the Military and Overseas*  
22           *Voter Empowerment Act.”.*

23           (b) *REQUIREMENTS.*—

24           (1) *STATE PLAN.*—*Section 254(a) of the Help*  
25           *America Vote Act of 2002 (42 U.S.C. 15404(a)) is*

1       amended by adding at the end the following new  
2       paragraph:

3               “(14) How the State plan will comply with the  
4       provisions and requirements of and amendments  
5       made by the Military and Overseas Voter Empower-  
6       ment Act.”.

7               (2) CONFORMING AMENDMENTS.—Section 253(b)  
8       of the Help America Vote Act of 2002 (42 U.S.C.  
9       15403(b)) is amended—

10              (A) in paragraph (1)(A), by striking “sec-  
11       tion 254” and inserting “subsection (a) of sec-  
12       tion 254 (or, in the case where a State is seeking  
13       a requirements payment made using funds ap-  
14       propriated pursuant to the authorization under  
15       section 257(4), paragraph (14) of section 254)”;  
16       and

17              (B) in paragraph (2)—

18              (i) by striking “(2) The State” and in-  
19       serting “(2)(A) Subject to subparagraph  
20       (B), the State”; and

21              (ii) by inserting after subparagraph  
22       (A), as added by clause (i), the following  
23       new subparagraph:

24              “(B) The requirement under subparagraph (A)  
25       shall not apply in the case of a requirements payment



1       *made using funds appropriated pursuant to the au-*  
2       *thorization under section 257(4).”.*

3       (c) *AUTHORIZATION.*—*Section 257(a) of the Help*  
4       *America Vote Act of 2002 (42 U.S.C. 15407(a)) is amended*  
5       *by adding at the end the following new paragraph:*

6               “(4) *For fiscal year 2010 and subsequent fiscal*  
7       *years, such sums as are necessary for purposes of*  
8       *making requirements payments to States to carry out*  
9       *the activities described in section 251(b)(3).”.*

10   **SEC. 596. TECHNOLOGY PILOT PROGRAM.**

11       (a) *DEFINITIONS.*—*In this section:*

12               (1) *ABSENT UNIFORMED SERVICES VOTER.*—*The*  
13       *term “absent uniformed services voter” has the mean-*  
14       *ing given such term in section 107(a) of the Uni-*  
15       *formed and Overseas Citizens Absentee Voting Act (42*  
16       *U.S.C. 1973ff et seq.).*

17               (2) *OVERSEAS VOTER.*—*The term “overseas*  
18       *voter” has the meaning given such term in section*  
19       *107(5) of such Act.*

20               (3) *PRESIDENTIAL DESIGNEE.*—*The term “Presi-*  
21       *dential designee” means the individual designated*  
22       *under section 101(a) of such Act.*

23       (b) *ESTABLISHMENT.*—

24               (1) *IN GENERAL.*—*The Presidential designee*  
25       *may establish 1 or more pilot programs under which*

1 *the feasibility of new election technology is tested for*  
2 *the benefit of absent uniformed services voters and*  
3 *overseas voters claiming rights under the Uniformed*  
4 *and Overseas Citizens Absentee Voting Act (42 U.S.C.*  
5 *1973ff et seq.).*

6 (2) *DESIGN AND CONDUCT.*—*The design and con-*  
7 *duct of a pilot program established under this sub-*  
8 *section—*

9 (A) *shall be at the discretion of the Presi-*  
10 *dential designee; and*

11 (B) *shall not conflict with or substitute for*  
12 *existing laws, regulations, or procedures with re-*  
13 *spect to the participation of absent uniformed*  
14 *services voters and military voters in elections*  
15 *for Federal office.*

16 (c) *CONSIDERATIONS.*—*In conducting a pilot program*  
17 *established under subsection (b), the Presidential designee*  
18 *may consider the following issues:*

19 (1) *The transmission of electronic voting mate-*  
20 *rial across military networks.*

21 (2) *Virtual private networks, cryptographic vot-*  
22 *ing systems, centrally controlled voting stations, and*  
23 *other information security techniques.*

24 (3) *The transmission of ballot representations*  
25 *and scanned pictures in a secure manner.*

1           (4) *Capturing, retaining, and comparing elec-*  
2 *tronic and physical ballot representations.*

3           (5) *Utilization of voting stations at military*  
4 *bases.*

5           (6) *Document delivery and upload systems.*

6           (7) *The functional effectiveness of the application*  
7 *or adoption of the pilot program to operational envi-*  
8 *ronments, taking into account environmental and*  
9 *logistical obstacles and State procedures.*

10       (d) *REPORTS.*—*The Presidential designee shall submit*  
11 *to Congress reports on the progress and outcomes of any*  
12 *pilot program conducted under this subsection, together*  
13 *with recommendations—*

14           (1) *for the conduct of additional pilot programs*  
15 *under this section; and*

16           (2) *for such legislation and administrative ac-*  
17 *tion as the Presidential designee determines appro-*  
18 *priate.*

19       (e) *TECHNICAL ASSISTANCE.*—

20           (1) *IN GENERAL.*—*The Election Assistance Com-*  
21 *mission and the National Institute of Standards and*  
22 *Technology shall work with the Presidential designee*  
23 *to support the pilot program or programs established*  
24 *under this section through best practices or standards*  
25 *and in accordance with electronic absentee voting*

1 *guidelines established under the first sentence of sec-*  
2 *tion 1604(a)(2) of the National Defense Authorization*  
3 *Act for Fiscal Year 2002 (Public Law 107–107; 115*  
4 *Stat. 1277; 42 U.S.C. 1977ff note), as amended by*  
5 *section 567 of the Ronald W. Reagan National De-*  
6 *fense Authorization Act for Fiscal Year 2005 (Public*  
7 *Law 108–375; 118 Stat. 1919).*

8 (2) *REPORT.—In the case where the Election As-*  
9 *stance Commission has not established electronic ab-*  
10 *sentee voting guidelines under such section*  
11 *1604(a)(2), as so amended, by not later than 180*  
12 *days after enactment of this Act, the Election Assist-*  
13 *ance Commission shall submit to the relevant commit-*  
14 *tees of Congress a report containing the following in-*  
15 *formation:*

16 (A) *The reasons such guidelines have not*  
17 *been established as of such date.*

18 (B) *A detailed timeline for the establish-*  
19 *ment of such guidelines.*

20 (C) *A detailed explanation of the Commis-*  
21 *sion's actions in establishing such guidelines*  
22 *since the date of enactment of the Ronald W.*  
23 *Reagan National Defense Authorization Act for*  
24 *Fiscal Year 2005 (Public Law 108–375; 118*  
25 *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 are*  
11          *authorized to be appropriated such sums as are necessary*  
12          *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 ad-*  
19           *justment to become effective during fiscal year 2010 re-*  
20           *quired by section 1009 of title 37, United States Code, in*  
21           *the rates of monthly basic pay authorized members of the*  
22           *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 the*  
25           *uniformed services are increased by 3.4 percent.*

1 **SEC. 602. COMPTROLLER GENERAL OF THE UNITED STATES**  
2 **COMPARATIVE ASSESSMENT OF MILITARY**  
3 **AND PRIVATE-SECTOR PAY AND BENEFITS.**

4 (a) *STUDY REQUIRED.*—*The Comptroller General of*  
5 *the United States shall conduct a study comparing pay and*  
6 *benefits provided by law to members of the Armed Forces*  
7 *with pay and benefits provided by the private sector to com-*  
8 *parably situated private-sector employees.*

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

11 (1) *An assessment of total military compensation*  
12 *for officers and for enlisted personnel, including basic*  
13 *pay, the basic allowance for housing (BAH), the basic*  
14 *allowance for subsistence (BAS), tax benefits applica-*  
15 *ble to military pay and allowances under Federal law*  
16 *(including the Social Security laws) and State law,*  
17 *military retirement benefits, commissary and ex-*  
18 *change privileges, and military healthcare benefits.*

19 (2) *An assessment of private-sector pay and ben-*  
20 *efits for civilians of similar age, education, and expe-*  
21 *rience in like fields of officers and enlisted personnel*  
22 *of the Armed Forces, including pay, bonuses, em-*  
23 *ployee options, fringe benefits, retirement benefits, in-*  
24 *dividual retirement investment benefits, flexible*  
25 *spending accounts and health savings accounts, and*

1     *any other elements of private-sector compensation*  
 2     *that the Comptroller General considers appropriate.*

3             *(3) An identification of the percentile of com-*  
 4     *parable private-sector compensation at which mem-*  
 5     *bers of the Armed Forces are paid, including an as-*  
 6     *essment of the adequacy of percentile comparisons*  
 7     *generally and whether the Department of Defense goal*  
 8     *of compensating members of the Armed Forces at the*  
 9     *80th percentile of comparable private-sector com-*  
 10    *penetration, as described in the 10th Quadrennial Re-*  
 11    *view of Military Compensation, is appropriate and*  
 12    *adequate to achieve comparability of pay between*  
 13    *members of the Armed Forces and private-sector em-*  
 14    *ployees.*

15     *(c) REPORT.—The Comptroller General shall submit*  
 16    *to the congressional defense committees a report on the*  
 17    *study required by subsection (a) by not later than April*  
 18    *1, 2010.*

19    **SEC. 603. INCREASE IN MAXIMUM MONTHLY AMOUNT OF**  
 20             **SUPPLEMENTAL SUBSISTENCE ALLOWANCE**  
 21             **FOR LOW-INCOME MEMBERS WITH DEPEND-**  
 22             **ENTS.**

23     *(a) INCREASE IN MAXIMUM MONTHLY AMOUNT.—Sec-*  
 24    *tion 402a(a) of title 37, United States Code, is amended—*

1           (1) in paragraph (2), by striking “\$500” and in-  
2           serting “\$1,100”; and

3           (2) in paragraph (3)(B), by striking “\$500” and  
4           inserting “\$1,100”.

5           (b) *EFFECTIVE DATE.*—*The amendments made by sub-*  
6 *section (a) shall take effect on October 1, 2009, and shall*  
7 *apply with respect to monthly supplemental subsistence al-*  
8 *lowances for low-income members with dependents payable*  
9 *on or after that date.*

10          (c) *REPORT ON ELIMINATION OF RELIANCE ON SUP-*  
11 *PLEMENTAL NUTRITION ASSISTANCE PROGRAM TO MEET*  
12 *NUTRITIONAL NEEDS OF MEMBERS OF THE ARMED*  
13 *FORCES AND THEIR DEPENDENTS.*—

14           (1) *IN GENERAL.*—*Not later than September 1,*  
15 *2010, the Secretary of Defense shall, in consultation*  
16 *with the Secretary of Agriculture, submit to the con-*  
17 *gressional defense committees a report setting forth a*  
18 *plan for actions to eliminate the need for members of*  
19 *the Armed Forces and their dependents to rely on the*  
20 *supplemental nutrition assistance program under the*  
21 *Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) for*  
22 *their monthly nutritional needs.*

23           (2) *ELEMENTS.*—*The plan required by para-*  
24 *graph (1) shall address the following:*



1           (A) *An appropriate amount or amounts for*  
2           *the monthly supplemental subsistence allowance*  
3           *for low-income members with dependents payable*  
4           *under section 402a of title 37, United States*  
5           *Code.*

6           (B) *Such modifications, if any, to the eligi-*  
7           *bility requirements for the monthly supplemental*  
8           *subsistence allowance, including limitations on*  
9           *the maximum size of the household of a member*  
10          *for purposes of eligibility for the allowance, as*  
11          *the Secretary of Defense considers appropriate.*

12          (C) *The advisability of requiring members*  
13          *of the Armed Forces to apply for the monthly*  
14          *supplemental subsistence allowance before seeking*  
15          *assistance under the supplemental nutrition as-*  
16          *sistance program.*

17          (D) *Such other matters as the Secretary of*  
18          *Defense considers appropriate.*

19 **SEC. 604. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZA-**  
20                    **TION RESPITE ABSENCE PROGRAM FOR CER-**  
21                    **TAIN PERIODS BEFORE IMPLEMENTATION OF**  
22                    **PROGRAM.**

23          (a) *IN GENERAL.*—*Under regulations prescribed by the*  
24          *Secretary of Defense, the Secretary concerned may provide*  
25          *any member or former member of the Armed Forces with*

1 *the benefits specified in subsection (b) if the member or*  
2 *former member would, on any day during the period begin-*  
3 *ning on January 19, 2007, and ending on the date of the*  
4 *implementation of the Post-Deployment/Mobilization Res-*  
5 *pite Absence (PDMRA) program by the Secretary con-*  
6 *cerned, have qualified for a day of administrative absence*  
7 *under the Post-Deployment/Mobilization Respite Absence*  
8 *program had the program been in effect during such period.*

9       **(b) BENEFITS.**—*The benefits specified in this sub-*  
10 *section are the following:*

11           **(1)** *In the case of an individual who is a former*  
12 *member of the Armed Forces at the time of the provi-*  
13 *sion of benefits under this section, payment of an*  
14 *amount not to exceed \$200 for each day the indi-*  
15 *vidual would have qualified for a day of administra-*  
16 *tive absence as described in subsection (a) during the*  
17 *period specified in that subsection.*

18           **(2)** *In the case of an individual who is a member*  
19 *of the Armed Forces at the time of the provision of*  
20 *benefits under this section, either one day of adminis-*  
21 *trative absence or payment of an amount not to ex-*  
22 *ceed \$200, as selected by the Secretary concerned, for*  
23 *each day the individual would have qualified for a*  
24 *day of administrative absence as described in sub-*

1        *section (a) during the period specified in that sub-*  
2        *section.*

3        *(c) EXCLUSION OF CERTAIN FORMER MEMBERS.—A*  
4        *former member of the Armed Forces is not eligible under*  
5        *this section for the benefits specified in subsection (b)(1) if*  
6        *the former member was discharged or released from the*  
7        *Armed Forces under other than honorable conditions.*

8        *(d) MAXIMUM NUMBER OF DAYS OF BENEFITS*  
9        *PROVIDABLE.—The number of days of benefits providable*  
10       *to a member or former member of the Armed Forces under*  
11       *this section may not exceed 40 days of benefits.*

12       *(e) FORM OF PAYMENT.—The paid benefits providable*  
13       *under subsection (b) may be paid in a lump sum or install-*  
14       *ments, at the election of the Secretary concerned.*

15       *(f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—*  
16       *The benefits provided a member or former member of the*  
17       *Armed Forces under this section are in addition to any*  
18       *other pay, absence, or leave provided by law.*

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

20            *(1) The term “Post-Deployment/Mobilization*  
21            *Respite Absence program” means the program of a*  
22            *military department to provide days of administra-*  
23            *tive absence not chargeable against available leave to*  
24            *certain deployed or mobilized members of the Armed*  
25            *Forces in order to assist such members in reinte-*

1 *grating into civilian life after deployment or mobili-*  
2 *zation.*

3 (2) *The term “Secretary concerned” has the*  
4 *meaning given that term in section 101(5) of title 37,*  
5 *United States Code.*

6 (h) *TERMINATION.—*

7 (1) *IN GENERAL.—The authority to provide ben-*  
8 *efits under this section shall expire on the date that*  
9 *is one year after the date of the enactment of this Act.*

10 (2) *CONSTRUCTION.—Expiration under this sub-*  
11 *section of the authority to provide benefits under this*  
12 *section shall not affect the utilization of any day of*  
13 *administrative absence provided a member of the*  
14 *Armed Forces under subsection (b)(2), or the payment*  
15 *of any payment authorized a member or former mem-*  
16 *ber of the Armed Forces under subsection (b), before*  
17 *the expiration of the authority in this section.*

## 18 ***Subtitle B—Bonuses and Special*** 19 ***and Incentive Pays***

### 20 ***SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL*** 21 ***PAY AUTHORITIES FOR RESERVE FORCES.***

22 (a) *SELECTED RESERVE REENLISTMENT BONUS.—*  
23 *Section 308b(g) of title 37, United States Code, is amended*  
24 *by striking “December 31, 2009” and inserting “December*  
25 *31, 2010”.*

1       (b) *SELECTED RESERVE AFFILIATION OR ENLISTMENT*  
2 *BONUS.*—Section 308c(i) of such title is amended by strik-  
3 ing “December 31, 2009” and inserting “December 31,  
4 2010”.

5       (c) *SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED*  
6 *TO CERTAIN HIGH PRIORITY UNITS.*—Section 308d(c) of  
7 such title is amended by striking “December 31, 2009” and  
8 inserting “December 31, 2010”.

9       (d) *READY RESERVE ENLISTMENT BONUS FOR PER-*  
10 *SONS WITHOUT PRIOR SERVICE.*—Section 308g(f)(2) of  
11 such title is amended by striking “December 31, 2009” and  
12 inserting “December 31, 2010”.

13       (e) *READY RESERVE ENLISTMENT AND REENLIST-*  
14 *MENT BONUS FOR PERSONS WITH PRIOR SERVICE.*—Sec-  
15 tion 308h(e) of such title is amended by striking “December  
16 31, 2009” and inserting “December 31, 2010”.

17       (f) *SELECTED RESERVE ENLISTMENT BONUS FOR*  
18 *PERSONS WITH PRIOR SERVICE.*—Section 308i(f) of such  
19 title is amended by striking “December 31, 2009” and in-  
20 serting “December 31, 2010”.

21       (g) *INCOME REPLACEMENT PAYMENTS.*—Section  
22 910(g) of such title is amended by striking “December 31,  
23 2009” and inserting “December 31, 2010”.

1 **SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL**  
2 **PAY AUTHORITIES FOR HEALTH CARE PRO-**  
3 **FESSIONALS.**

4 (a) *NURSE OFFICER CANDIDATE ACCESSION PRO-*  
5 *GRAM.*—Section 2130a(a)(1) of title 10, United States Code,  
6 is amended by striking “December 31, 2009” and inserting  
7 “December 31, 2010”.

8 (b) *REPAYMENT OF EDUCATION LOANS FOR CERTAIN*  
9 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*  
10 *RESERVE.*—Section 16302(d) of such title is amended by  
11 striking “December 31, 2009” and inserting “December 31,  
12 2010”.

13 (c) *ACCESSION AND RETENTION BONUSES FOR PSY-*  
14 *CHOLOGISTS.*—Section 302c-1(f) of title 37, United States  
15 Code, is amended by striking “December 31, 2009” and in-  
16 serting “December 31, 2010”.

17 (d) *ACCESSION BONUS FOR REGISTERED NURSES.*—  
18 Section 302d(a)(1) of such title is amended by striking “De-  
19 cember 31, 2009” and inserting “December 31, 2010”.

20 (e) *INCENTIVE SPECIAL PAY FOR NURSE ANES-*  
21 *THETISTS.*—Section 302e(a)(1) of such title is amended by  
22 striking “December 31, 2009” and inserting “December 31,  
23 2010”.

24 (f) *SPECIAL PAY FOR SELECTED RESERVE HEALTH*  
25 *PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIAL-*

1 *TIES.*—Section 302g(e) of such title is amended by striking  
2 “December 31, 2009” and inserting “December 31, 2010”.

3 (g) *ACCESSION BONUS FOR DENTAL OFFICERS.*—Sec-  
4 tion 302h(a)(1) of such title is amended by striking “De-  
5 cember 31, 2009” and inserting “December 31, 2010”.

6 (h) *ACCESSION BONUS FOR PHARMACY OFFICERS.*—  
7 Section 302j(a) of such title is amended by striking “De-  
8 cember 31, 2009” and inserting “December 31, 2010”.

9 (i) *ACCESSION BONUS FOR MEDICAL OFFICERS IN*  
10 *CRITICALLY SHORT WARTIME SPECIALTIES.*—Section  
11 302k(f) of such title is amended by striking “December 31,  
12 2009” and inserting “December 31, 2010”.

13 (j) *ACCESSION BONUS FOR DENTAL SPECIALIST OFFI-*  
14 *CERS IN CRITICALLY SHORT WARTIME SPECIALTIES.*—Sec-  
15 tion 302l(g) of such title is amended by striking “December  
16 31, 2009” and inserting “December 31, 2010”.

17 **SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AU-**  
18 **THORITIES FOR NUCLEAR OFFICERS.**

19 (a) *SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS*  
20 *EXTENDING PERIOD OF ACTIVE SERVICE.*—Section 312(f)  
21 of title 37, United States Code, is amended by striking “De-  
22 cember 31, 2009” and inserting “December 31, 2010”.

23 (b) *NUCLEAR CAREER ACCESSION BONUS.*—Section  
24 312b(c) of such title is amended by striking “December 31,  
25 2009” and inserting “December 31, 2010”.

1       (c) *NUCLEAR CAREER ANNUAL INCENTIVE BONUS.*—  
2 *Section 312c(d) of such title is amended by striking “De-*  
3 *cember 31, 2009” and inserting “December 31, 2010”.*

4 **SEC. 614. EXTENSION OF AUTHORITIES RELATING TO TITLE**  
5                   **37 CONSOLIDATED SPECIAL PAY, INCENTIVE**  
6                   **PAY, AND BONUS AUTHORITIES.**

7       (a) *GENERAL BONUS AUTHORITY FOR ENLISTED*  
8 *MEMBERS.*—*Section 331(h) of title 37, United States Code,*  
9 *is amended by striking “December 31, 2009” and inserting*  
10 *“December 31, 2010”.*

11       (b) *GENERAL BONUS AUTHORITY FOR OFFICERS.*—  
12 *Section 332(g) of such title is amended by striking “Decem-*  
13 *ber 31, 2009” and inserting “December 31, 2010”.*

14       (c) *SPECIAL BONUS AND INCENTIVE PAY AUTHORI-*  
15 *TIES FOR NUCLEAR OFFICERS.*—*Section 333(i) of such title*  
16 *is amended by striking “December 31, 2009” and inserting*  
17 *“December 31, 2010”.*

18       (d) *SPECIAL AVIATION INCENTIVE PAY AND BONUS*  
19 *AUTHORITIES.*—*Section 334(i) of such title is amended by*  
20 *striking “December 31, 2009” and inserting “December 31,*  
21 *2010”.*

22       (e) *SPECIAL HEALTH PROFESSIONS INCENTIVE PAY*  
23 *AND BONUS AUTHORITIES.*—*Section 335(k) of such title is*  
24 *amended by striking “December 31, 2009” and inserting*  
25 *“December 31, 2010”.*



1       (f) *HAZARDOUS DUTY PAY*.—Section 351(i) of such  
2 title is amended by striking “December 31, 2009” and in-  
3 serting “December 31, 2010”.

4       (g) *ASSIGNMENT PAY OR SPECIAL DUTY PAY*.—Sec-  
5 tion 352(g) of such title is amended by striking “December  
6 31, 2009” and inserting “December 31, 2010”.

7       (h) *SKILL INCENTIVE PAY OR PROFICIENCY BONUS*.—  
8 Section 353(j) of such title is amended by striking “Decem-  
9 ber 31, 2009” and inserting “December 31, 2010”.

10       (i) *RETENTION BONUS FOR MEMBERS WITH CRITICAL*  
11 *MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY*  
12 *UNITS*.—Section 355(i) of such title is amended by striking  
13 “December 31, 2009” and inserting “December 31, 2010”.

14 **SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAY-**  
15 **MENT OF OTHER TITLE 37 BONUSES AND SPE-**  
16 **CIAL PAYS.**

17       (a) *AVIATION OFFICER RETENTION BONUS*.—Section  
18 301b(a) of title 37, United States Code, is amended by strik-  
19 ing “December 31, 2009” and inserting “December 31,  
20 2010”.

21       (b) *ASSIGNMENT INCENTIVE PAY*.—Section 307a(g) of  
22 such title is amended by striking “December 31, 2009” and  
23 inserting “December 31, 2010”.

1       (c) *REENLISTMENT BONUS FOR ACTIVE MEMBERS.*—  
2 *Section 308(g) of such title is amended by striking “Decem-*  
3 *ber 31, 2009” and inserting “December 31, 2010”.*

4       (d) *ENLISTMENT BONUS.*—*Section 309(e) of such title*  
5 *is amended by striking “December 31, 2009” and inserting*  
6 *“December 31, 2010”.*

7       (e) *ACCESSION BONUS FOR NEW OFFICERS IN CRIT-*  
8 *ICAL SKILLS.*—*Section 324(g) of such title is amended by*  
9 *striking “December 31, 2009” and inserting “December 31,*  
10 *2010”.*

11       (f) *INCENTIVE BONUS FOR CONVERSION TO MILITARY*  
12 *OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORT-*  
13 *AGE.*—*Section 326(g) of such title is amended by striking*  
14 *“December 31, 2009” and inserting “December 31, 2010”.*

15       (g) *INCENTIVE BONUS FOR TRANSFER BETWEEN*  
16 *ARMED FORCES.*—*Section 327(h) of such title is amended*  
17 *by striking “December 31, 2009” and inserting “December*  
18 *31, 2010”.*

19       (h) *ACCESSION BONUS FOR OFFICER CANDIDATES.*—  
20 *Section 330(f) of such title is amended by striking “Decem-*  
21 *ber 31, 2009” and inserting “December 31, 2010”.*

22 **SEC. 616. EXTENSION OF AUTHORITIES RELATING TO PAY-**  
23 **MENT OF REFERRAL BONUSES.**

24       (a) *HEALTH PROFESSIONS REFERRAL BONUS.*—*Sec-*  
25 *tion 1030(i) of title 10, United States Code, is amended*

1 *by striking “December 31, 2009” and inserting “December*  
2 *31, 2010”.*

3       **(b) ARMY REFERRAL BONUS.**—*Section 3252(h) of such*  
4 *title is amended by striking “December 31, 2009” and in-*  
5 *serting “December 31, 2010”.*

6 **SEC. 617. SPECIAL COMPENSATION FOR MEMBERS OF THE**  
7                   **UNIFORMED SERVICES WITH SERIOUS INJU-**  
8                   **RIES OR ILLNESSES REQUIRING ASSISTANCE**  
9                   **IN EVERYDAY LIVING.**

10       **(a) IN GENERAL.**—*Chapter 7 of title 37, United States*  
11 *Code, is amended by adding at the end the following new*  
12 *section:*

13 **“§439. Special compensation: members of the uni-**  
14                   **formed services with serious injuries or**  
15                   **illnesses requiring assistance in everyday**  
16                   **living**

17       **“(a) MONTHLY COMPENSATION.**—*The Secretary con-*  
18 *cerned may pay to any member of the uniformed services*  
19 *described in subsection (b) monthly special compensation*  
20 *in an amount determined under subsection (c).*

21       **“(b) COVERED MEMBERS.**—*A member eligible for*  
22 *monthly special compensation authorized by subsection (a)*  
23 *is a member who—*

24                   **“(1) has been certified by a licensed physician to**  
25       *be in need of assistance from another person to per-*

1 *form the personal functions required in everyday liv-*  
2 *ing;*

3 *“(2) has a serious injury, disorder, or disease of*  
4 *either a temporary or permanent nature that—*

5 *“(A) is incurred or aggravated in the line*  
6 *of duty; and*

7 *“(B) compromises the member’s ability to*  
8 *carry out one or more activities of daily living*  
9 *or requires the member to be constantly super-*  
10 *vised to avoid physical harm to the member or*  
11 *to others; and*

12 *“(3) meets such other criteria, if any, as the Sec-*  
13 *retary of Defense (or the Secretary of Homeland Secu-*  
14 *rity, with respect to the Coast Guard) prescribes for*  
15 *purposes of this section.*

16 *“(c) AMOUNT.—(1) The amount of monthly special*  
17 *compensation payable to a member under subsection (a)*  
18 *shall be determined under criteria prescribed by the Sec-*  
19 *retary of Defense (or the Secretary of Homeland Security,*  
20 *with respect to the Coast Guard), but may not exceed the*  
21 *amount of aid and attendance allowance authorized by sec-*  
22 *tion 1114(r)(2) of title 38 for veterans in need of aid and*  
23 *attendance.*

1       “(2) *In determining the amount of monthly special*  
2 *compensation, the Secretary concerned shall consider the*  
3 *following:*

4           “(A) *The extent to which home health care and*  
5 *related services are being provided by the Govern-*  
6 *ment.*

7           “(B) *The extent to which aid and attendance*  
8 *services are being provided by family and friends who*  
9 *may be compensated with funds provided through the*  
10 *monthly special compensation.*

11       “(d) *PAYMENT UNTIL MEDICAL RETIREMENT.—*  
12 *Monthly special compensation is payable under this section*  
13 *to a member described in subsection (b) for any month that*  
14 *begins before the date on which the member is medically*  
15 *retired.*

16       “(e) *CONSTRUCTION WITH OTHER PAY AND ALLOW-*  
17 *ANCES.—Monthly special compensation payable to a mem-*  
18 *ber under this section is in addition to any other pay and*  
19 *allowances payable to the member by law.*

20       “(f) *BENEFIT INFORMATION.—The Secretary of De-*  
21 *fense, in collaboration with the Secretary of Veterans Af-*  
22 *fairs, shall ensure that members of the uniformed services*  
23 *who may be eligible for compensation under this section are*  
24 *made aware of the availability of such compensation by in-*

1 *cluding information about such compensation in written*  
2 *and online materials for such members and their families.*

3 “(g) *REGULATIONS.*—*The Secretary of Defense (or the*  
4 *Secretary of Homeland Security, with respect to the Coast*  
5 *Guard) shall prescribe regulations to carry out this sec-*  
6 *tion.*”.

7 (b) *REPORT TO CONGRESS.*—

8 (1) *IN GENERAL.*—*Not later than one year after*  
9 *the date of the enactment of this Act, the Secretary of*  
10 *Defense (and the Secretary of Homeland Security,*  
11 *with respect to the Coast Guard) shall submit to Con-*  
12 *gress a report on the provision of compensation under*  
13 *section 439 of title 37, United States Code, as added*  
14 *by subsection (a) of this section.*

15 (2) *ELEMENTS.*—*The report required by para-*  
16 *graph (1) shall include the following:*

17 (A) *An estimate of the number of members*  
18 *of the uniformed services eligible for compensa-*  
19 *tion under such section 439.*

20 (B) *The number of members of the uni-*  
21 *formed services receiving compensation under*  
22 *such section.*

23 (C) *The average amount of compensation*  
24 *provided to members of the uniformed services*  
25 *receiving such compensation.*

1           (D) *The average amount of time required*  
 2           *for a member of the uniformed services to receive*  
 3           *such compensation after the member becomes eli-*  
 4           *gible for the compensation.*

5           (E) *A summary of the types of injuries, dis-*  
 6           *orders, and diseases of members of the uniformed*  
 7           *services receiving such compensation that made*  
 8           *such members eligible for such compensation.*

9           (c) *CLERICAL AMENDMENT.—The table of sections at*  
 10          *the beginning of chapter 7 of such title is amended by add-*  
 11          *ing at the end the following new item:*

*“439. Special compensation: members of the uniformed services with serious inju-*  
*ries or illnesses requiring assistance in everyday living.”.*

12          **SEC. 618. TEMPORARY AUTHORITY FOR MONTHLY SPECIAL**  
 13                                    **PAY FOR MEMBERS OF THE ARMED FORCES**  
 14                                    **SUBJECT TO CONTINUING ACTIVE DUTY OR**  
 15                                    **SERVICE UNDER STOP-LOSS AUTHORITIES.**

16          (a) *SPECIAL PAY AUTHORIZED.—The Secretary of the*  
 17          *military department concerned may pay monthly special*  
 18          *pay to any member of the Armed Forces described in sub-*  
 19          *section (b) for any month or portion of a month in which*  
 20          *the member serves on active duty in the Armed Forces or*  
 21          *active status in a reserve component of the Armed Forces,*  
 22          *including time served performing pre-deployment and re-*  
 23          *integration duty regardless of whether or not such duty was*  
 24          *performed by such a member on active duty in the Armed*

1 *Forces, or has the member's eligibility for retirement from*  
2 *the Armed Forces suspended, as described in that sub-*  
3 *section.*

4       (b) *COVERED MEMBERS.*—*A member of the Armed*  
5 *Forces described in this subsection is any member of the*  
6 *Army, Navy, Air Force, or Marine Corps (including a*  
7 *member of a reserve component thereof) who, at any time*  
8 *during the period beginning on October 1, 2009, and ending*  
9 *on June 30, 2011, serves on active duty in the Armed Forces*  
10 *or active status in a reserve component of the Armed Forces,*  
11 *including time served performing pre-deployment and re-*  
12 *integration duty regardless of whether or not such duty was*  
13 *performed by such a member on active duty in the Armed*  
14 *Forces, while the member's enlistment or period of obligated*  
15 *service is extended, or has the member's eligibility for retire-*  
16 *ment suspended, pursuant to section 123 or 12305 of title*  
17 *10, United States Code, or any other provision of law (com-*  
18 *monly referred to as a "stop-loss authority") authorizing*  
19 *the President to extend an enlistment or period of obligated*  
20 *service, or suspend eligibility for retirement, of a member*  
21 *of the uniformed services in time of war or of national*  
22 *emergency declared by Congress or the President.*

23       (c) *AMOUNT.*—*The amount of monthly special pay*  
24 *payable to a member under this section for a month may*  
25 *not exceed \$500.*



1       (d) *CONSTRUCTION WITH OTHER PAYS.*—Monthly  
 2 *special pay payable to a member under this section is in*  
 3 *addition to any other amounts payable to the member by*  
 4 *law.*

5                   ***Subtitle C—Travel and***  
 6                   ***Transportation Allowances***

7 ***SEC. 631. TRAVEL AND TRANSPORTATION ALLOWANCES***  
 8                   ***FOR DESIGNATED INDIVIDUALS OF WOUND-***  
 9                   ***ED, ILL, OR INJURED MEMBERS OF THE UNI-***  
 10                   ***FORMED SERVICES FOR DURATION OF INPA-***  
 11                   ***TIENT TREATMENT.***

12       (a) *AUTHORITY TO PROVIDE TRAVEL TO DESIGNATED*  
 13 *INDIVIDUALS.*—*Subsection (a) of section 411h of title 37,*  
 14 *United States Code, is amended—*

15               (1) *in paragraph (1)—*

16                   (A) *by striking “family members of a mem-*  
 17 *ber described in paragraph (2)” and inserting*  
 18 *“individuals who, with respect to a member de-*  
 19 *scribed in paragraph (2), are designated individ-*  
 20 *uals for that member”;*

21                   (B) *by striking “that the presence of the*  
 22 *family member” and inserting “, with respect to*  
 23 *any such individual, that the presence of such*  
 24 *individual”;* *and*

1                   (C) by striking “of family members” and  
2                   inserting “of designated individuals”; and

3                   (2) by adding at the end the following new para-  
4                   graph:

5                   “(4) In the case of a designated individual who is also  
6 a member of the uniformed services, that member may be  
7 provided travel and transportation under this section in the  
8 same manner as a designated individual who is not a mem-  
9 ber.”.

10                  (b) *DEFINITION OF DESIGNATED INDIVIDUAL.*—

11                   (1) *IN GENERAL.*—Paragraph (1) of subsection  
12 (b) of such section is amended by striking “the term”  
13 and all that follows and inserting “the term ‘des-  
14 ignated individual’, with respect to a member,  
15 means—

16                   “(A) an individual designated by the member for  
17 the purposes of this section; or

18                   “(B) in the case of a member who has not made  
19 a designation under subparagraph (A) and, as deter-  
20 mined by the attending physician or surgeon, is not  
21 able to make such a designation, an individual who,  
22 as designated by the attending physician or surgeon  
23 and the commander or head of the military medical  
24 facility exercising control over the member, is someone  
25 with a personal relationship to the member whose

1        *presence may aid and support the health and welfare*  
2        *of the member during the duration of the member's*  
3        *inpatient treatment."*

4            (2) *DESIGNATIONS NOT PERMANENT.—Para-*  
5        *graph (2) of such subsection is amended to read as*  
6        *follows:*

7            *"(2) The designation of an individual as a designated*  
8        *individual for purposes of this section may be changed at*  
9        *any time."*

10          (c) *COVERAGE OF MEMBERS HOSPITALIZED OUTSIDE*  
11        *THE UNITED STATES WHO WERE WOUNDED OR INJURED*  
12        *IN A COMBAT OPERATION OR COMBAT ZONE.—*

13            (1) *COVERAGE FOR HOSPITALIZATION OUTSIDE*  
14        *THE UNITED STATES.—Subparagraph (B) of section*  
15        *(a)(2) of such section is amended—*

16            (A) *in clause (i), by striking "in or outside*  
17        *the United States"; and*

18            (B) *in clause (ii), by striking "in the*  
19        *United States".*

20            (2) *CLARIFICATION OF MEMBERS COVERED.—*  
21        *Such subparagraph is further amended—*

22            (A) *in clause (i), by inserting "seriously*  
23        *wounded," after "(i) is"; and*

24            (B) *in clause (ii)—*

- 1                   (i) by striking “an injury” and insert-  
 2                   ing “a wound or an injury”; and  
 3                   (ii) by striking “that injury” and in-  
 4                   serting “that wound or injury”.

5           (d) *COVERAGE OF MEMBERS WITH SERIOUS MENTAL*  
 6 *DISORDERS.*—

7           (1) *IN GENERAL.*—Subsection (a)(2)(B)(i) of  
 8           such section, as amended by subsection (c) of this sec-  
 9           tion, is further amended by inserting “(including  
 10           having a serious mental disorder)” after “seriously  
 11           injured”.

12           (2) *SERIOUS MENTAL DISORDER DEFINED.*—  
 13           Subsection (b) of such section 411h, as amended by  
 14           subsection (b) of this section, is further amended by  
 15           adding at the end the following new paragraph:

16           “(4)(A) In this section, the term ‘serious mental dis-  
 17           order’, in the case of a member, means that the member  
 18           has been diagnosed with a mental disorder that requires  
 19           intensive mental health treatment or hospitalization.

20           “(B) The circumstances in which a member shall be  
 21           considered to have a serious mental disorder for purposes  
 22           of this section shall include, but not be limited to, the fol-  
 23           lowing:

24           “(i) The member is considered to be a potential  
 25           danger to self or others as a result of a diagnosed

1       *mental disorder that requires intensive mental health*  
2       *treatment or hospitalization.*

3               “(ii) *The member is diagnosed with a mental*  
4       *disorder and has psychotic symptoms that require in-*  
5       *tensive mental health treatment or hospitalization.*

6               “(iii) *The member is diagnosed with a mental*  
7       *disorder and has severe symptoms or severe impair-*  
8       *ment in functioning that require intensive mental*  
9       *health treatment or hospitalization.”.*

10       (e) *FREQUENCY OF AUTHORIZED TRAVEL.—Para-*  
11       *graph (3) of subsection (a) of such section 411h is amended*  
12       *to read as follows:*

13               “(3) *Not more than a total of three roundtrips may*  
14       *be provided under paragraph (1) in any 60-day period at*  
15       *Government expense to the individuals who, with respect*  
16       *to a member, are the designated individuals of that member*  
17       *in effect during that period. However, if the Secretary con-*  
18       *cerned has granted a waiver under the second sentence of*  
19       *paragraph (1) with respect to a member, then for any 60-*  
20       *day period in which the waiver is in effect the limitation*  
21       *in the preceding sentence shall be adjusted accordingly. In*  
22       *addition, during any period during which there is in effect*  
23       *a non-medical attendant designation for a member under*  
24       *section 411h–1 of this title, not more than a total of two*  
25       *roundtrips may be provided under paragraph (1) in any*

1 60-day period at Government expense until there no longer  
 2 is a designation of a non-medical attendant or that designa-  
 3 tion transfers to another individual, in which case during  
 4 the transfer period three roundtrip tickets may be pro-  
 5 vided.”.

6 (f) *STYLISTIC AND CONFORMING AMENDMENTS.*—Such  
 7 section is further amended—

8 (1) in subsection (a), by striking “(a)(1)” and  
 9 inserting “(a) *TRAVEL AND TRANSPORTATION AU-*  
 10 *THORIZED.*—(1)”;

11 (2) in subsection (b)—

12 (A) by striking “(b)(1)” and inserting “(b)  
 13 *DEFINITIONS.*—(1)”;

14 (B) in paragraph (3)—

15 (i) by inserting “(A)” after “(3)”;

16 (ii) by adding at the end the following  
 17 new subparagraph:

18 “(B) In this paragraph, the term ‘family member’,  
 19 with respect to a member, means the following:

20 “(i) The member’s spouse.

21 “(ii) Children of the member (including step-  
 22 children, adopted children, and illegitimate children).

23 “(iii) Parents of the member or persons in loco  
 24 parentis to the member, including fathers and moth-  
 25 ers through adoption and persons who stood in loco

1     *parentis to the member for a period not less than one*  
2     *year immediately before the member entered the uni-*  
3     *formed service, except that only one father and one*  
4     *mother or their counterparts in loco parentis may be*  
5     *recognized in any one case.*

6             “(iv) Siblings of the member.

7             “(v) A person related to the member as described  
8     *in clause (i), (ii), (iii), or (iv) who is also a member*  
9     *of the uniformed services.”;*

10            (3) *in subsection (c)—*

11                (A) *by striking “(c)(1)” and inserting “(c)*  
12     *ROUND TRIP TRANSPORTATION AND PER DIEM*  
13     *ALLOWANCE.—(1)”;* *and*

14                (B) *in paragraph (1), by striking “family*  
15     *member” and inserting “designated individual”;*  
16     *and*

17            (4) *in subsection (d), by striking “(d)(1)” and*  
18     *inserting “(d) METHOD OF TRANSPORTATION AU-*  
19     *THORIZED.—(1)”.*

20            (g) *CLERICAL AMENDMENTS.—*

21                (1) *SECTION HEADING.—The heading of such sec-*  
22     *tion 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 WARRIOR*  
 10 *ACT.*—*Section 1602(4) of the Wounded Warrior Act (10*  
 11 *U.S.C. 1071 note) is amended by striking “411h(b)(1)” and*  
 12 *inserting “411h(b)(3)(B)”.*

13 (i) *APPLICABILITY OF AMENDMENTS.*—*No reimburse-*  
 14 *ment may be provided under section 411h of title 37, United*  
 15 *States Code, by reason of the amendments made by this sec-*  
 16 *tion for travel and transportation costs incurred before the*  
 17 *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 411h  
3       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 member  
15      jointly determine that the presence of such an attendant  
16      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 an  
20      individual who—

21               “(1) the member designates for purposes of this  
22      section to be a non-medical attendant for the member;  
23      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 income*  
11            *described in that subsection), or is retired for the*  
12            *wound, illness, or injury for which the member is cat-*  
13            *egorized as described in paragraph (2);*

14            “(2) *has been determined by the attending physi-*  
15            *cian or surgeon to be in the category known as ‘very*  
16            *seriously wounded, ill, or injured’ or in the category*  
17            *known as ‘seriously wounded, ill, and injured’; and*

18            “(3) *either—*

19                 “(A) *is hospitalized for treatment of the*  
20                 *wound, illness, or injury for which the member*  
21                 *is so categorized; or*

22                 “(B) *requires continuing outpatient treat-*  
23                 *ment for such wound, illness, or injury.*

24     “(d) *TRAVEL AND TRANSPORTATION.*—(1)(A) *The*  
25     *transportation authorized by subsection (a) for a qualified*

1 *non-medical attendant for a member is round-trip trans-*  
2 *portation between the home of the attendant and the loca-*  
3 *tion at which the member is receiving treatment, including*  
4 *transportation, while accompanying the member, to any*  
5 *other location to which the member is subsequently trans-*  
6 *ferred for further treatment.*

7       “(B) *In addition to the transportation authorized by*  
8 *subsection (a), the Secretary concerned may provide a per*  
9 *diem allowance or reimbursement, or a combination thereof,*  
10 *for the actual and necessary expenses of travel as described*  
11 *in subparagraph (A), but at rates not to exceed the rates*  
12 *for travel established under section 404(d) of this title.*

13       “(2) *The transportation authorized by subsection (a)*  
14 *includes transportation, while accompanying the member,*  
15 *necessary to obtain treatment for the member at the location*  
16 *to which the member is permanently assigned.*

17       “(3) *The transportation authorized by subsection (a)*  
18 *may be provided by any means as follows:*

19               “(A) *Transportation in-kind.*

20               “(B) *A monetary allowance in place of transpor-*  
21 *tation in-kind.*

22               “(C) *Reimbursement for the cost of commercial*  
23 *transportation.*

24       “(4) *An allowance payable under this subsection may*  
25 *be paid in advance.*

1       “(5) Reimbursement payable under this subsection for  
2 air travel may not exceed the cost of Government-procured  
3 commercial round-trip air travel.

4       “(e) COORDINATION WITH TRANSPORTATION AND AL-  
5 LOWANCES FOR DESIGNATED INDIVIDUALS.—An individual  
6 may not receive travel and transportation allowances under  
7 section 411h of this title and this section simultaneously.”.

8           (2) CLERICAL AMENDMENT.—The table of sec-  
9 tions at the beginning of chapter 7 of such title is  
10 amended by inserting after the item related to section  
11 411h the following new item:

“411h–1. Travel and transportation allowances: transportation of non-medical at-  
tendants for members who are seriously wounded, ill, or in-  
jured.”.

12       (b) APPLICABILITY.—No reimbursement may be pro-  
13 vided under section 411h–1 of title 37, United States Code  
14 (as added by subsection (a)), for any costs of travel or trans-  
15 portation incurred before the date of the enactment of this  
16 Act.

17 **SEC. 633. TRAVEL AND TRANSPORTATION ALLOWANCES**  
18 **FOR MEMBERS OF THE RESERVE COMPO-**  
19 **NENTS OF THE ARMED FORCES ON LEAVE**  
20 **FOR SUSPENSION OF TRAINING.**

21       (a) ALLOWANCES AUTHORIZED.—

22           (1) IN GENERAL.—Chapter 7 of title 37, United  
23 States Code, is amended by inserting after section  
24 411j the following new section:

1 **“§411k. Travel and transportation allowances: travel**  
2 **performed by certain members of the re-**  
3 **serve components of the armed forces in**  
4 **connection with leave for suspension of**  
5 **training**

6 “(a) *ALLOWANCE AUTHORIZED.*—*The Secretary con-*  
7 *cerned may reimburse or provide transportation to a mem-*  
8 *ber of a reserve component of the armed forces on active*  
9 *duty for a period of more than 30 days who is performing*  
10 *duty at a temporary duty station for travel between the*  
11 *member’s temporary duty station and the member’s perma-*  
12 *nent duty station in connection with authorized leave pur-*  
13 *suant to a suspension of training.*

14 “(b) *MINIMUM DISTANCE BETWEEN STATIONS.*—*A*  
15 *member may be paid for or provided transportation under*  
16 *subsection (a) only as follows:*

17 “(1) *In the case of a member who travels between*  
18 *a temporary duty station and permanent duty sta-*  
19 *tion by air transportation, if the distance between*  
20 *such stations is not less than 300 miles.*

21 “(2) *In the case of a member who travels between*  
22 *a temporary duty station and permanent duty sta-*  
23 *tion by ground transportation, if the distance between*  
24 *such stations is more than the normal commuting dis-*  
25 *tance from the permanent duty station (as determined*  
26 *under the regulations prescribed under subsection (e)).*

1       “(c) *MINIMUM PERIOD OF SUSPENSION OF TRAIN-*  
2 *ING.*—A member may be paid for or provided transpor-  
3 *tation under subsection (a) only in connection with a sus-*  
4 *pension of training covered by that subsection that is five*  
5 *days or more in duration.*

6       “(d) *LIMITATION ON REIMBURSEMENT.*—The amount  
7 *a member may be paid under subsection (a) for travel may*  
8 *not exceed the amount that would be paid by the govern-*  
9 *ment (as determined under the regulations prescribed under*  
10 *subsection (e)) for the least expensive means of travel be-*  
11 *tween the duty stations concerned.*

12       “(e) *REGULATIONS.*—The Secretary concerned shall  
13 *prescribe regulations to carry out this section. Regulations*  
14 *prescribed by the Secretary of a military department shall*  
15 *be subject to the approval of the Secretary of Defense.”.*

16       (2) *CLERICAL AMENDMENT.*—The table of sec-  
17 *tions at the beginning of chapter 7 of such title is*  
18 *amended by inserting after the item relating to sec-*  
19 *tion 411j the following new item:*

“411k. *Travel and transportation allowances: travel performed by certain members  
of the reserve components of the armed forces in connection with  
leave for suspension of training.”.*

20       (b) *EFFECTIVE DATE.*—The amendments made by sub-  
21 *section (a) shall take effect on the date of the enactment*  
22 *of this Act, and shall apply with respect to travel that oc-*  
23 *curs on or after that date.*

1 **SEC. 634. REIMBURSEMENT OF TRAVEL EXPENSES OF MEM-**  
2 **BERS OF THE ARMED FORCES ON ACTIVE**  
3 **DUTY AND THEIR DEPENDENTS FOR TRAVEL**  
4 **FOR SPECIALTY CARE UNDER EXCEPTIONAL**  
5 **CIRCUMSTANCES.**

6 (a) *REIMBURSEMENT AUTHORIZED.*—Section 1074i of  
7 title 10, United States Code, is amended—

8 (1) *by redesignating subsections (b) and (c) as*  
9 *subsections (c) and (d), respectively; and*

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

12 “(b) *REIMBURSEMENT FOR TRAVEL UNDER EXCEP-*  
13 *TIONAL CIRCUMSTANCES.*—*The Secretary of Defense may*  
14 *provide reimbursement for reasonable travel expenses of*  
15 *travel of members of the armed forces on active duty and*  
16 *their dependents, and accompaniment, to a specialty care*  
17 *provider not otherwise authorized by subsection (a) under*  
18 *such exceptional circumstances as the Secretary considers*  
19 *appropriate for purposes of this section.*”.

20 (b) *TECHNICAL AMENDMENT.*—Subsection (a) of such  
21 section is amended by inserting “of Defense” after “the Sec-  
22 retary”.

1 **SEC. 635. TRAVEL AND TRANSPORTATION FOR SURVIVORS**  
2 **OF DECEASED MEMBERS OF THE UNIFORMED**  
3 **SERVICES TO ATTEND MEMORIAL CERE-**  
4 **MONIES.**

5 (a) *ALLOWANCES AUTHORIZED.*—Subsection (a) of  
6 section 411f of title 37, United States Code, is amended—

7 (1) *by redesignating paragraph (2) as para-*  
8 *graph (3); and*

9 (2) *by inserting after paragraph (1) the fol-*  
10 *lowing new paragraph (2):*

11 “(2) *The Secretary concerned may provide round trip*  
12 *travel and transportation allowances to eligible relatives of*  
13 *a member of the uniformed services who dies while on active*  
14 *duty in order that the eligible relatives may attend a memo-*  
15 *rial service for the deceased member that occurs at a loca-*  
16 *tion other than the location of the burial ceremony for which*  
17 *travel and transportation allowances are provided under*  
18 *paragraph (1). Travel and transportation allowances may*  
19 *be provided under this paragraph for travel of eligible rel-*  
20 *atives to only one memorial service for the deceased member*  
21 *concerned.*”.

22 (b) *CONFORMING AMENDMENTS.*—Subsection (c) of  
23 *such section is amended—*

24 (1) *by striking “subsection (a)(1)” the first place*  
25 *it appears and inserting “paragraphs (1) and (2) of*  
26 *subsection (a)”;* and



1           (2) by striking “subsection (a)(1)” the second  
2           place it appears and inserting “paragraph (1) or (2)  
3           of subsection (a)”.

## 4           ***Subtitle D—Other Matters***

### 5   ***SEC. 651. AUTHORITY TO CONTINUE PROVISION OF INCEN-*** 6                           ***TIVES AFTER TERMINATION OF TEMPORARY*** 7                           ***ARMY AUTHORITY TO PROVIDE ADDITIONAL*** 8                           ***RECRUITMENT INCENTIVES.***

9           Subsection (i) of section 681 of the National Defense  
10          Authorization Act for Fiscal Year 2006 (Public Law 109–  
11          163; 119 Stat. 3321) is amended to read as follows:

12          “(i) **TERMINATION OF AUTHORITY.**—

13                 “(1) **IN GENERAL.**—The Secretary may not de-  
14                 velop an incentive under this section, or first provide  
15                 an incentive developed under this section to an indi-  
16                 vidual, after December 31, 2009.

17                 “(2) **CONTINUATION OF INCENTIVES.**—Nothing in  
18                 paragraph (1) shall be construed to prohibit or limit  
19                 the continuing provision to an individual after the  
20                 date specified in that paragraph of an incentive first  
21                 provided the individual under this section before that  
22                 date.”.

1 **SEC. 652. REPEAL OF REQUIREMENT OF REDUCTION OF**  
2 **SBP SURVIVOR ANNUITIES BY DEPENDENCY**  
3 **AND INDEMNITY COMPENSATION.**

4 (a) *REPEAL.*—

5 (1) *IN GENERAL.*—Subchapter II of chapter 73 of  
6 title 10, United States Code, is amended as follows:

7 (A) In section 1450, by striking subsection

8 (c).

9 (B) In section 1451(c)—

10 (i) by striking paragraph (2); and

11 (ii) by redesignating paragraphs (3)

12 and (4) as paragraphs (2) and (3), respec-

13 tively.

14 (2) *CONFORMING AMENDMENTS.*—Such sub-  
15 chapter is further amended as follows:

16 (A) In section 1450—

17 (i) by striking subsection (e);

18 (ii) by striking subsection (k); and

19 (iii) by striking subsection (m).

20 (B) In section 1451(g)(1), by striking sub-  
21 paragraph (C).

22 (C) In section 1452—

23 (i) in subsection (f)(2), by striking

24 “does not apply—” and all that follows and

25 inserting “does not apply in the case of a

1                   deduction made through administrative  
2                   error.”; and

3                   (i) by striking subsection (g).

4                   (D) In section 1455(c), by striking “,  
5                   1450(k)(2),”.

6           (b) *PROHIBITION ON RETROACTIVE BENEFITS.*—No  
7           benefits may be paid to any person for any period before  
8           the effective date provided under subsection (f) by reason  
9           of the amendments made by subsection (a).

10          (c) *PROHIBITION ON RECOUPMENT OF CERTAIN*  
11          *AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.*—  
12          A surviving spouse who is or has been in receipt of an an-  
13          nuity under the Survivor Benefit Plan under subchapter  
14          II of chapter 73 of title 10, United States Code, that is in  
15          effect before the effective date provided under subsection (f)  
16          and that is adjusted by reason of the amendments made  
17          by subsection (a) and who has received a refund of retired  
18          pay under section 1450(e) of title 10, United States Code,  
19          shall not be required to repay such refund to the United  
20          States.

21          (d) *REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY*  
22          *FOR DEPENDENT CHILDREN.*—Section 1448(d) of such title  
23          is amended—

24                  (1) in paragraph (1), by striking “Except as  
25                  provided in paragraph (2)(B), the Secretary con-

1       cerned” and inserting “The Secretary concerned”;  
2       and

3               (2) in paragraph (2)—

4                       (A) by striking “DEPENDENT CHILDREN.—  
5                       ” and all that follows through “In the case of a  
6                       member described in paragraph (1),” and insert-  
7                       ing “DEPENDENT CHILDREN ANNUITY WHEN NO  
8                       ELIGIBLE SURVIVING SPOUSE.—In the case of a  
9                       member described in paragraph (1),”; and

10                      (B) by striking subparagraph (B).

11       (e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY  
12       ELIGIBLE SPOUSES.—The Secretary of the military depart-  
13       ment concerned shall restore annuity eligibility to any eli-  
14       gible surviving spouse who, in consultation with the Sec-  
15       retary, previously elected to transfer payment of such annu-  
16       ity to a surviving child or children under the provisions  
17       of section 1448(d)(2)(B) of title 10, United States Code, as  
18       in effect on the day before the effective date provided under  
19       subsection (f). Such eligibility shall be restored whether or  
20       not payment to such child or children subsequently was ter-  
21       minated due to loss of dependent status or death. For the  
22       purposes of this subsection, an eligible spouse includes a  
23       spouse who was previously eligible for payment of such an-  
24       nuity and is not remarried, or remarried after having at-

1 *tained age 55, or whose second or subsequent marriage has*  
2 *been terminated by death, divorce or annulment.*

3 (f) *EFFECTIVE DATE.*—*The sections and the amend-*  
4 *ments made by this section shall take effect on the later of—*

5 (1) *the first day of the first month that begins*  
6 *after the date of the enactment of this Act; or*

7 (2) *the first day of the fiscal year that begins in*  
8 *the calendar year in which this Act is enacted.*

9 **SEC. 653. SENSE OF CONGRESS ON AIRFARES FOR MEM-**  
10 **BERS OF THE ARMED FORCES.**

11 (a) *FINDINGS.*—*Congress makes the following findings:*

12 (1) *The Armed Forces is comprised of over*  
13 *1,450,000 active-duty members from every State and*  
14 *territory of the United States who are assigned to*  
15 *thousands of installations, stations, and ships world-*  
16 *wide and who oftentimes must travel long distances*  
17 *by air at their own expense to enjoy the benefits of*  
18 *leave and liberty.*

19 (2) *The United States is indebted to the members*  
20 *of the all volunteer Armed Forces and their families*  
21 *who protect our Nation, often experiencing long separa-*  
22 *rations due to the demands of military service and in*  
23 *life threatening circumstances.*

24 (3) *Military service often precludes long range*  
25 *planning for leave and liberty to provide opportuni-*

1     *ties for reunions and recreation with loved ones and*  
2     *requires changes in planning due to military neces-*  
3     *sity which results in last minute changes in plan-*  
4     *ning.*

5     *(b) SENSE OF CONGRESS.—It is the sense of Congress*  
6     *that—*

7             *(1) all United States commercial carriers should*  
8     *seek to lend their support with flexible, generous poli-*  
9     *cies applicable to members of the Armed Forces who*  
10    *are traveling on leave or liberty at their own expense;*  
11    *and*

12            *(2) each United States air carrier, for all mem-*  
13    *bers of the Armed Forces who have been granted leave*  
14    *or liberty and who are traveling by air at their own*  
15    *expense, should—*

16                *(A) seek to provide reduced air fares that*  
17    *are comparable to the lowest airfare for ticketed*  
18    *flights and that eliminate to the maximum ex-*  
19    *tent possible advance purchase requirements;*

20                *(B) seek to eliminate change fees or charges*  
21    *and any penalties for military personnel;*

22                *(C) seek to eliminate or reduce baggage and*  
23    *excess weight fees;*

24                *(D) offer flexible terms that allow members*  
25    *of the Armed Forces on active duty to purchase,*

1           *modify, or cancel tickets without time restric-*  
2           *tions, and to waive fees (including baggage fees),*  
3           *ancillary costs, or penalties; and*

4                   *(E) seek to take proactive measures to en-*  
5           *sure that all airline employees, particularly*  
6           *those who issue tickets and respond to members*  
7           *of the Armed Forces and their family members*  
8           *are trained in the policies of the airline aimed*  
9           *at benefitting members of the Armed Forces who*  
10           *are on leave.*

11 **SEC. 654. CONTINUATION ON ACTIVE DUTY OF RESERVE**  
12                   **COMPONENT MEMBERS DURING PHYSICAL**  
13                   **DISABILITY EVALUATION FOLLOWING MOBI-**  
14                   **LIZATION AND DEPLOYMENT.**

15           *Section 1218 of title 10, United States Code, is amend-*  
16           *ed by adding at the end the following new subsection:*

17           *“(d)(1) The Secretary of a military department shall*  
18           *ensure that each member of a reserve component under the*  
19           *jurisdiction of the Secretary who is determined, after a mo-*  
20           *bilization and deployment to an area in which imminent*  
21           *danger pay is authorized under section 310 of title 37, to*  
22           *require evaluation for a physical or mental disability which*  
23           *could result in separation or retirement for disability under*  
24           *this chapter or placement on the temporary disability re-*  
25           *tired list or inactive status list under this chapter is re-*

1 *tained on active duty during the disability evaluation proc-*  
2 *ess until such time as such member is—*

3 *“(A) cleared by appropriate authorities for con-*  
4 *tinuation on active duty; or*

5 *“(B) separated, retired, or placed on the tem-*  
6 *porary disability retired list or inactive status list.*

7 *“(2)(A) A member described in paragraph (1) may re-*  
8 *quest termination of active duty under such paragraph at*  
9 *any time during the demobilization or disability evaluation*  
10 *process of such member.*

11 *“(B) Upon a request under subparagraph (A), a mem-*  
12 *ber described in paragraph (1) shall only be released from*  
13 *active duty after the member receives counseling about the*  
14 *consequences of termination of active duty.*

15 *“(C) Each release from active duty under subpara-*  
16 *graph (B) shall be thoroughly documented.*

17 *“(3) The requirements in paragraph (1) shall expire*  
18 *on the date that is five years after the date of the enactment*  
19 *of the National Defense Authorization Act for Fiscal Year*  
20 *2010.”.*

21 **SEC. 655. USE OF LOCAL RESIDENCES FOR COMMUNITY-**  
22 **BASED CARE FOR CERTAIN RESERVE COMPO-**  
23 **NENT MEMBERS.**

24 *Section 1222 of title 10, United States Code, is amend-*  
25 *ed by adding at the end the following new subsection:*



1       “(d) *USE OF LOCAL RESIDENCES FOR CERTAIN RE-*  
2 *SERVE COMPONENT MEMBERS.—(1)(A) A member of a re-*  
3 *serve component described by subparagraph (B) may be as-*  
4 *signed to the community-based warrior transition unit lo-*  
5 *cated nearest to the member’s permanent place of residence*  
6 *if residing at that location is—*

7           “(i) *medically feasible, as determined by a li-*  
8 *censed military health care provider; and*

9           “(ii) *consistent with—*

10               “(I) *the needs of the armed forces; and*

11               “(II) *the optimal course of medical treat-*  
12 *ment of the member.*

13       “(B) *A member of a reserve component described by*  
14 *this subparagraph is any member remaining on active duty*  
15 *under section 1218(d) of this title during the period the*  
16 *member is on active duty under such subsection.*

17       “(2) *Nothing in this subsection shall be construed as*  
18 *terminating, altering, or otherwise affecting the authority*  
19 *of the commander of a member described in paragraph*  
20 *(1)(B) to order the member to perform duties consistent*  
21 *with the member’s fitness for duty.*

22       “(3) *The Secretary concerned shall pay any reasonable*  
23 *expenses of transportation, lodging, and meals incurred by*  
24 *a member residing at the member’s permanent place of resi-*  
25 *dence under this subsection in connection with travel from*

1 *the member's permanent place of residence to a medical fa-*  
2 *cility during the period in which the member is covered*  
3 *by this subsection."*

4 **SEC. 656. ASSISTANCE WITH TRANSITIONAL BENEFITS.**

5 (a) *IN GENERAL.*—Chapter 61 of title 10, United  
6 States Code, is amended by inserting after section 1218 the  
7 following new section:

8 **“§ 1218a. Discharge or release from active duty: tran-**  
9 **sition assistance**

10 “The Secretary of a military department shall provide  
11 to a member of a reserve component under the jurisdiction  
12 of the Secretary who is injured while on active duty in the  
13 armed forces the following before such member is demobi-  
14 lized or separated from the armed forces:

15 “(1) Information on the availability of care and  
16 administrative processing through community based  
17 warrior transition units.

18 “(2) The location of the community based war-  
19 rior transition unit located nearest to the member's  
20 permanent place of residence.

21 “(3) An opportunity to consult with a member  
22 of the applicable judge advocate general's corps, or  
23 other qualified legal assistance attorney, regarding the  
24 member's eligibility for compensation, disability, or  
25 other transitional benefits.”

1       (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
2 *the beginning of chapter 61 of such title is amended by in-*  
3 *serting after the item relating to section 1218 the following*  
4 *new item:*

“1218a. *Discharge or release from active duty: transition assistance.*”.

5 **SEC. 657. REPORT ON RECRUITMENT AND RETENTION OF**  
6 **MEMBERS OF THE AIR FORCE IN NUCLEAR**  
7 **CAREER FIELDS.**

8       (a) *REPORT REQUIRED.*—*Not later than 180 days*  
9 *after the date of the enactment of this Act, the Secretary*  
10 *of the Air Force shall submit to the congressional defense*  
11 *committees a report on the efforts of the Air Force to attract*  
12 *and retain qualified individuals for service as members of*  
13 *the Air Force involved in the operation, maintenance, han-*  
14 *dling, and security of nuclear weapons.*

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

17           (1) *A description of current reenlistment rates,*  
18 *set forth by Air Force Specialty Code, of members of*  
19 *the Air Force serving in positions involving the oper-*  
20 *ation, maintenance, handling, and security of nuclear*  
21 *weapons.*

22           (2) *A description of the current personnel fill*  
23 *rate for Air Force units involved in the operation,*  
24 *maintenance, handling, and security of nuclear weap-*  
25 *ons.*

1           (3) *An description of the steps the Air Force has*  
2 *taken, including the use of retention bonuses or as-*  
3 *signment incentive pay, to improve recruiting and re-*  
4 *tion of officers and enlisted personnel by the Air*  
5 *Force for the positions described in paragraph (1).*

6           (4) *An assessment of the feasibility, advisability,*  
7 *utility, and cost effectiveness of establishing addi-*  
8 *tional bonuses or incentive pay as a way to enhance*  
9 *the recruitment and retention by the Air Force of*  
10 *skilled personnel in the positions described in para-*  
11 *graph (1).*

12           (5) *An assessment of whether assignment incen-*  
13 *tive pay should be provided for members of the Air*  
14 *Force covered by the Personnel Reliability Program.*

15           (6) *An assessment of the long-term community*  
16 *management plan for recruitment and retention by*  
17 *the Air Force of skilled personnel in the positions de-*  
18 *scribed in paragraph (1).*

19           (7) *Such other matters as the Secretary considers*  
20 *appropriate.*

21 **SEC. 658. SENSE OF CONGRESS ON ESTABLISHMENT OF**  
22 **FLEXIBLE SPENDING ARRANGEMENTS FOR**  
23 **THE UNIFORMED SERVICES.**

24           (a) *IN GENERAL.*—*It is the sense of Congress that, the*  
25 *Secretary of Defense, with respect to members of the Army,*

1 *Navy, Marine Corps, and Air Force, the Secretary of Home-*  
2 *land Security, with respect to members of the Coast Guard,*  
3 *the Secretary of Health and Human Services, with respect*  
4 *to commissioned officers of the Public Health Service, and*  
5 *the Secretary of Commerce, with respect to commissioned*  
6 *officers of the National Oceanic and Atmospheric Adminis-*  
7 *tration, should establish procedures to implement flexible*  
8 *spending arrangements with respect to basic pay and com-*  
9 *pensation, for health care and dependent care on a pre-tax*  
10 *basis in accordance with regulations prescribed under sec-*  
11 *tions 106(c) and 125 of the Internal Revenue Code of 1986.*

12       **(b) CONSIDERATIONS.**—*It is the sense of Congress that,*  
13 *in establishing the procedures described by subsection (a),*  
14 *the Secretary of Defense, the Secretary of Homeland Secu-*  
15 *rity, the Secretary of Health and Human Services, and the*  
16 *Secretary of Commerce should consider life events of mem-*  
17 *bers of the uniformed services that are unique to them as*  
18 *members of the uniformed services, including changes relat-*  
19 *ing to permanent changes of duty station and deployments*  
20 *to overseas contingency operations.*

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 Alaska  
6 Territorial Guard during World War II of any individual  
7 who was honorably discharged therefrom under section 8147  
8 of the Department of Defense Appropriations Act, 2001  
9 (Public Law 106–259; 114 Stat. 705) shall be treated as  
10 active service for purposes of the computation under chapter  
11 61, 71, 371, 571, 871, or 1223 of title 10, United States  
12 Code, as applicable, of the retired pay to which such indi-  
13 vidual may be entitled under title 10, United States Code.

14 (b) *APPLICABILITY.*—Subsection (a) shall apply with  
15 respect to amounts of retired pay payable under title 10,  
16 United States Code, for months beginning on or after the  
17 date of the enactment of this Act. No retired pay shall be  
18 paid to any individual by reason of subsection (a) for any  
19 period before that date.

20 (c) *WORLD WAR II DEFINED.*—In this section, the  
21 term “World War II” has the meaning given that term in  
22 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 Code,*  
6 *is amended—*

7 *(1) by striking “the date of the enactment of the*  
8 *National Defense Authorization Act for Fiscal Year*  
9 *2008” and inserting “September 11, 2001”; and*

10 *(2) by striking “in any fiscal year after such*  
11 *date” and inserting “in any fiscal year after fiscal*  
12 *year 2001”.*

13 **TITLE VII—HEALTH CARE**  
14 **PROVISIONS**

15 **Subtitle A—TRICARE Program**

16 **SEC. 701. TRICARE STANDARD COVERAGE FOR CERTAIN**  
17 **MEMBERS OF THE RETIRED RESERVE, AND**  
18 **FAMILY MEMBERS, WHO ARE QUALIFIED FOR**  
19 **A NON-REGULAR RETIREMENT BUT ARE NOT**  
20 **YET AGE 60.**

21 *(a) IN GENERAL.—Chapter 55 of title 10, United*  
22 *States Code, is amended by inserting after section 1076d*  
23 *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 com-*  
7 *ponent of the Armed Forces who is qualified for a non-reg-*  
8 *ular retirement at age 60 under chapter 1223, but is not*  
9 *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 OBTAINING*  
15 *OTHER TRICARE COVERAGE.—Eligibility for TRICARE*  
16 *Standard coverage of a member under this section shall ter-*  
17 *minate upon the member becoming eligible for TRICARE*  
18 *coverage at age 60 under section 1086 of this title.*

19 “(c) *FAMILY MEMBERS.—While a member of a reserve*  
20 *component is covered by TRICARE Standard under the sec-*  
21 *tion, the members of the immediate family of such member*  
22 *are eligible for TRICARE Standard coverage as dependents*  
23 *of the member. If a member of a reserve component dies*  
24 *while in a period of coverage under this section, the eligi-*  
25 *bility of the members of the immediate family of such mem-*  
26 *ber for TRICARE Standard coverage under this section*



1 *shall continue for the same period of time that would be*  
2 *provided under section 1086 of this title if the member had*  
3 *been eligible at the time of death for TRICARE Standard*  
4 *coverage under such section (instead of under this section).*

5       “(d) *PREMIUMS.—(1) A member of a reserve compo-*  
6 *nent covered by TRICARE Standard under this section*  
7 *shall pay a premium for that coverage.*

8       “(2) *The Secretary of Defense shall prescribe for the*  
9 *purposes of this section one premium for TRICARE Stand-*  
10 *ard coverage of members without dependents and one pre-*  
11 *mium for TRICARE Standard coverage of members with*  
12 *dependents referred to in subsection (f)(1). The premium*  
13 *prescribed for a coverage shall apply uniformly to all cov-*  
14 *ered members of the reserve components covered under this*  
15 *section.*

16       “(3)(A) *The monthly amount of the premium in effect*  
17 *for a month for TRICARE Standard coverage under this*  
18 *section shall be the amount equal to the cost of coverage*  
19 *that the Secretary determines on an appropriate actuarial*  
20 *basis.*

21       “(B) *The appropriate actuarial basis for purposes of*  
22 *subparagraph (A) shall be determined in the manner speci-*  
23 *fied in section 1076d(d)(3)(B) of this title with respect to*  
24 *the cost of coverage applicable under subparagraph (A).*

1       “(4) *The Secretary shall prescribe the requirements*  
2 *and procedures applicable to the payment of premiums*  
3 *under this subsection.*

4       “(5) *Amounts collected as premiums under this sub-*  
5 *section shall be credited to the appropriation available for*  
6 *the Defense Health Program Account under section 1100*  
7 *of this title, shall be merged with sums in such Account*  
8 *that are available for the fiscal year in which collected, and*  
9 *shall be available under subsection (b) of such section for*  
10 *such fiscal year.*

11       “(e) *REGULATIONS.—The Secretary of Defense, in con-*  
12 *sultation with the other administering Secretaries, shall*  
13 *prescribe regulations for the administration of this section.*

14       “(f) *DEFINITIONS.—In this section:*

15               “(1) *The term ‘immediate family’, with respect*  
16 *to a member of a reserve component, means all of the*  
17 *member’s dependents described in subparagraphs (A),*  
18 *(D), and (I) of section 1072(2) of this title.*

19               “(2) *The term ‘TRICARE Standard’ means—*

20                       “(A) *medical care to which a dependent de-*  
21 *scribed in section 1076(a)(2) of this title is enti-*  
22 *tled; and*

23                       “(B) *health benefits contracted for under the*  
24 *authority of section 1079(a) of this title and sub-*

1            *ject to the same rates and conditions as apply to*  
 2            *persons covered under that section.”.*

3            (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
 4 *the beginning of chapter 55 of such title is amended by in-*  
 5 *serting after the item relating to section 1076d the following*  
 6 *new item:*

*“1076e. TRICARE program: TRICARE Standard coverage for certain members  
 of the Retired Reserve who are qualified for a non-regular retire-  
 ment but are not yet age 60.”.*

7            (c) *EFFECTIVE DATE.*—*Section 1076e of title 10,*  
 8 *United States Code, as inserted by subsection (a), shall*  
 9 *apply to coverage for months beginning on or after October*  
 10 *1, 2009, or such earlier date as the Secretary of Defense*  
 11 *may specify.*

12 **SEC. 702. EXPANSION OF ELIGIBILITY OF SURVIVORS**  
 13 **UNDER THE TRICARE DENTAL PROGRAM.**

14            *Section 1076a(k)(3) of title 10, United States Code, is*  
 15 *amended by inserting before the period at the end the fol-*  
 16 *lowing: “, except that, in the case of a dependent described*  
 17 *by subparagraph (D) or (I) of section 1072(2) of this title,*  
 18 *the period of continuing eligibility shall be the longer of*  
 19 *the following periods beginning on such date:*

20            *“(A) Three years.*

21            *“(B) The period ending on the date on which the*  
 22 *dependent attains 21 years of age.*

23            *“(C) In the case of a dependent who, at 21 years*  
 24 *of age, is enrolled in a full-time course of study at an*

1 *institution of higher learning approved by the admin-*  
2 *istering Secretary and is, or was, at the time of the*  
3 *member's death, in fact dependent on the member for*  
4 *over one-half of the dependent's support, the period*  
5 *ending on the earlier of the following dates:*

6 *“(i) The date on which the dependent ceases*  
7 *to pursue such a course of study, as determined*  
8 *by the administering Secretary.*

9 *“(ii) The date on which the dependent at-*  
10 *tains 23 years of age”.*

11 **SEC. 703. CONSTRUCTIVE ELIGIBILITY FOR TRICARE BENE-**  
12 **FITS OF CERTAIN PERSONS OTHERWISE IN-**  
13 **ELIGIBLE UNDER RETROACTIVE DETERMINA-**  
14 **TION OF ENTITLEMENT TO MEDICARE PART A**  
15 **HOSPITAL INSURANCE BENEFITS.**

16 *Section 1086(d) of title 10, United States Code, is*  
17 *amended—*

18 *(1) by redesignating paragraph (4) as para-*  
19 *graph (5); and*

20 *(2) by inserting after paragraph (3) the fol-*  
21 *lowing new paragraph (4):*

22 *“(4)(A) If a person referred to in subsection (c) and*  
23 *described by paragraph (2)(B) is subject to a retroactive*  
24 *determination by the Social Security Administration of en-*  
25 *titlement to hospital insurance benefits described in para-*

1 *graph (1), the person shall, during the period described in*  
2 *subparagraph (B), be deemed for purposes of health benefits*  
3 *under this section—*

4           “(i) *not to have been covered by paragraph (1);*  
5       *and*

6           “(ii) *not to have been subject to the requirements*  
7 *of section 1079(j)(1) of this title, whether through the*  
8 *operation of such section or subsection (g) of this sec-*  
9 *tion.*

10       “(B) *The period described in this subparagraph with*  
11 *respect to a person covered by subparagraph (A) is the pe-*  
12 *riod that—*

13           “(i) *begins on the date that eligibility of the per-*  
14 *son for hospital insurance benefits referred to in*  
15 *paragraph (1) is effective under the retroactive deter-*  
16 *mination of eligibility with respect to the person as*  
17 *described in subparagraph (A); and*

18           “(ii) *ends on the date of the issuance of such ret-*  
19 *roactive determination of eligibility by the Social Se-*  
20 *curity Administration.”.*

21 **SEC. 704. REFORM AND IMPROVEMENT OF THE TRICARE**  
22 **PROGRAM.**

23       (a) *IN GENERAL.—Commencing not later than 30*  
24 *days after the date of the enactment of this Act, the Sec-*  
25 *retary of Defense shall, in consultation with the other ad-*

1 *ministering Secretaries, undertake actions to reform and*  
2 *improve the TRICARE program.*

3 (b) *ELEMENTS.*—*In undertaking actions to reform and*  
4 *improve the TRICARE program under subsection (a), the*  
5 *Secretary shall consider actions as follows:*

6 (1) *Actions to guarantee the availability of care*  
7 *without delay for eligible beneficiaries.*

8 (2) *Actions to expand and enhance sharing of*  
9 *health care resources among Federal health care pro-*  
10 *grams, including designated providers (as that term*  
11 *is defined in section 721(5) of the National Defense*  
12 *Authorization Act for Fiscal Year 1997 (10 U.S.C.*  
13 *1073 note)).*

14 (3) *Actions utilizing medical technology to speed*  
15 *and simplify referrals for specialty care.*

16 (4) *Actions, including a comprehensive plan, for*  
17 *the enhanced availability of prevention and wellness*  
18 *care.*

19 (5) *Actions to expand and enhance options for*  
20 *mental health care.*

21 (6) *Actions utilizing technology to improve direct*  
22 *communication with beneficiaries regarding health*  
23 *and preventive care.*

24 (7) *Actions regarding additional financing op-*  
25 *tions for health care provided by civilian providers.*

1           (8) *Actions to improve regional or national staff-*  
2 *ing capabilities in order to enhance support provided*  
3 *to military medical treatment facilities facing staff*  
4 *shortages.*

5           (9) *Actions to reduce administrative costs.*

6           (10) *Actions to control the cost of health care*  
7 *and pharmaceuticals.*

8           (11) *Actions to ensure consistency throughout the*  
9 *TRICARE program, including actions to hold com-*  
10 *manders of military medical treatment facilities and*  
11 *civilian providers accountable for compliance with ac-*  
12 *cess standards.*

13           (12) *Actions to create performance metrics by*  
14 *which to measure improvement in the TRICARE pro-*  
15 *gram.*

16           (13) *Such other actions as the Secretary, in con-*  
17 *sultation with the other administering Secretaries,*  
18 *considers appropriate.*

19       (c) *CONSULTATION.*—*In considering actions to be un-*  
20 *dertaken under this section, and in undertaking such ac-*  
21 *tions, the Secretary shall consult with a broad range of na-*  
22 *tional health care and military advocacy organizations.*

23       (d) *REPORTS.*—

24           (1) *IN GENERAL.*—*The Secretary shall, on a*  
25 *periodic basis, submit to the congressional defense*

1       committees a report on the progress being made in the  
2       reform and improvement of the *TRICARE* program  
3       under this section.

4               (2) *ELEMENTS.*—Each report under this sub-  
5       section shall include the following:

6                       (A) A description and assessment of the  
7       progress made as of the date of such report in the  
8       reform and improvement of the *TRICARE* pro-  
9       gram.

10                      (B) Such recommendations for administra-  
11       tive or legislative action as the Secretary con-  
12       siders appropriate to expedite and enhance the  
13       reform and improvement of the *TRICARE* pro-  
14       gram.

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

16               (1) The term “administering Secretaries” has the  
17       meaning given that term in section 1072(3) of title  
18       10, United States Code.

19               (2) The term “*TRICARE* program” has the  
20       meaning given that term in section 1072(7) of title  
21       10, United States Code.



1 **SEC. 705. COMPTROLLER GENERAL OF THE UNITED STATES**  
2 **REPORT ON IMPLEMENTATION OF REQUIRE-**  
3 **MENTS ON THE RELATIONSHIP BETWEEN**  
4 **THE TRICARE PROGRAM AND EMPLOYER-**  
5 **SPONSORED GROUP HEALTH PLANS.**

6 (a) *REPORT REQUIRED.*—Not later than March 31,  
7 2010, the Comptroller General of the United States shall  
8 submit to the Committees on Armed Services of the Senate  
9 and the House of Representatives a report on the implemen-  
10 tation of the requirements of section 1097c of title 10,  
11 United States Code, relating to the relationship between the  
12 TRICARE program and employer-sponsored group health  
13 plans.

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

16 (1) *A description of the extent to which the De-*  
17 *partment of Defense has established measures to assess*  
18 *the effectiveness of section 1097c of title 10, United*  
19 *States Code, in reducing health care costs to the De-*  
20 *partment for military retirees and their families, and*  
21 *an assessment of the effectiveness of any measures so*  
22 *established.*

23 (2) *An assessment of the extent to which the im-*  
24 *plementation of such section 1097c has resulted in the*  
25 *migration of military retirees from coverage under the*  
26 *TRICARE Standard option of the TRICARE pro-*

1        *gram to coverage under the TRICARE Prime option*  
2        *of the TRICARE program.*

3            (3) *A description of the exceptions adopted under*  
4        *subsection (a)(2) of such section 1097c to the require-*  
5        *ments under such section 1097c, and an assessment of*  
6        *the effect of the exercise of any exceptions adopted on*  
7        *the administration of such section 1097c.*

8            (4) *An assessment of the extent to which the De-*  
9        *partment collects and assembles data on the treatment*  
10       *of employees eligible for participation in the*  
11       *TRICARE program in comparison with similar em-*  
12       *ployees who are not eligible for participation in that*  
13       *program.*

14           (5) *A description of the outreach conducted by*  
15       *the Department to inform individuals eligible for par-*  
16       *ticipation in the TRICARE program and employers*  
17       *of their respective rights and responsibilities under*  
18       *such section 1097c, and an assessment of the effective-*  
19       *ness of any outreach so conducted.*

20           (6) *Such other matters with respect to the ad-*  
21       *ministration and effectiveness of the authorities in*  
22       *such section 1097c as the Comptroller General con-*  
23       *siders appropriate.*

1 **SEC. 706. SENSE OF THE SENATE ON HEALTH CARE BENE-**  
2 **FITS AND COSTS FOR MEMBERS OF THE**  
3 **ARMED FORCES AND THEIR FAMILIES.**

4 (a) *FINDINGS.*—*The Senate makes the following find-*  
5 *ings:*

6 (1) *Career members of the Armed Forces and*  
7 *their families endure unique and extraordinary de-*  
8 *mands, and make extraordinary sacrifices, over the*  
9 *course of 20-year to 30-year careers in protecting free-*  
10 *dom for all Americans.*

11 (2) *The nature and extent of these demands and*  
12 *sacrifices are never so evident as in wartime, not only*  
13 *during the current combat operations, but also during*  
14 *the wars of the last 60 years when current retired*  
15 *members of the Armed Forces were on continuous call*  
16 *to go in harm's way when and as needed.*

17 (3) *A primary benefit of enduring the extraor-*  
18 *dinary sacrifices inherent in a military career is a*  
19 *range of retirement benefits, including lifetime health*  
20 *benefits, that a grateful Nation provides for those who*  
21 *choose to subordinate their personal life to the na-*  
22 *tional interest for so many years.*

23 (4) *Currently serving and retired members of the*  
24 *uniformed services and their families and survivors*  
25 *deserve benefits equal to their commitment and service*  
26 *to our Nation.*

1           (5) *Many employers are curtailing health bene-*  
2 *fits and shifting costs to their employees, which may*  
3 *result in retired members of the Armed Forces return-*  
4 *ing to the Department of Defense, and its TRICARE*  
5 *program, for health care benefits during retirement,*  
6 *and contribute to health care cost growth.*

7           (6) *Defense health costs also expand as a result*  
8 *of service-unique military readiness requirements,*  
9 *wartime requirements, and other necessary require-*  
10 *ments that represent the “cost of business” for the De-*  
11 *partment of Defense.*

12           (7) *While the Department of Defense has made*  
13 *some efforts to contain increases in the cost of the*  
14 *TRICARE program, too many of those efforts have*  
15 *been devoted to shifting a larger share of the costs of*  
16 *benefits under that program to retired members of the*  
17 *Armed Forces who have earned health care benefits in*  
18 *return for a career of military service.*

19           (8) *In some cases health care providers refuse to*  
20 *accept TRICARE patients because that program pays*  
21 *less than other public and private payors and imposes*  
22 *unique administrative requirements.*

23           (9) *The Department of Defense records deposits*  
24 *to the Department of Defense Military Retiree Health*  
25 *Care Fund as discretionary costs to the Department*

1 *in spite of legislation enacted in 2006 that requires*  
2 *such deposits to be made directly from the Treasury*  
3 *of the United States.*

4 *(10) As a result, annual payments for the future*  
5 *costs of servicemember health care continue to compete*  
6 *with other readiness needs of the Armed Forces.*

7 *(b) SENSE OF SENATE.—It is the sense of the Senate*  
8 *that—*

9 *(1) the Department of Defense and the Nation*  
10 *have an obligation to provide health care benefits to*  
11 *retired members of the Armed Forces that equals the*  
12 *quality of their selfless service to our country;*

13 *(2) past proposals by the Department of Defense*  
14 *to impose substantial fee increases on military bene-*  
15 *ficiaries have failed to acknowledge properly the find-*  
16 *ings addressed in subsection (a); and*

17 *(3) the Department of Defense has many addi-*  
18 *tional options to constrain the growth of health care*  
19 *spending in ways that do not disadvantage retired*  
20 *members of the Armed Forces who participate or seek*  
21 *to participate in the TRICARE program, and should*  
22 *pursue any and all such options rather than seeking*  
23 *large increases for enrollment fees, deductibles, and*  
24 *copayments for such retirees, and their families or*  
25 *survivors, who do participate in that program.*

1 **SEC. 707. NOTIFICATION OF CERTAIN INDIVIDUALS RE-**  
2 **GARDING OPTIONS FOR ENROLLMENT UNDER**  
3 **MEDICARE PART B.**

4 *Chapter 55 of title 10, United States Code, is amended*  
5 *by adding at the end the following new section:*

6 **“SEC. 1111. NOTIFICATION OF CERTAIN INDIVIDUALS RE-**  
7 **GARDING OPTIONS FOR ENROLLMENT UNDER**  
8 **MEDICARE PART B.**

9 *“(a) IN GENERAL.—The Secretary of Defense shall es-*  
10 *tablish procedures for identifying individuals described in*  
11 *subsection (b). The Secretary of Defense shall immediately*  
12 *notify individuals identified under the preceding sentence*  
13 *that they are no longer eligible for health care benefits under*  
14 *the TRICARE program under chapter 55 of title 10, United*  
15 *States Code, and of any options available for enrollment*  
16 *of the individual under part B of title XVIII of the Social*  
17 *Security Act (42 U.S.C. 1395j et seq.). The Secretary of De-*  
18 *fense shall consult with the Secretary of Health and Human*  
19 *Services to accurately identify and notify individuals de-*  
20 *scribed in subsection (b) under this subsection.*

21 *“(b) INDIVIDUALS DESCRIBED.—An individual de-*  
22 *scribed in this subsection is an individual who is a covered*  
23 *beneficiary (as defined in section 1072(5) of title 10, United*  
24 *States Code) at the time the individual is entitled to part*  
25 *A of title XVIII of the Social Security Act under section*  
26 *226(b) or section 226A of such Act (42 U.S.C. 426(b) and*

1 426–1) and who is eligible to enroll but who has elected  
2 not to enroll (or to be deemed enrolled) during the individ-  
3 ual’s initial enrollment period under part B of such title.”.

## 4 **Subtitle B—Other Health Care** 5 **Benefits**

### 6 **SEC. 711. MENTAL HEALTH ASSESSMENTS FOR MEMBERS** 7 **OF THE ARMED FORCES DEPLOYED IN CON-** 8 **NECTION WITH A CONTINGENCY OPERATION.**

9 (a) *MENTAL HEALTH ASSESSMENTS.*—

10 (1) *IN GENERAL.*—Not later than 180 days after  
11 the date of the enactment of this Act, the Secretary of  
12 Defense shall issue guidance for the provision of a  
13 person-to-person mental health assessment for each  
14 member of the Armed Forces who is deployed in con-  
15 nection with a contingency operation as follows:

16 (A) *At a time during the period beginning*  
17 *60 days before the date of deployment in connec-*  
18 *tion with the contingency operation.*

19 (B) *At a time during the period beginning*  
20 *90 days after the date of redeployment from the*  
21 *contingency operation and ending 180 days after*  
22 *the date of redeployment from the contingency*  
23 *operation.*

1           (C) *Subject to subsection (d), not later than*  
2           *each of 6 months, 12 months, and 24 months*  
3           *after return from deployment.*

4           (2) *EXCLUSION OF CERTAIN MEMBERS.—A men-*  
5           *tal health assessment is not required for a member of*  
6           *the Armed Forces under subparagraphs (B) and (C)*  
7           *of paragraph (1) if the Secretary determines that the*  
8           *member was not subjected or exposed to operational*  
9           *risk factors during deployment in the contingency op-*  
10          *eration concerned.*

11          (b) *PURPOSE.—The purpose of the mental health as-*  
12          *sessments provided pursuant to this section shall be to iden-*  
13          *tify Post Traumatic Stress Disorder (PTSD), suicidal ten-*  
14          *dencies, and other behavioral health issues identified among*  
15          *members of the Armed Forces described in subsection (a)*  
16          *in order to determine which such members are in need of*  
17          *additional care and treatment for such health issues.*

18          (c) *ELEMENTS.—*

19               (1) *IN GENERAL.—The mental health assessments*  
20               *provided pursuant to this section shall—*

21                       (A) *be performed by personnel trained and*  
22                       *certified to perform such assessments and may be*  
23                       *performed by licensed mental health professionals*  
24                       *if such professionals are available and the use of*  
25                       *such professionals for the assessments would not*



1           *impair the capacity of such professionals to per-*  
2           *form higher priority tasks;*

3           *(B) include a person-to-person dialogue be-*  
4           *tween members of the Armed Forces described in*  
5           *subsection (a) and the professionals or personnel*  
6           *described by paragraph (1), as applicable, on*  
7           *such matters as the Secretary shall specify in*  
8           *order that the assessments achieve the purpose*  
9           *specified in subsection (b) for such assessments;*

10           *(C) be conducted in a private setting to fos-*  
11           *ter trust and openness in discussing sensitive*  
12           *health concerns; and*

13           *(D) be provided in a consistent manner*  
14           *across the military departments.*

15           (2) *TREATMENT OF CURRENT ASSESSMENTS.—*  
16           *The Secretary may treat periodic health assessments*  
17           *and other person-to-person assessments that are pro-*  
18           *vided to members of the Armed Forces as of the date*  
19           *of the enactment of this Act as meeting the require-*  
20           *ments for mental health assessments required under*  
21           *this section if the Secretary determines that such as-*  
22           *sessments and person-to-person assessments meet the*  
23           *requirements for mental health assessments established*  
24           *by this section.*

1       (d) *CESSATION OF ASSESSMENTS.*—No mental health  
2 assessment is required to be provided to an individual  
3 under subsection (a)(1)(C) after the individual’s discharge  
4 or release from the Armed Forces.

5       (e) *SHARING OF INFORMATION.*—

6           (1) *IN GENERAL.*—The Secretary of Defense shall  
7 share with the Secretary of Veterans Affairs such in-  
8 formation on members of the Armed Forces that is de-  
9 rived from confidential mental health assessments, in-  
10 cluding mental health assessments provided pursuant  
11 to this section and health assessments and other per-  
12 son-to-person assessments provided before the date of  
13 the enactment of this Act, as the Secretary of Defense  
14 and the Secretary of Veterans Affairs jointly consider  
15 appropriate to ensure continuity of mental health  
16 care and treatment of members of the Armed Forces  
17 during their transition from health care and treat-  
18 ment provided by the Department of Defense to health  
19 care and treatment provided by the Department of  
20 Veterans Affairs.

21           (2) *PROTOCOLS.*—Any sharing of information  
22 under paragraph (1) shall occur pursuant to a pro-  
23 tocol jointly established by the Secretary of Defense  
24 and the Secretary of Veterans Affairs for purposes of

1     *this subsection. Any such protocol shall be consistent*  
2     *with the following:*

3             *(A) Applicable provisions of the Wounded*  
4     *Warrior Act (title XVI of Public Law 110–181;*  
5     *10 U.S.C. 1071 note), including in particular,*  
6     *section 1614 of that Act (122 Stat. 443; 10*  
7     *U.S.C. 1071 note).*

8             *(B) Section 1720F of title 38, United States*  
9     *Code.*

10     *(f) CONTINGENCY OPERATION DEFINED.—In this sec-*  
11     *tion, the term “contingency operation” has the meaning*  
12     *given that term in section 101(a)(13) of title 10, United*  
13     *States Code.*

14     *(g) REPORTS.—*

15             *(1) REPORT ON GUIDANCE.—Upon the issuance*  
16     *of the guidance required by subsection (a), the Sec-*  
17     *retary of Defense shall submit to Congress a report*  
18     *describing the guidance.*

19             *(2) REPORTS ON IMPLEMENTATION OF GUID-*  
20     *ANCE.—*

21             *(A) INITIAL REPORT.—Not later than 270*  
22     *days after the date of the issuance of the guid-*  
23     *ance, the Secretary shall submit to Congress an*  
24     *initial report on the implementation of the guid-*  
25     *ance by the military departments.*

1           (B) *SUBSEQUENT REPORT.*—Not later than  
2           two years after the date of the issuance of the  
3           guidance, the Secretary shall submit to Congress  
4           a report on the implementation of the guidance  
5           by the military departments. The report shall in-  
6           clude an evidence based assessment of the effec-  
7           tiveness of the mental health assessments pro-  
8           vided pursuant to the guidance in achieving the  
9           purpose specified in subsection (b) for such as-  
10          sessments.

11 **SEC. 712. ENHANCEMENT OF TRANSITIONAL DENTAL CARE**  
12                   **FOR MEMBERS OF THE RESERVE COMPO-**  
13                   **NENTS ON ACTIVE DUTY FOR MORE THAN 30**  
14                   **DAYS IN SUPPORT OF A CONTINGENCY OPER-**  
15                   **ATION.**

16          Section 1145(a) of title 10, United States Code, is  
17 amended—

18           (1) in paragraph (1)—

19                   (A) in the matter preceding subparagraph  
20                   (A), by striking “paragraph (3)” and inserting  
21                   “paragraph (4)”; and

22                   (B) in subparagraph (A), by inserting “ex-  
23                   cept as provided in paragraph (3),” before “med-  
24                   ical and dental care”;

1           (2) by redesignating paragraphs (3), (4), (5),  
2           and (6) as paragraphs (4), (5), (6), and (7), respec-  
3           tively;

4           (3) by inserting after paragraph (2) the fol-  
5           lowing new paragraph (3):

6           “(3) In the case of a member described in paragraph  
7           (2)(B), the dental care to which the member is entitled  
8           under this subsection shall be the dental care to which a  
9           member of the uniformed services on active duty for more  
10          than 30 days is entitled under section 1074 of this title.”;  
11          and

12          (4) in subparagraph (A) of paragraph (6), as re-  
13          designated by paragraph (2) of this section, by strik-  
14          ing “paragraph (4)” and inserting “paragraph (5)”.

15       **SEC. 713. REDUCTION OF MINIMUM DISTANCE OF TRAVEL**  
16                               **FOR REIMBURSEMENT OF COVERED BENE-**  
17                               **FICIARIES OF THE MILITARY HEALTH CARE**  
18                               **SYSTEM FOR TRAVEL FOR SPECIALTY**  
19                               **HEALTH CARE.**

20          (a) *REDUCTION*.—Section 1074i(a) of title 10, United  
21          States Code, is amended by striking “100 miles” and insert-  
22          ing “50 miles”.

23          (b) *EFFECTIVE DATE*.—The amendment made by sub-  
24          section (a) shall take effect on the date that is 90 days after  
25          the date of the enactment of this Act, and shall apply with

1 *respect to referrals for specialty health care made on or after*  
2 *such effective date.*

3 (c) *OFFSET.*—*The amount authorized to be appro-*  
4 *priated by section 301(a)(5) for operation and maintenance*  
5 *for Defense-wide activities is hereby decreased by*  
6 *\$14,000,000, with the amount of the decrease to be derived*  
7 *from unobligated balances.*

8 **SEC. 714. REPORT ON POST-DEPLOYMENT HEALTH ASSESS-**  
9 **MENTS OF GUARD AND RESERVE MEMBERS.**

10 (a) *REPORT REQUIRED.*—*Not later than March 1,*  
11 *2010, the Secretary of Defense shall submit to the congres-*  
12 *sional defense committees a report on post-deployment*  
13 *health assessments of Guard and Reserve members.*

14 (b) *ELEMENTS.*—*The report required under subsection*  
15 *(a) shall include the following:*

16 (1) *An assessment of the feasibility of admin-*  
17 *istering a Post-Deployment Health Assessment*  
18 *(PDHA) to each member of a reserve component of*  
19 *the Armed Forces returning to the member's home sta-*  
20 *tion from deployment in connection with a contin-*  
21 *gency operation at such home station or in the county*  
22 *of residence of the member within the following time-*  
23 *frames:*

24 (A) *In the case of a member of the Indi-*  
25 *vidual Ready Reserve, an assessment adminis-*

1            *tered by not later than the member's release from*  
2            *active duty following such deployment or 10*  
3            *days after the member's return to such station or*  
4            *county, whichever occurs earlier.*

5            *(B) In the case of any other member of a*  
6            *reserve component of the Armed Forces returning*  
7            *from deployment, by not later than the member's*  
8            *release from active duty following such deploy-*  
9            *ment.*

10           *(2) An assessment of the feasibility of requiring*  
11           *that Post-Deployment Health Assessments described*  
12           *under paragraph (1) be performed by a practitioner*  
13           *trained and certified as qualified to participate in the*  
14           *performance of Post-Deployment Health Assessments*  
15           *or Post-Deployment Health Reassessments.*

16           *(3) A description of—*

17           *(A) the availability of personnel described*  
18           *under paragraph (2) to perform assessments de-*  
19           *scribed under this subsection at the home sta-*  
20           *tions or counties of residence of members of the*  
21           *reserve components of the Armed Forces; and*

22           *(B) if such personnel are not available at*  
23           *such locations, the additional resources necessary*  
24           *to ensure such availability within one year after*  
25           *the date of the enactment of this Act.*

1                   **Subtitle C—Health Care**  
2                   **Administration**

3 **SEC. 721. COMPREHENSIVE POLICY ON PAIN MANAGEMENT**

4                   **BY THE MILITARY HEALTH CARE SYSTEM.**

5           (a) *COMPREHENSIVE POLICY REQUIRED.*—Not later  
6 than October 1, 2010, the Secretary of Defense shall develop  
7 and implement a comprehensive policy on pain manage-  
8 ment by the military health care system.

9           (b) *SCOPE OF POLICY.*—The policy required by sub-  
10 section (a) shall cover each of the following:

11                   (1) *The management of acute and chronic pain.*

12                   (2) *The standard of care for pain management*  
13 *to be used throughout the Department.*

14                   (3) *The consistent application of pain assess-*  
15 *ments throughout the Department.*

16                   (4) *The assurance of prompt and appropriate*  
17 *pain care treatment and management by the Depart-*  
18 *ment when medically necessary.*

19                   (5) *Programs of research related to acute and*  
20 *chronic pain, including pain attributable to central*  
21 *and peripheral nervous system damage characteristic*  
22 *of injuries incurred in modern warfare, brain inju-*  
23 *ries, and chronic migraine headache.*

24                   (6) *Programs of pain care education and train-*  
25 *ing for health care personnel of the Department.*



1           (7) *Programs of patient education for members*  
2           *suffering from acute or chronic pain and their fami-*  
3           *lies.*

4           (c) *UPDATES.—The Secretary shall revise the policy*  
5           *required by subsection (a) on a periodic basis in accordance*  
6           *with experience and evolving best practice guidelines.*

7           (d) *ANNUAL REPORT.—*

8           (1) *IN GENERAL.—Not later than 180 days after*  
9           *the date of the commencement of the implementation*  
10           *of the policy required by subsection (a), and on Octo-*  
11           *ber 1 each year thereafter through 2018, the Secretary*  
12           *shall submit to the Committee on Armed Services of*  
13           *the Senate and the Committee on Armed Services of*  
14           *the House of Representatives a report on the policy.*

15           (2) *ELEMENTS.—Each report required by para-*  
16           *graph (1) shall include the following:*

17           (A) *A description of the policy implemented*  
18           *under subsection (a), and any revisions to such*  
19           *policy under subsection (c).*

20           (B) *A description of the performance meas-*  
21           *ures used to determine the effectiveness of the pol-*  
22           *icy in improving pain care for beneficiaries en-*  
23           *rolled in the military health care system.*

24           (C) *An assessment of the adequacy of De-*  
25           *partment pain management services based on a*

1           *current survey of patients managed in Depart-*  
2           *ment clinics.*

3           *(D) An assessment of the research projects of*  
4           *the Department relevant to the treatment of the*  
5           *types of acute and chronic pain suffered by*  
6           *members of the Armed Forces and their families.*

7           *(E) An assessment of the training provided*  
8           *to Department health care personnel with respect*  
9           *to the diagnosis, treatment, and management of*  
10          *acute and chronic pain.*

11          *(F) An assessment of the pain care edu-*  
12          *cation programs of the Department.*

13          *(G) An assessment of the dissemination of*  
14          *information on pain management to bene-*  
15          *ficiaries enrolled in the military health care sys-*  
16          *tem.*

17 **SEC. 722. PLAN TO INCREASE THE BEHAVIORAL HEALTH**  
18                   **CAPABILITIES OF THE DEPARTMENT OF DE-**  
19                   **FENSE.**

20          *(a) PLAN REQUIRED.—*

21           *(1) IN GENERAL.—The Secretary of Defense shall*  
22           *develop and implement a plan to significantly in-*  
23           *crease the number of military and civilian behavioral*  
24           *health personnel of the Department of Defense by Sep-*  
25           *tember 30, 2013.*

1           (2) *ELEMENTS.*—*The plan required by para-*  
2 *graph (1) may include the following:*

3           (A) *The allocation of scholarships and fi-*  
4 *nancial assistance under the Health Professions*  
5 *Scholarship and Financial Assistance Program*  
6 *under subchapter I of chapter 105 of title 10,*  
7 *United States Code, to students pursuing ad-*  
8 *vanced degrees in clinical psychology and other*  
9 *behavioral health professions.*

10           (B) *The offering of accession and retention*  
11 *bonuses for psychologists as authorized by section*  
12 *620 of the Duncan Hunter National Defense Au-*  
13 *thorization Act for Fiscal Year 2009 (Public*  
14 *Law 110–417; 122 Stat. 4489).*

15           (C) *An expansion of the capacity for train-*  
16 *ing doctoral-level clinical psychologists at the*  
17 *Uniformed Services University of the Health*  
18 *Sciences.*

19           (D) *An expansion of the capacity of the De-*  
20 *partment of Defense for training masters-level*  
21 *clinical psychologists and social workers with ex-*  
22 *pertise in deployment-related mental health dis-*  
23 *orders, such as post traumatic stress disorder.*

24           (E) *The detail of commissioned officers of*  
25 *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 behavioral*  
4           *health providers from administrative positions to*  
5           *clinical positions in support of military units.*

6           *(G) The offering of civilian hiring incen-*  
7           *tives and bonuses and the utilization of direct*  
8           *hiring authority to increase the number of behav-*  
9           *ioral health personnel of the Department of De-*  
10          *fense.*

11          *(H) Such other mechanisms to increase the*  
12          *number of behavioral health personnel of the De-*  
13          *partment of Defense as the Secretary considers*  
14          *appropriate.*

15          *(3) REPORT.—Not later than January 31, 2010,*  
16          *the Secretary shall submit to the congressional defense*  
17          *committees a report on the plan required by para-*  
18          *graph (1). The report shall include a comprehensive*  
19          *description of the plan and the actions the Secretary*  
20          *proposes to undertake in the implementation of the*  
21          *plan.*

22          *(b) REPORT ON ADDITIONAL OFFICER OR ENLISTED*  
23          *MILITARY SPECIALTIES FOR BEHAVIORAL HEALTH COUN-*  
24          *SELORS.—*

1           (1) *REPORT.*—Not later than 120 days after the  
2           date of the enactment of this Act, the Secretary shall  
3           submit to the congressional defense committees a re-  
4           port setting forth the assessment of the Secretary of  
5           the feasibility and advisability of establishing one or  
6           more military specialities for officers or enlisted  
7           members of the Armed Forces as counselors with be-  
8           havioral health expertise in order to better meet the  
9           mental health care needs of members of the Armed  
10          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 mem-  
16                bers of the Armed Forces as counselors with be-  
17                havioral health expertise.

18                (B) For each military specialty rec-  
19                ommended to be established under subparagraph

20                (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 ad-*  
5           *visable to facilitate recruitment and reten-*  
6           *tion of individuals to and in such specialty.*

7   **SEC. 723. DEPARTMENT OF DEFENSE STUDY ON MANAGE-**  
8           **MENT OF MEDICATIONS FOR PHYSICALLY**  
9           **AND PSYCHOLOGICALLY WOUNDED MEMBERS**  
10           **OF THE ARMED FORCES.**

11           *(a) STUDY REQUIRED.—The Secretary of Defense shall*  
12   *conduct a study on the management of medications for*  
13   *physically and psychologically wounded members of the*  
14   *Armed Forces.*

15           *(b) ELEMENTS.—The study required under subsection*  
16   *(a) shall include the following:*

17                   *(1) A review and assessment of current practices*  
18           *within the Department of Defense for the management*  
19           *of medications for physically and psychologically*  
20           *wounded members of the Armed Forces.*

21                   *(2) A review and analysis of the published lit-*  
22           *erature on factors contributing to the risk of*  
23           *misadministration of medications, including acci-*  
24           *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 De-*  
5     *partment of Defense, that may increase the risks of*  
6     *misadministration of medications in populations of*  
7     *members of the Armed Forces.*

8             *(4) An assessment of current and best practices*  
9     *in the Armed Forces, other departments and agencies*  
10    *of government, and the private sector concerning the*  
11    *prescription, distribution, and management of medi-*  
12    *cations, and the associated coordination of care.*

13            *(5) An identification of means for decreasing the*  
14    *risks of misadministration of medications and associ-*  
15    *ated problems with respect to physically and psycho-*  
16    *logically wounded members of the Armed Forces.*

17            *(c) REPORT.—Not later than April 1, 2010, the Sec-*  
18    *retary of Defense shall submit to the Committees on Armed*  
19    *Services of the Senate and the House of Representatives a*  
20    *report on the study required under subsection (a). The re-*  
21    *port shall include such findings and recommendations as*  
22    *the Secretary considers appropriate in light of the 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, 2010,*  
6 *and annually thereafter until June 30, 2015, the Sec-*  
7 *retary of Defense shall submit to Congress a report on*  
8 *the prescription of antidepressants and drugs to treat*  
9 *anxiety for troops serving in Iraq and Afghanistan.*

10 (2) *CONTENT.*—*The report required under para-*  
11 *graph (1) shall include—*

12 (A) *the numbers and percentages of troops*  
13 *that have served or are serving in Iraq and Af-*  
14 *ghanistan since January 1, 2005, who have been*  
15 *prescribed antidepressants or drugs to treat anx-*  
16 *xiety, including psychotropic drugs such as Selec-*  
17 *tive Serotonin Reuptake Inhibitors (SSRIs); and*

18 (B) *the policies and patient management*  
19 *practices of the Department of Defense with re-*  
20 *spect to the prescription of such drugs.*

21 (b) *NATIONAL INSTITUTE OF MENTAL HEALTH*  
22 *STUDY.*—

23 (1) *STUDY.*—*The National Institute of Mental*  
24 *Health shall conduct a study on the potential rela-*  
25 *tionship between the increased number of suicides and*  
26 *attempted suicides by members of the Armed Forces*



1     *and the increased number of antidepressants, drugs to*  
2     *treat anxiety, other psychotropics, and other behavior*  
3     *modifying prescription medications being prescribed,*  
4     *including any combination or interactions of such*  
5     *prescriptions. The Department of Defense shall imme-*  
6     *diately make available to the National Institute of*  
7     *Mental Health all data necessary to complete the*  
8     *study.*

9             (2) *REPORT ON FINDINGS.*—*Not later than two*  
10     *years after the date of the enactment of this Act, the*  
11     *Secretary of Defense shall submit to Congress a report*  
12     *on the findings of the study conducted pursuant to*  
13     *paragraph (1).*

14     ***Subtitle D—Wounded Warrior***  
15             ***Matters***

16     ***SEC. 731. PILOT PROGRAM FOR THE PROVISION OF COG-***  
17             ***NITIVE REHABILITATIVE THERAPY SERVICES***  
18             ***UNDER THE TRICARE PROGRAM.***

19             (a) *IN GENERAL.*—*Not later than 180 days after the*  
20     *date of the enactment of this Act, the Secretary of Defense*  
21     *may, in consultation with the entities and officials referred*  
22     *to in subsection (d), carry out a pilot program under the*  
23     *TRICARE program to determine the feasibility and advis-*  
24     *ability of expanding the availability of cognitive rehabilita-*

1 *tive therapy services for members or former members of the*  
2 *Armed Forces described in subsection (b).*

3 (b) *COVERED MEMBERS AND FORMER MEMBERS.*—A  
4 *member or former member of the Armed Forces is described*  
5 *in this subsection if—*

6 (1) *the member or former member—*

7 (A) *is otherwise eligible for medical care*  
8 *under the TRICARE program;*

9 (B) *has been diagnosed with a moderate to*  
10 *severe traumatic brain injury incurred in the*  
11 *line of duty in Operation Iraqi Freedom or Op-*  
12 *eration Enduring Freedom;*

13 (C) *is retired or separated from the Armed*  
14 *Forces for disability under chapter 61 of title 10,*  
15 *United States Code; and*

16 (D) *is referred by a qualified physician for*  
17 *cognitive rehabilitative therapy; and*

18 (2) *cognitive rehabilitative therapy is not rea-*  
19 *sonably available to the member or former member*  
20 *through the Department of Veterans Affairs.*

21 (c) *ELEMENTS OF PILOT PROGRAM.*—*The Secretary of*  
22 *Defense shall, in consultation with the entities and officials*  
23 *referred to in subsection (d), develop for inclusion in the*  
24 *pilot program the following:*

1           (1) *Procedures for access to cognitive rehabilita-*  
2 *tive 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 for*  
7 *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 Psycho-*  
13 *logical 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 date*  
17 *of the enactment of this Act, the Secretary of Defense shall*  
18 *submit to the Committees on Armed Services of the Senate*  
19 *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 Forces*  
24 *described in subsection (b); and*

1           (2) *making recommendations with respect to the*  
2 *effectiveness of cognitive rehabilitative therapy serv-*  
3 *ices and the appropriateness of including such serv-*  
4 *ices as a benefit under the TRICARE program.*

5           (f) *TRICARE PROGRAM DEFINED.*—*The term*  
6 *“TRICARE program” has the meaning given that term in*  
7 *section 1072(7) of title 10, United States Code.*

8           (g) *FUNDING.*—*Of the amount authorized to be appro-*  
9 *priated by section 1403 for the Defense Health Program,*  
10 *not more than \$5,000,000 may be available to carry out*  
11 *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 shall*  
18 *establish within the Department of Defense a task*  
19 *force to be known as the “Department of Defense Task*  
20 *Force on the Care, Management, and Transition of*  
21 *Recovering Wounded, Ill, and Injured Members of the*  
22 *Armed Forces” (in this section referred to as the*  
23 *“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 injured*  
5 *members of the Armed Forces, and to make rec-*  
6 *ommendations for the further improvement of such*  
7 *policies and programs.*

8 *(b) COMPOSITION.—*

9 *(1) MEMBERS.—The Task Force shall consist of*  
10 *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 reg-*  
17 *ular components of the Army, the Navy, the Air*  
18 *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 number*  
24 *of personnel from within the Department of De-*  
25 *fense (whether members of the Armed Forces or*

1           *civilian personnel) who are appointed to the*  
2           *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 wound-*  
19            *ed, ill, or injured member of the Armed Forces*  
20            *or veteran who has experience working with*  
21            *wounded, ill, and injured members of the Armed*  
22            *Forces or their families.*

23            *(3) INDIVIDUALS APPOINTED FROM WITHIN DE-*  
24            *PARTMENT OF DEFENSE.—At least one of the individ-*  
25            *uals appointed to the Task Force from within the De-*

1        *partment of Defense shall be the surgeon general of an*  
2        *Armed Force.*

3                (4) *INDIVIDUALS APPOINTED FROM OUTSIDE DE-*  
4        *PARTMENT OF DEFENSE.—The individuals appointed*  
5        *to the Task Force from outside the Department of De-*  
6        *fense—*

7                (A) *with the concurrence of the Secretary of*  
8        *Veterans Affairs, shall include an officer or em-*  
9        *ployee of the Department of Veterans Affairs;*  
10        *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 the*  
14        *private sector.*

15                (5) *DEADLINE FOR APPOINTMENTS.—All original*  
16        *appointments to the Task Force shall be made not*  
17        *later than 120 days after the date of the enactment*  
18        *of this Act.*

19                (6) *CO-CHAIRS.—There shall be two co-chairs of*  
20        *the Task Force. One of the co-chairs shall be des-*  
21        *ignated by the Secretary of Defense at the time of ap-*  
22        *pointment from among the individuals appointed to*  
23        *the Task Force from within the Department of De-*  
24        *fense. The other co-chair shall be selected from among*

1 *the individuals appointed from outside the Depart-*  
2 *ment 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 Force*  
6 *have been appointed, the Task Force shall submit to*  
7 *the Secretary of Defense a report. The report shall in-*  
8 *clude the following:*

9 *(A) The findings and conclusions of the*  
10 *Task Force as a result of its assessment of the ef-*  
11 *fectiveness of the policies and programs developed*  
12 *and implemented by the Department of Defense,*  
13 *and by each of the military departments, to as-*  
14 *sist and support the care, management, and*  
15 *transition of recovering wounded, ill, and in-*  
16 *jured 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 matters*  
20 *relating to the care, management, and transition*  
21 *of recovering wounded, ill, and injured members*  
22 *of the Armed Forces, including members of the*  
23 *regular components, and members of the reserve*  
24 *components, and support for their families.*



1           (C) *Such recommendations for other legisla-*  
2           *tive or administrative action as the Task Force*  
3           *considers appropriate for measures to improve*  
4           *the policies and programs described in subpara-*  
5           *graph (A).*

6           (2) *METHODOLOGY.—For purposes of the report,*  
7           *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 of*  
13          *recovering wounded, ill, and injured members of*  
14          *the Armed Forces; and*

15          (C) *may utilize such other means for di-*  
16          *rectly obtaining information relating to the care,*  
17          *management, and transition of recovering*  
18          *wounded, ill, and injured members of the Armed*  
19          *Forces as the Task Force considers appropriate.*

20          (3) *MATTERS TO BE REVIEWED AND AS-*  
21          *SESSED.—For purposes of the report, the Task Force*  
22          *shall review and assess the following:*

23               (A) *Case management, including the num-*  
24               *bers and types of case managers (including Fed-*  
25               *eral Recovery Coordinators, Recovery Care Coor-*

1            *dinators, National Guard or Reserve case man-*  
2            *agers, and other case managers) assigned to re-*  
3            *covering wounded, ill, and injured members of*  
4            *the Armed Forces, the training provided such*  
5            *case mangers, and the effectiveness of such case*  
6            *mangers in providing care and support to recov-*  
7            *ering wounded, ill, and injured members of the*  
8            *Armed Forces.*

9            *(B) The effectiveness of the Interagency Pro-*  
10           *gram Office in achieving fully interoperable elec-*  
11           *tronic health records by September 30, 2009, in*  
12           *accordance with section 1635 of the Wounded*  
13           *Warrior Act (10 U.S.C. 1071 note).*

14           *(C) Staffing of Army Warrior Transition*  
15           *Units, Marine Corps Wounded Warrior Regi-*  
16           *ments, Navy and Air Force Medical Hold or*  
17           *Medical Holdover Units, and other service-re-*  
18           *lated programs or units for recovering wounded,*  
19           *ill, and injured members of the Armed Forces,*  
20           *including the use of applicable hiring authorities*  
21           *to ensure the proper staffing of such programs*  
22           *and units.*

23           *(D) The legal support available to recov-*  
24           *ering wounded, ill, and injured members of the*  
25           *Armed Forces and their families.*

1           (E) *The support and assistance provided to*  
2           *recovering wounded, ill, and injured members of*  
3           *the Armed Forces as they progress through the*  
4           *military disability evaluation system.*

5           (F) *The effectiveness of any measures under*  
6           *pilot programs to improve or enhance the mili-*  
7           *tary disability evaluation system.*

8           (G) *The effectiveness of the Senior Oversight*  
9           *Committee in facilitating and overseeing collabo-*  
10          *ration between the Department of Defense and*  
11          *the Department of Veterans Affairs on matters*  
12          *relating to the care, management, and transition*  
13          *of recovering wounded, ill, and injured members*  
14          *of the Armed Forces.*

15          (H) *The establishment and effectiveness of*  
16          *the Defense Centers of Excellence for Psycho-*  
17          *logical Health and Traumatic Brain Injury, and*  
18          *the centers of excellence for military eye injuries,*  
19          *hearing loss and auditory system injuries, and*  
20          *traumatic extremity injuries and amputations.*

21          (I) *The establishment and effectiveness of*  
22          *performance and accountability standards for*  
23          *warrior transition units and programs.*

1           *(J) The support available to family care-*  
2           *givers of recovering wounded, ill, and injured*  
3           *members of the Armed Forces.*

4           *(K) The availability of vocational training*  
5           *for recovering wounded, ill, and injured members*  
6           *of the Armed Forces seeking to transition to ci-*  
7           *vilian life.*

8           *(L) The availability of services for trau-*  
9           *matic brain injury and post traumatic stress*  
10          *disorder.*

11          *(M) The support systems in place to ease*  
12          *the transition of recovering wounded, ill, and in-*  
13          *jured members of the Armed Forces from the De-*  
14          *partment of Defense to the Department of Vet-*  
15          *erans Affairs.*

16          *(N) The effectiveness of wounded warrior*  
17          *information resources, including the Wounded*  
18          *Warrior Resource Center, the National Resource*  
19          *Directory, Military OneSource, Family Assist-*  
20          *ance Centers, and Service hotlines, in providing*  
21          *meaningful information for recovering wounded,*  
22          *ill, and injured members of the Armed Forces.*

23          *(O) Interagency matters affecting recovering*  
24          *wounded, ill, and injured members of the Armed*  
25          *Forces in their transition to civilian life.*

1           (P) Overall coordination between the De-  
2           partment of Defense and the Department of Vet-  
3           erans Affairs on the matters specified in this  
4           paragraph.

5           (Q) Such other matters as the Task Force  
6           considers appropriate in connection with the  
7           care, management, and transition of recovering  
8           wounded, ill, and injured members of the Armed  
9           Forces.

10          (4) TRANSMITTAL.—Not later than 90 days after  
11          receipt of the report required by paragraph (1) the  
12          Secretary of Defense shall transmit the report, to-  
13          gether with the Secretary's evaluation of the report, to  
14          the Committees on Armed Services of the Senate and  
15          the House of Representatives.

16          (d) PLAN REQUIRED.—Not later than six months after  
17          the receipt under subsection (c) of the report of the Task  
18          Force under that subsection, the Secretary of Defense shall,  
19          in consultation with the Secretaries of the military depart-  
20          ments, submit to the Committees on Armed Services of the  
21          Senate and the House of Representatives a plan to imple-  
22          ment the recommendations of the Task Force as included  
23          in the report of the Task Force under subsection (c).

24          (e) ADMINISTRATIVE MATTERS.—

1           (1) *COMPENSATION.*—Each member of the Task  
2 Force who is a member of the Armed Forces or a ci-  
3 vilian officer or employee of the United States shall  
4 serve on the Task Force without compensation (other  
5 than compensation to which entitled as a member of  
6 the Armed Forces or an officer or employee of the  
7 United States, as the case may be). Other members of  
8 the Task Force shall be appointed in accordance with,  
9 and subject to, the provisions of section 3161 of title  
10 5, United States Code.

11           (2) *OVERSIGHT.*—The Under Secretary of De-  
12 fense for Personnel and Readiness shall oversee the  
13 Task Force. The Washington Headquarters Services of  
14 the Department of Defense shall provide the Task  
15 Force with personnel, facilities, and other administra-  
16 tive support as necessary for the performance of the  
17 duties of the Task Force.

18           (3) *VISITS TO MILITARY FACILITIES.*—Any visit  
19 by the Task Force to a military installation or facil-  
20 ity shall be undertaken through the Deputy Under  
21 Secretary of Defense for Personnel and Readiness, in  
22 coordination with the Secretaries of the military de-  
23 partments.

24           (f) *TERMINATION.*—The Task Force shall terminate 90  
25 days after the date on which the Task Force submits to the

1 *Secretary of Defense the report of the Task Force under sub-*  
2 *section (c).*

3 **SEC. 733. REPORT ON USE OF ALTERNATIVE THERAPIES IN**  
4 **TREATMENT OF POST-TRAUMATIC STRESS**  
5 **DISORDER.**

6 (a) *IN GENERAL.*—*Not later than December 31, 2010,*  
7 *the Secretary of Defense and the Secretary of Veterans Af-*  
8 *airs shall jointly submit to the appropriate committees of*  
9 *Congress a report on research related to post-traumatic*  
10 *stress disorder.*

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

13 (1) *The status of all studies and clinical trials*  
14 *that involve treatments of post-traumatic stress dis-*  
15 *order conducted by the Department of Defense and the*  
16 *Department of Veterans Affairs.*

17 (2) *The effectiveness of alternative therapies in*  
18 *the treatment of post-traumatic stress disorder, in-*  
19 *cluding the therapeutic use of animals.*

20 (3) *Identification of areas in which the Depart-*  
21 *ment of Defense and the Department of Veterans Af-*  
22 *airs may be duplicating studies, programs, or re-*  
23 *search with respect to post-traumatic stress disorder.*

1       (c) *APPROPRIATE COMMITTEES OF CONGRESS DE-*  
 2 *FINED.*—*In this section, the term “appropriate committees*  
 3 *of Congress” means—*

4           (1) *the Committee on Armed Services, the Com-*  
 5 *mittee on Appropriations, and the Committee on Vet-*  
 6 *erans’ Affairs of the Senate; and*

7           (2) *the Committee on Armed Services, the Com-*  
 8 *mittee on Appropriations, and the Committee on Vet-*  
 9 *erans’ Affairs of the House of Representatives.*

10 ***TITLE VIII—ACQUISITION POL-***  
 11 ***ICY, ACQUISITION MANAGE-***  
 12 ***MENT, AND RELATED MAT-***  
 13 ***TERS***

14 ***Subtitle A—Amendments to General***  
 15 ***Contracting Authorities, Proce-***  
 16 ***dures, and Limitations***

17 ***SEC. 801. CONTRACT AUTHORITY FOR ADVANCED DEVELOP-***  
 18 ***MENT OF PROTOTYPE UNITS.***

19       (a) *CONTRACT AUTHORITY.*—

20           (1) *IN GENERAL.*—*Chapter 139 of title 10,*  
 21 *United States Code, is amended by inserting after sec-*  
 22 *tion 2359b the following new section:*



1 **“§2359c. Contract authority for advanced develop-**  
2 **ment of prototype units**

3 “(a) *AUTHORITY.*—A contract initially awarded from  
4 the competitive selection of a proposal resulting from a  
5 broad agency announcement pursuant to section 2302(2)(B)  
6 of this title may contain a contract line item or an option,  
7 including not-to-exceed prices, for either of the following:

8 “(1) *The delivery of a specified number of proto-*  
9 *type items to demonstrate technology developed under*  
10 *the contract.*

11 “(2) *The provision, for a specified period of*  
12 *time, of advanced component development effort or ef-*  
13 *fort to prototype technology developed under the con-*  
14 *tract.*

15 “(b) *LIMITATIONS.*—(1) *The number of prototype*  
16 *items specified pursuant to subsection (a)(1) may not ex-*  
17 *ceed the minimum number required to ensure that research*  
18 *and development work can continue without interruption*  
19 *during the solicitation and award of a follow-on competi-*  
20 *tive contract.*

21 “(2) *The period of time specified under subsection*  
22 *(a)(2) may not exceed 12 months.*

23 “(3) *The dollar value of the work to be performed pur-*  
24 *suant to a contract line item or option under subsection*  
25 *(a) may not exceed the lesser of the amounts as follows:*

1           “(A) *The amount that is three times the dollar*  
2 *value of the work previously performed under the con-*  
3 *tract.*”

4           “(B) \$20,000,000.”

5           (2) *CLERICAL AMENDMENT.*—*The table of sec-*  
6 *tions at the beginning of chapter 139 of such title is*  
7 *amended by inserting after the item relating to sec-*  
8 *tion 2359b the following new item:*

“2359c. *Contract authority for advanced development of prototype units.*”

9           (b) *SUNSET.*—

10           (1) *IN GENERAL.*—*Effective on the date that is*  
11 *five years after the date of the enactment of this Act—*

12           (A) *section 2359c of title 10, United States*  
13 *Code (as added by subsection (a)), is repealed;*  
14 *and*

15           (B) *the table of sections at the beginning of*  
16 *chapter 139 of such title (as amended by sub-*  
17 *section (a)) is further amended by striking the*  
18 *item relating to section 2359c.*

19           (2) *CONTINUATION OF LINE ITEMS AND OP-*  
20 *TIONS.*—*The repeal of section 2359c of title 10,*  
21 *United States Code (as so added), by paragraph (1)*  
22 *shall not affect the authority of the Department of De-*  
23 *fense to exercise any contract line item or option in-*  
24 *cluded in a contract under the authority of such sec-*

1        *tion before the effective date of the repeal of such sec-*  
2        *tion under paragraph (1).*

3        *(c) REPORT.—Not later than three years after the date*  
4        *of the enactment of this Act, the Secretary of Defense shall*  
5        *submit to the congressional defense committees a report on*  
6        *the use of the authority provided by section 2359c of title*  
7        *10, United States Code (as added by subsection (a)). The*  
8        *report shall, at a minimum—*

9                *(1) identify the number of times the authority in*  
10              *section 2359c of title 10, United States Code (as so*  
11              *added), has been used by each military department*  
12              *and Defense Agency, and the dollar amount of con-*  
13              *tract line items or options exercised pursuant to such*  
14              *authority;*

15              *(2) assess the effectiveness of the authority in*  
16              *promoting the maturation of technologies and in ad-*  
17              *dressing potential gaps between science and tech-*  
18              *nology projects and acquisition programs;*

19              *(3) assess any potential anti-competitive impacts*  
20              *resulting from the use of the authority; and*

21              *(4) make such recommendations as the Secretary*  
22              *considers appropriate.*

1 **SEC. 802. JUSTIFICATION AND APPROVAL OF SOLE-SOURCE**  
2 **CONTRACTS.**

3 (a) *IN GENERAL.*—Not later than 180 days after the  
4 date of the enactment of this Act, the Secretary of Defense  
5 shall modify the Department of Defense Supplement to the  
6 Federal Acquisition Regulation to provide that the head of  
7 an agency may not award a sole-source contract for an  
8 amount exceeding \$20,000,000 unless—

9 (1) the contracting officer for the contract justi-  
10 fies the use of a sole-source contract in writing; and

11 (2) the justification is approved by an official  
12 designated in section 2304(f)(1)(B) of title 10, United  
13 States Code, to approve contract awards for dollar  
14 amounts that are comparable to the amount of the  
15 sole-source contract.

16 (b) *ELEMENTS OF JUSTIFICATION.*—The justification  
17 of a sole-source contract required pursuant to subsection (a)  
18 shall include the following:

19 (1) A description of the needs of the agency con-  
20 cerned for the matters covered by the contract.

21 (2) A specification of the statutory provision  
22 providing the exception from the requirement to use  
23 competitive procedures in entering into the contract.

24 (3) A determination that the use of a sole-source  
25 contract is in the best interest of the Department of  
26 Defense.

1           (4) *A determination that the anticipated cost of*  
2           *the contract will be fair and reasonable.*

3           (5) *Such other matters as the Secretary shall*  
4           *specify for purposes of this section.*

5           (c) *CONSTRUCTION WITH COMPETITION IN CON-*  
6           *TRACTING ACT REQUIREMENTS.—In the case of any con-*  
7           *tract for which a justification and approval is required*  
8           *under section 2304(f) of title 10, United States Code, a jus-*  
9           *tification and approval meeting the requirements of such*  
10          *section may be treated as meeting the requirements of this*  
11          *section for purposes of the award of a sole-source contract.*

## 12           ***Subtitle B—Acquisition Policy and*** 13           ***Management***

### 14           ***SEC. 811. REPORTING REQUIREMENTS FOR PROGRAMS*** 15                           ***THAT QUALIFY AS BOTH MAJOR AUTOMATED*** 16                           ***INFORMATION SYSTEM PROGRAMS AND*** 17                           ***MAJOR DEFENSE ACQUISITION PROGRAMS.***

18           (a) *IN GENERAL.—Section 2445d of title 10, United*  
19           *States Code, is amended by striking “of this title” and all*  
20           *that follows and inserting “of this title, the Secretary may*  
21           *designate the program to be treated only as a major auto-*  
22           *mated information system program covered by this chapter*  
23           *or to be treated only as a major defense acquisition program*  
24           *covered by such chapter 144.”.*

1       (b) *GUIDANCE REQUIRED.*—Not later than 180 days  
2 after the date of the enactment of this Act, the Secretary  
3 of Defense shall issue guidance on the implementation of  
4 section 2445d of title 10, United States Code (as amended  
5 by subsection (a)). The guidance shall provide that, as a  
6 general rule—

7           (1) a program covered by such section that re-  
8 quires the development of customized hardware shall  
9 be treated only as a major defense acquisition pro-  
10 gram under chapter 144 of title 10, United States  
11 Code; and

12           (2) a program covered by such section that does  
13 not require the development of customized hardware  
14 shall be treated only as a major automated informa-  
15 tion system program under chapter 144A of title 10,  
16 United States Code.

17 **SEC. 812. FUNDING OF DEPARTMENT OF DEFENSE ACQUI-**  
18 **SITION WORKFORCE DEVELOPMENT FUND.**

19       (a) *ADDITIONAL ELEMENT OF FUND.*—Subsection (d)  
20 of section 1705 of title 10, United States Code, is amend-  
21 ed—

22           (1) in paragraph (1)—

23                   (A) by redesignating subparagraph (B) as  
24                   subparagraph (C); and

1                   (B) by inserting after subparagraph (A) the  
2                   following new subparagraph (B):

3                   “(B) Amounts transferred to the Fund pur-  
4                   suant to paragraph (3).”; and

5                   (2) by adding at the end the following new para-  
6                   graph:

7                   “(3) *TRANSFER OF CERTAIN UNOBLIGATED BAL-*  
8                   *ANCES.—To the extent provided in appropriations*  
9                   *Acts, the Secretary of Defense may, during the 24-*  
10                   *month period following the expiration of availability*  
11                   *for obligation of any appropriations made to the De-*  
12                   *partment of Defense for procurement, research, devel-*  
13                   *opment, test, and evaluation, or operation and main-*  
14                   *tenance, transfer to the Fund any unobligated balance*  
15                   *of such appropriations. Any amount so transferred*  
16                   *shall be credited to the Fund.”.*

17                   (b) *NATURE OF EXPENDED AMOUNTS PROVIDING*  
18                   *BASIS FOR CREDIT TO FUND.—Subparagraph (A) of para-*  
19                   *graph (2) of such subsection is amended by striking “, other*  
20                   *than” and all that follows and inserting “from amounts*  
21                   *available for operation and maintenance.”.*

22                   (c) *REMITTANCES.—Subparagraph (B) of paragraph*  
23                   *(2) of such subsection is amended by inserting “, from*  
24                   *amounts available to such military department or Defense*

1 *Agency, as the case may be, for operation and mainte-*  
2 *nance,” after “remit to the Secretary of Defense”.*

3 *(d) ADDITIONAL MATTERS RELATING TO REMIT-*  
4 *TANCES.—Such subsection is further amended—*

5 *(1) in paragraph (2)(B), by striking “Not later*  
6 *than” and inserting “Subject to paragraph (4), not*  
7 *later than”; and*

8 *(2) by adding at the end the following new para-*  
9 *graph:*

10 *“(4) ADDITIONAL REQUIREMENTS AND LIMITA-*  
11 *TIONS ON REMITTANCES.—(A) In the event amounts*  
12 *are transferred to the Fund during a fiscal year pur-*  
13 *suant to paragraph (1)(B) or appropriated to the*  
14 *Fund for a fiscal year pursuant to paragraph (1)(C),*  
15 *the aggregate amount otherwise required to be remit-*  
16 *ted to the Fund for that fiscal year pursuant to para-*  
17 *graph (2)(B) shall be reduced by the amount equal to*  
18 *the amounts so transferred or appropriated to the*  
19 *Fund during or for that fiscal year. Any reduction in*  
20 *the aggregate amount required to be remitted to the*  
21 *Fund for a fiscal year under this subparagraph shall*  
22 *be allocated as provided in applicable provisions of*  
23 *appropriations Acts or, absent such provisions, on a*  
24 *pro rata basis among the military departments and*



1     *Defense Agencies required to make remittances to the*  
2     *Fund for that fiscal year under paragraph (2)(B).*

3             *“(B) Any remittance of amounts to the Fund for*  
4     *a fiscal year under paragraph (2) shall be subject to*  
5     *the availability of appropriations for that purpose.”.*

6     *(e) REMITTANCE AMOUNTS.—Paragraph (2) of such*  
7     *subsection is further amended by striking subparagraphs*  
8     *(C) and (D) and inserting the following new subpara-*  
9     *graphs:*

10            *“(C) For purposes of this paragraph, the appli-*  
11     *cable percentage for a fiscal year is the percentage*  
12     *that results in the credit to the Fund in such fiscal*  
13     *year of an amount as follows:*

14                    *“(i) For fiscal year 2010, \$570,000,000.*

15                    *“(ii) For fiscal year 2011, \$770,000,000.*

16                    *“(iii) For fiscal year 2012, \$900,000,000.*

17                    *“(iv) For fiscal year 2013, \$1,180,000,000.*

18                    *“(v) For fiscal year 2014, \$1,330,000,000.*

19                    *“(vi) For fiscal year 2015, \$1,470,000,000.*

20            *“(D) The Secretary of Defense may reduce a per-*  
21     *centage specified in subparagraph (C) for a fiscal*  
22     *year if the Secretary determines that the application*  
23     *of such percentage would result in the crediting to the*  
24     *Fund in such fiscal year of an amount greater than*  
25     *is reasonably needed for purposes of the Fund. The*

1     *percentage for a fiscal year, as so reduced, may not*  
2     *be a percentage that will result in the credit to the*  
3     *Fund in such fiscal year of an amount that is less*  
4     *than 80 percent of the amount otherwise specified in*  
5     *subparagraph (C) for such fiscal year.”.*

6     *(f) CLARIFICATION OF LIMITATION ON PAY OF BASE*  
7     *SALARY OF CURRENT EMPLOYEES.—Subsection (e)(5) of*  
8     *such section is amended by striking “as of the date of the*  
9     *enactment of the National Defense Authorization Act for*  
10    *Fiscal Year 2008” and inserting “serving in a position in*  
11    *the acquisition workforce as of January 28, 2008”.*

12    *(g) TECHNICAL AMENDMENTS.—*

13         *(1) Subsection (a) of such section is amended by*  
14         *inserting “Development” after “Workforce”.*

15         *(2) Subsection (f) of such section is amended in*  
16         *the matter preceding paragraph (1) by striking “be-*  
17         *ginning with fiscal year 2008”.*

18    *(h) EFFECTIVE DATES.—*

19         *(1) FUNDING AMENDMENTS.—The amendments*  
20         *made by subsections (a) through (e) shall take effect*  
21         *on October 1, 2009.*

22         *(2) TECHNICAL AMENDMENTS.—The amendments*  
23         *made by subsections (f) and (g) shall take effect on the*  
24         *date of the enactment of this Act.*

1 **SEC. 813. ENHANCEMENT OF EXPEDITED HIRING AUTHOR-**  
2 **ITY FOR DEFENSE ACQUISITION WORKFORCE**  
3 **POSITIONS.**

4 (a) *IN GENERAL.*—Paragraph (1) of section 1705(h)  
5 of title 10, United States Code, is amended—

6 (1) in subparagraph (A), by striking “acqui-

7 sition positions within the Department of Defense as

8 shortage category position” and inserting “acqui-

9 sition workforce positions as positions for which there

10 exists a shortage of candidates or there is a critical

11 hiring need”; and

12 (2) in subparagraph (B), by striking “highly

13 qualified” and inserting “appropriately qualified”.

14 (b) *EXTENSION.*—Paragraph (2) of such section is

15 amended by striking “September 30, 2012” and inserting

16 “September 30, 2015”.

17 (c) *TECHNICAL AMENDMENT.*—Paragraph (1) of such

18 section is further amended by striking “United States

19 Code,” in the matter preceding subparagraph (A).

1 **SEC. 814. TREATMENT OF NON-DEFENSE AGENCY PROCURE-**  
2 **MENTS UNDER JOINT PROGRAMS WITH THE**  
3 **DEPARTMENT OF DEFENSE UNDER LIMITA-**  
4 **TIONS ON NON-DEFENSE AGENCY PROCURE-**  
5 **MENTS ON BEHALF OF THE DEPARTMENT OF**  
6 **DEFENSE.**

7 *Section 801(b) of the National Defense Authorization*  
8 *Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended*  
9 *by adding at the end the following new paragraph:*

10 *“(3) TREATMENT OF PROCUREMENTS UNDER*  
11 *JOINT PROGRAMS.—For purposes of this subsection, a*  
12 *contract entered by a non-defense agency for the per-*  
13 *formance of a joint program conducted to meet the*  
14 *needs of the Department of Defense and the non-de-*  
15 *fense agency shall not be considered a procurement of*  
16 *property or services for the Department of Defense*  
17 *through a non-defense agency.”.*

18 **SEC. 815. COMPTROLLER GENERAL OF THE UNITED STATES**  
19 **REPORT ON TRAINING OF ACQUISITION AND**  
20 **AUDIT PERSONNEL OF THE DEPARTMENT OF**  
21 **DEFENSE.**

22 *(a) REPORT REQUIRED.—Not later than one year*  
23 *after the date of the enactment of this Act, the Comptroller*  
24 *General of the United States shall submit to the congress-*  
25 *sional defense committees a report setting forth an assess-*  
26 *ment of the efficacy of Department of Defense training for*

1 *acquisition and audit personnel of the Department of De-*  
2 *fense.*

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

5 (1) *An assessment of the nature and efficacy of*  
6 *training (including training materials and methods)*  
7 *required for acquisition and audit personnel of the*  
8 *Department of Defense.*

9 (2) *An assessment of the timeliness and manner*  
10 *in which the Department of Defense provides training*  
11 *for such personnel.*

12 (3) *An assessment of the extent to which such*  
13 *training reaches appropriate acquisition personnel,*  
14 *including personnel outside the acquisition workforce*  
15 *who exercise significant acquisition responsibilities.*

16 (4) *An assessment of the extent to which each of*  
17 *the Department of Defense and the Department of the*  
18 *Army have implemented the recommendations of the*  
19 *Commission on Army Acquisition and Program Man-*  
20 *agement in Expeditionary Operations relating to*  
21 *training of acquisition personnel.*

22 (5) *Such recommendations as the Comptroller*  
23 *General considers appropriate regarding training of*  
24 *acquisition and audit personnel of the Department of*  
25 *Defense, including recommendations regarding best*

1 *practices and objectives for improved training of such*  
2 *acquisition and audit personnel.*

### 3 ***Subtitle C—Contractor Matters***

#### 4 ***SEC. 821. AUTHORITY FOR GOVERNMENT SUPPORT CON-*** 5 ***TRACTORS TO HAVE ACCESS TO TECHNICAL*** 6 ***DATA BELONGING TO PRIME CONTRACTORS.***

7 *(a) AUTHORITY.—*

8 *(1) ACCESS TO TECHNICAL DATA.—Subsection*  
9 *(c) of section 2320 of title 10, United States Code, is*  
10 *amended—*

11 *(A) in paragraph (1), by striking “or” at*  
12 *the end;*

13 *(B) by redesignating paragraph (2) as*  
14 *paragraph (3); and*

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

17 *“(2) notwithstanding any limitation upon the li-*  
18 *cence rights conveyed under subsection (a), allowing a*  
19 *covered Government support contractor access to and*  
20 *use of any technical data delivered under a contract*  
21 *for the sole purpose of furnishing independent and*  
22 *impartial advice or technical assistance directly to*  
23 *the Government in support of the Government’s man-*  
24 *agement and oversight of the program or effort to*  
25 *which such technical data relates; or”.*

1           (2) *COVERED GOVERNMENT SUPPORT CON-*  
2           *TRACTOR DEFINED.*—*Such section is further amended*  
3           *by adding at the end the following new subsection:*

4           “(f) *In this section, the term ‘covered Government sup-*  
5           *port contractor’ means a contractor under a contract the*  
6           *primary purpose of which is to furnish independent and*  
7           *impartial advice or technical assistance directly to the Gov-*  
8           *ernment in support of the Government’s management and*  
9           *oversight of a program or effort (rather than to directly fur-*  
10           *nish an end item or service to accomplish a program or*  
11           *effort), which contractor—*

12           “(1) *is not affiliated with the prime contractor*  
13           *or a first-tier subcontractor on the program or effort,*  
14           *or with any direct competitor of such prime con-*  
15           *tractor or any such first-tier subcontractor in fur-*  
16           *nishing end items or services of the type developed or*  
17           *produced on the program or effort; and*

18           “(2) *executes a contract with the Government*  
19           *agreeing to and acknowledging—*

20           “(A) *that proprietary or nonpublic tech-*  
21           *nical data furnished will be accessed and used*  
22           *only for the purposes stated in that contract;*

23           “(B) *that a breach of that contract by the*  
24           *covered Government support contractor with re-*  
25           *gard to a third party’s ownership or rights in*

1           *such technical data may subject the covered Gov-*  
2           *ernment support contractor—*

3                     *“(i) to criminal, civil, administrative,*  
4                     *and contractual actions in law and equity*  
5                     *for penalties, damages, and other appro-*  
6                     *prate remedies by the United States; and*

7                     *“(ii) to civil actions for damages and*  
8                     *other appropriate remedies by the con-*  
9                     *tractor or subcontractor whose technical*  
10                    *data is affected by the breach;*

11                    *“(C) that such technical data provided to*  
12                    *the covered Government support contractor under*  
13                    *the authority of this section shall not be used by*  
14                    *the covered Government support contractor to*  
15                    *compete against the third party for Government*  
16                    *or non-Government contracts; and*

17                    *“(D) that any breach of the nondisclosure*  
18                    *obligations under subparagraphs (A) through (C)*  
19                    *may constitute a violation of section 1905 of title*  
20                    *18.”.*

21            **(b) CRIMINAL PENALTY.**—*Section 1905 of title 18,*  
22            *United States Code, is amended by inserting “or being an*  
23            *officer, agent, or employee of a private sector organization*  
24            *having a contractual nondisclosure agreement under the au-*



1 *thority of section 2320(f)(2) of title 10,” after “Antitrust*  
2 *Civil Process Act (15 U.S.C. 1311-1314),”.*

3 **SEC. 822. EXTENSION AND ENHANCEMENT OF AUTHORI-**  
4 **TIES ON THE COMMISSION ON WARTIME CON-**  
5 **TRACTING IN IRAQ AND AFGHANISTAN.**

6 (a) *DATE OF FINAL REPORT.*—*Subsection (d)(3) of*  
7 *section 841 of the National Defense Authorization Act for*  
8 *Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230) is*  
9 *amended by striking “two years” and inserting “three*  
10 *years”.*

11 (b) *ASSISTANCE FROM FEDERAL AGENCIES.*—*Such*  
12 *section is further amended—*

13 (1) *by redesignating subsections (f) and (g) as*  
14 *subsections (g) and (h), respectively; and*

15 (2) *by inserting after subsection (e) the following*  
16 *new subsection (f):*

17 “(f) *ASSISTANCE FROM FEDERAL AGENCIES.*—

18 “(1) *DEPARTMENT OF DEFENSE.*—*The Secretary*  
19 *of Defense shall provide to the Commission adminis-*  
20 *trative support for the performance of the Commis-*  
21 *sion’s functions in carrying out the requirements of*  
22 *this section.*

23 “(2) *TRAVEL AND LODGING IN COMBAT THEA-*  
24 *TERS.*—*The administrative support provided the*  
25 *Commission under paragraph (1) shall include travel*

1     *and lodging undertaken in combat theaters, which*  
2     *support shall be provided on a non-reimbursable*  
3     *basis.*

4             “(3) *OTHER DEPARTMENTS AND AGENCIES.—In*  
5     *addition to the support required by paragraph (1),*  
6     *any department or agency of the Federal Government*  
7     *may provide to the Commission such services, funds,*  
8     *facilities, staff, and other support services for the per-*  
9     *formance of the Commission’s functions as the head of*  
10    *such department or agency considers advisable, or as*  
11    *may otherwise be authorized by law.”.*

12    **SEC. 823. PROHIBITION ON INTERROGATION OF DETAINEES**  
13                    **BY CONTRACTOR PERSONNEL.**

14            (a) *REGULATIONS REQUIRED.—Effective as of the date*  
15    *that is one year after the date of the enactment of this Act,*  
16    *the Department of Defense manpower mix criteria and the*  
17    *Department of Defense Supplement to the Federal Acquisi-*  
18    *tion Regulation shall be modified to provide the following:*

19            (1) *That the interrogation of enemy prisoners of*  
20    *war, civilian internees, retained persons, other de-*  
21    *tainees, terrorists, and criminals when captured,*  
22    *transferred, confined, or detained during or in the*  
23    *aftermath of hostilities is an inherently governmental*  
24    *function and cannot be transferred to contractor per-*  
25    *sonnel.*

1           (2) *That contractor personnel with proper train-*  
2 *ing and security clearances may be used as linguists,*  
3 *interpreters, report writers, information technology*  
4 *technicians, and other employees filling ancillary po-*  
5 *sitions in interrogations of persons as described in*  
6 *paragraph (1) if such personnel are subject to the*  
7 *same rules, procedures, policies, and laws pertaining*  
8 *to detainee operations and interrogations as apply to*  
9 *government personnel in such positions in such inter-*  
10 *rogations.*

11       (b) *DISCHARGE BY GOVERNMENT PERSONNEL.—The*  
12 *Secretary of Defense shall take appropriate actions to en-*  
13 *sure that, by not later than one year after the date of the*  
14 *enactment of this Act, the Department of Defense has the*  
15 *resources needed to ensure that interrogations described in*  
16 *subsection (a)(1) are conducted by appropriately qualified*  
17 *government personnel.*

18 **SEC. 824. MODIFICATIONS TO DATABASE FOR FEDERAL**  
19 **AGENCY CONTRACT AND GRANT OFFICERS**  
20 **AND SUSPENSION AND DEBARMENT OFFI-**  
21 **CIALS.**

22       *Subsection (c) of section 872 of the Duncan Hunter*  
23 *National Defense Authorization Act for Fiscal Year 2009*  
24 *(Public Law 110–417; 122 Stat. 4556) is amended—*

1           (1) by redesignating paragraphs (6) and (7) as  
2 paragraphs (8) and (9), respectively; and

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

5           “(6) Each audit report that, as determined by  
6 an Inspector General or the head of an audit agency  
7 responsible for the report, contains significant adverse  
8 information about a contractor that should be in-  
9 cluded in the database.

10           “(7) Each contract action that, as determined by  
11 the head of the contracting activity responsible for the  
12 contract action, reflects information about contractor  
13 performance or integrity that should be included in  
14 the database.”.

### 15           ***Subtitle D—Other Matters***

#### 16 ***SEC. 831. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS*** 17 ***AND SERVICES PRODUCED IN CENTRAL ASIA,*** 18 ***PAKISTAN, AND THE SOUTH CAUCASUS.***

19           (a) *IN GENERAL.*—*In the case of a product or service*  
20 *to be acquired in support of military operations or stability*  
21 *operations (including security, transition, reconstruction,*  
22 *and humanitarian relief activities) in Afghanistan for*  
23 *which the Secretary of Defense makes a determination de-*  
24 *scribed in subsection (b), the Secretary may conduct a pro-*  
25 *curement in which—*

1           (1) *competition is limited to products or services*  
2 *that are from Central Asia, Pakistan, or the South*  
3 *Caucasus;*

4           (2) *procedures other than competitive procedures*  
5 *are used to award a contract to a particular source*  
6 *or sources from Central Asia, Pakistan, or the South*  
7 *Caucasus; or*

8           (3) *a preference is provided for products or serv-*  
9 *ices that are from Central Asia, Pakistan, or the*  
10 *South Caucasus.*

11       (b) *DETERMINATION.*—*A determination described in*  
12 *this subsection is a determination by the Secretary that—*

13           (1) *the product or service concerned is to be used*  
14 *only by military forces, police, or other security per-*  
15 *sonnel of Afghanistan; or*

16           (2) *it is in the national security interest of the*  
17 *United States to limit competition, use procedures*  
18 *other than competitive procedures, or provide a pref-*  
19 *erence as described in subsection (a) because—*

20           (A) *such limitation, procedure, or preference*  
21 *is necessary—*

22           (i) *to improve local market and trans-*  
23 *portation infrastructure in Central Asia,*  
24 *Pakistan, or the South Caucasus in order to*  
25 *reduce overall United States transportation*

1 *costs and risks in shipping goods in support*  
2 *of operations in Afghanistan; or*

3 *(ii) to encourage states of Central Asia,*  
4 *Pakistan, or the South Caucasus to cooper-*  
5 *ate in expanding supply routes through*  
6 *their territory in support of operations in*  
7 *Afghanistan; and*

8 *(B) such limitation, procedure, or pref-*  
9 *erence will not adversely affect—*

10 *(i) operations in Afghanistan; or*

11 *(ii) the United States industrial base.*

12 *(c) PRODUCTS, SERVICES, AND SOURCES FROM CEN-*  
13 *TRAL ASIA, PAKISTAN, OR THE SOUTH CAUCASUS.—For*  
14 *the purposes of this section:*

15 *(1) A product is from the Central Asia, Paki-*  
16 *stan, or the South Caucasus if it is mined, produced,*  
17 *or manufactured in Georgia, the Kyrgyz Republic,*  
18 *Pakistan, the Republic of Armenia, the Republic of*  
19 *Azerbaijan, the Republic of Kazakhstan, the Republic*  
20 *of Tajikistan, the Republic of Uzbekistan, or*  
21 *Turkmenistan.*

22 *(2) A service is from Central Asia, Pakistan, or*  
23 *the South Caucasus if it is performed in Georgia, the*  
24 *Kyrgyz Republic, Pakistan, the Republic of Armenia,*  
25 *the Republic of Azerbaijan, the Republic of*

1 *Kazakhstan, the Republic of Tajikistan, the Republic*  
2 *of Uzbekistan, or Turkmenistan by citizens or perma-*  
3 *nent resident aliens of Georgia, the Kyrgyz Republic,*  
4 *Pakistan, the Republic of Armenia, the Republic of*  
5 *Azerbaijan, the Republic of Kazakhstan, the Republic*  
6 *of Tajikistan, the Republic of Uzbekistan, or*  
7 *Turkmenistan.*

8 (3) *A source is from Central Asia, Pakistan, or*  
9 *the South Caucasus if it—*

10 (A) *is located in Georgia, the Kyrgyz Re-*  
11 *public, Pakistan, the Republic of Armenia, the*  
12 *Republic of Azerbaijan, the Republic of*  
13 *Kazakhstan, the Republic of Tajikistan, the Re-*  
14 *public of Uzbekistan, or Turkmenistan; and*

15 (B) *offers products or services that are from*  
16 *Georgia, the Kyrgyz Republic, Pakistan, the Re-*  
17 *public of Armenia, the Republic of Azerbaijan,*  
18 *the Republic of Kazakhstan, the Republic of*  
19 *Tajikistan, the Republic of Uzbekistan, or*  
20 *Turkmenistan.*

21 (d) *CONSTRUCTION WITH OTHER AUTHORITY.—The*  
22 *authority in subsection (a) is in addition to the authority*  
23 *in section 886 of the National Defense Authorization Act*  
24 *for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 266;*  
25 *10 U.S.C. 2302 note).*

1       (e) *ANNUAL REPORT.*—

2           (1) *IN GENERAL.*—*Not later than December 31*  
3 *each year, the Secretary shall submit to Congress a*  
4 *report on the exercise of the authority in subsection*  
5 *(a) during the preceding fiscal year.*

6           (2) *ELEMENTS.*—*Each report under this sub-*  
7 *section shall include, for the fiscal year covered by*  
8 *such report, the following:*

9           (A) *A statement of the number of occasions*  
10 *on which the Secretary made a determination*  
11 *under subsection (a) with respect to the exercise*  
12 *of the authority in subsection (a), regardless of*  
13 *whether or not the determination resulted in the*  
14 *exercise of such authority.*

15           (B) *The total amount of all procurements*  
16 *pursuant to the exercise of such authority, and*  
17 *the total amount of procurements for each coun-*  
18 *try with respect to which such authority was ex-*  
19 *ercised.*

20           (C) *A description and assessment of the ex-*  
21 *tent to which procurements pursuant to the exer-*  
22 *cise of such authority furthered the national se-*  
23 *curity interest of the United States.*



1       (f) *SUNSET*.—*The authority in subsection (a) shall ex-*  
2 *pire on the date that is three years after the date of the*  
3 *enactment of this Act.*

4 **SEC. 832. SMALL ARMS PRODUCTION INDUSTRIAL BASE**  
5 **MATTERS.**

6       (a) *AUTHORITY TO MODIFY DEFINITION OF “SMALL*  
7 *ARMS PRODUCTION INDUSTRIAL BASE”*.—*Section 2473(c)*  
8 *of title 10, United States Code, is amended by inserting*  
9 *before the period at the end the following: “, and any subse-*  
10 *quent modifications to such list of firms pursuant to a re-*  
11 *view by the Secretary of Defense”.*

12       (b) *REVIEW OF SMALL ARMS PRODUCTION INDUS-*  
13 *TRIAL BASE*.—

14           (1) *REVIEW*.—*Not later than March 31, 2010,*  
15 *the Secretary of Defense shall review and determine,*  
16 *based upon manufacturing capability and capacity—*

17                   (A) *whether any firms included in the small*  
18 *arms production industrial base (as that term is*  
19 *defined in section 2473(c) of title 10, United*  
20 *States Code) should be eliminated or modified*  
21 *and whether any additional firms should be in-*  
22 *cluded; and*

23                   (B) *whether any of the small arms listed in*  
24 *section 2473(d) of title 10, United States Code,*  
25 *should be eliminated from the list or modified on*

1           *the list, and whether any additional small arms*  
2           *should be included in the list.*

3           (2) *REPORT.*—*Not later than March 31, 2010,*  
4           *the Secretary of Defense shall submit to the congres-*  
5           *sional defense committees a report on the review con-*  
6           *ducted under this subsection, including any rec-*  
7           *ommendations for changes to the list maintained pur-*  
8           *suant to subsection (c) of section 2473(d) of title 10,*  
9           *United States Code, or the list under subsection (d)*  
10          *of such section.*

11 **SEC. 833. EXTENSION OF SBIR AND STTR PROGRAMS OF**  
12                                   **THE DEPARTMENT OF DEFENSE.**

13          (a) *SBIR EXTENSION.*—*Section 9(m) of the Small*  
14          *Business Act (15 U.S.C. 638(m)) is amended—*

15                 (1) *by striking “The authorization” and insert-*  
16                 *ing the following:*

17                         “(1) *IN GENERAL.*—*Except as provided in para-*  
18                         *graph (2), the authorization”;* and

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

20                         “(2) *EXCEPTION FOR DEPARTMENT OF DE-*  
21                         *FENSE.*—*The Secretary of Defense and the Secretary*  
22                         *of each military department is authorized to carry*  
23                         *out the Small Business Innovation Research Program*  
24                         *of the Department of Defense until September 30,*  
25                         *2023.”.*

1       (b) *STTR REAUTHORIZATION*.—Section 9(n)(1)(A) of  
 2 *the Small Business Act (15 U.S.C. 638(n)(1)(A))* is amend-  
 3 *ed—*

4           (1) *by striking “With respect” and inserting the*  
 5 *following:*

6                       “(i) *FEDERAL AGENCIES GEN-*  
 7 *ERALLY.—Except as provided in clause (i),*  
 8 *with respect”;* and

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

10                       “(ii) *DEPARTMENT OF DEFENSE.—The*  
 11 *Secretary of Defense and the Secretary of*  
 12 *each military department shall carry out*  
 13 *clause (i) with respect to each fiscal year*  
 14 *through fiscal year 2023.”.*

15       (c) *EFFECTIVE DATE*.—*The amendments made by this*  
 16 *section shall take effect on July 30, 2009.*

17 **SEC. 834. EXPANSION AND PERMANENT AUTHORITY FOR**  
 18 **SMALL BUSINESS INNOVATION RESEARCH**  
 19 **COMMERCIALIZATION PROGRAM.**

20       (a) *EXPANSION TO INCLUDE SMALL BUSINESS TECH-*  
 21 *NOLOGY TRANSFER PROGRAM*.—Section 9(y) of the *Small*  
 22 *Business Act (15 U.S.C. 638(y))* is amended in paragraphs  
 23 (1), (2), and (4) by inserting “and the *Small Business*  
 24 *Technology Transfer Program*” after “*Small Business Inno-*  
 25 *vation Research Program*”.

1 (b) *PERMANENT AUTHORITY.*—

2 (1) *IN GENERAL.*—Such section is further  
3 amended by striking paragraph (6).

4 (2) *CONFORMING AMENDMENTS.*—Such section is  
5 further amended—

6 (A) in the subsection heading, by striking  
7 “PILOT”; and

8 (B) by striking “Pilot” each place it ap-  
9 pears.

10 **SEC. 835. MEASURES TO ENSURE THE SAFETY OF FACILI-**  
11 **TIES, INFRASTRUCTURE, AND EQUIPMENT**  
12 **FOR MILITARY OPERATIONS.**

13 (a) *POLICY.*—It shall be the policy of the Department  
14 of Defense to incorporate generally accepted industry stand-  
15 ards for the safety and health of personnel, to the maximum  
16 extent practicable, into requirements for facilities, infra-  
17 structure, and equipment that are intended for use by mili-  
18 tary or civilian personnel of the Department in current and  
19 future contingency operations.

20 (b) *CONTRACTS.*—Not later than 120 days after the  
21 date of the enactment of this Act, the Secretary of Defense  
22 shall submit to the congressional defense committees a re-  
23 port describing that actions that the Department of Defense  
24 has taken, or plans to take, to ensure that each contract  
25 or task or delivery order entered into for the construction,

1 *installation, repair, maintenance, or operation of facilities*  
2 *for use by military or civilian personnel of the Department*  
3 *in current and future contingency operations complies with*  
4 *the policy established in subsection (a).*

5 (c) *GENERALLY ACCEPTED INDUSTRY STANDARDS FOR*  
6 *SAFETY.*—*For the purposes of this section, generally accept-*  
7 *ed industry standards for the safety of personnel include—*

8 (1) *appropriate standards with respect to fire*  
9 *protection and structural integrity; and*

10 (2) *standards with respect to electrical systems,*  
11 *water treatment, and telecommunications networks.*

12 **SEC. 836. REPEAL OF REQUIREMENTS RELATING TO THE**  
13 **MILITARY SYSTEM ESSENTIAL ITEM BREAK-**  
14 **OUT LIST.**

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

18 **SEC. 837. DEFENSE SCIENCE BOARD REPORT ON RARE**  
19 **EARTH MATERIALS IN THE DEFENSE SUPPLY**  
20 **CHAIN.**

21 (a) *REPORT REQUIRED.*—*Not later than one year*  
22 *after the date of the enactment of this Act, the Defense*  
23 *Science Board shall submit to the Committees on Armed*  
24 *Services of the Senate and the House of Representatives a*

1 *report on the usage of rare earth materials in the supply*  
2 *chain of the Department of Defense.*

3 (b) *ELEMENTS.*—*The report required by subsection (a)*  
4 *shall address, at a minimum, the following:*

5 (1) *The current and projected domestic and*  
6 *world-wide availability of rare earth materials for use*  
7 *by the Department of Defense in its weapon systems.*

8 (2) *The extent to which weapon systems acquired*  
9 *by the Department of Defense are currently dependent*  
10 *on, or are projected to become dependent on, rare*  
11 *earth materials supplied by sources that could be in-*  
12 *terrupted.*

13 (3) *The risk to national security, if any, of de-*  
14 *pendence on such sources for rare earth materials.*

15 (4) *Any steps that the Department of Defense has*  
16 *taken or is planning to take to address any such risk*  
17 *to national security.*

18 (5) *Such recommendations for further action to*  
19 *address the matters covered by the report as the De-*  
20 *fense Science Board considers appropriate.*

21 (c) *DEFINITIONS.*—*In this section:*

22 (1) *The term “rare earth” means the chemical*  
23 *elements in the periodic table beginning with lan-*  
24 *thanum and continuing to lutetium, and any associ-*  
25 *ated elements.*

1           (2) *The term “rare earth material” includes rare*  
2 *earth ores, semi-finished rare earth products, and*  
3 *components containing rare earth materials.*

4 **SEC. 838. SMALL BUSINESS CONTRACTING PROGRAMS PAR-**  
5 **ITY.**

6           Section 31(b)(2)(B) of the Small Business Act (15  
7 U.S.C. 657a(b)(2)(B)) is amended by striking “shall” and  
8 inserting “may”.

9 **TITLE IX—DEPARTMENT OF DE-**  
10 **FENSE ORGANIZATION AND**  
11 **MANAGEMENT**

12 **Subtitle A—Department of Defense**  
13 **Management**

14 **SEC. 901. DEPUTY UNDER SECRETARIES OF DEFENSE AND**  
15 **ASSISTANT SECRETARIES OF DEFENSE.**

16           (a) *DEPUTY UNDER SECRETARIES OF DEFENSE.—*  
17 *Chapter 4 of title 10, United States Code, is amended by*  
18 *adding after section 137 the following new section:*

19 **“§ 137a. Deputy Under Secretaries of Defense**

20           “(a)(1) *There are five Deputy Under Secretaries of De-*  
21 *fense.*

22           “(2)(A) *The Deputy Under Secretaries of Defense re-*  
23 *ferred to in paragraphs (1) through (3) of subsection (c)*  
24 *shall be appointed as provided in the applicable paragraph.*

1       “(B) *The Deputy Under Secretaries of Defense referred*  
2 *to in paragraphs (4) and (5) of subsection (c) shall be ap-*  
3 *pointed from civilian life by the President, by and with*  
4 *the advice and consent of the Senate.*

5       “(3) *The five Deputy Under Secretaries of Defense au-*  
6 *thorized by this section are the only Deputy Under Secre-*  
7 *taries of Defense.*

8       “(b) *Each Deputy Under Secretary of Defense shall be*  
9 *the first assistant to an Under Secretary of Defense and*  
10 *shall assist such Under Secretary in the performance of the*  
11 *duties of the position of such Under Secretary and shall*  
12 *act for, and exercise the powers of, such Under Secretary*  
13 *when such Under Secretary is absent or disabled.*

14       “(c)(1) *One of the Deputy Under Secretaries is the*  
15 *Principal Deputy Under Secretary of Defense for Acquisi-*  
16 *tion, Technology, and Logistics appointed pursuant to sec-*  
17 *tion 133a of this title.*

18       “(2) *One of the Deputy Under Secretaries is the Prin-*  
19 *cipal Deputy Under Secretary of Defense for Policy ap-*  
20 *pointed pursuant to section 134a of this title.*

21       “(3) *One of the Deputy Under Secretaries is the Prin-*  
22 *cipal Deputy Under Secretary of Defense for Personnel and*  
23 *Readiness appointed pursuant to section 136a of this title.*



1       “(4) *One of the Deputy Under Secretaries shall be the*  
2 *Principal Deputy Under Secretary of Defense (Comp-*  
3 *troller).*

4       “(5) *One of the Deputy Under Secretaries shall be the*  
5 *Principal Deputy Under Secretary of Defense for Intel-*  
6 *ligence.*

7       “(d) *The Deputy Under Secretaries of Defense take*  
8 *precedence in the Department of Defense after the Secretary*  
9 *of Defense, the Deputy Secretary of Defense, the Secretaries*  
10 *of the military departments, the Under Secretaries of De-*  
11 *fense, and the Deputy Chief Management Officer of the De-*  
12 *partment of Defense.”.*

13       (b) *ASSISTANT SECRETARIES OF DEFENSE.—*

14               (1) *REDESIGNATION OF DEPUTY UNDER SEC-*  
15 *RETARY FOR LOGISTICS AND MATERIEL READINESS AS*  
16 *ASSISTANT SECRETARY.—Chapter 4 of such title is*  
17 *further amended—*

18                       (A) *by transferring section 133b to appear*  
19 *after section 138 and redesignating such section,*  
20 *as so transferred, as section 138a; and*

21                       (B) *in such section, as so transferred and*  
22 *redesignated, by striking “Deputy Under Sec-*  
23 *retary” each place it appears and inserting “As-*  
24 *stant Secretary”.*

1           (2) *ADDITIONAL ASSISTANT SECRETARIES.*—*Sec-*  
2           *tion 138 of such title is amended—*

3                   (A) *by striking subsection (a) and inserting*  
4                   *the following new subsection (a):*

5           “(a)(1) *There are 16 Assistant Secretaries of Defense.*

6           “(2)(A) *The Assistant Secretary of Defense referred to*  
7           *in subsection (b)(7) shall be appointed as provided in that*  
8           *subsection.*

9           “(B) *The other Assistant Secretaries of Defense shall*  
10           *be appointed from civilian life by the President, by and*  
11           *with the advice and consent of the Senate.”; and*

12                   (B) *in subsection (b), by adding the fol-*  
13                   *lowing new paragraphs:*

14           “(6) *One of the Assistant Secretaries shall be the As-*  
15           *stant Secretary of Defense for Acquisition. The Assistant*  
16           *Secretary of Defense for Acquisition is the principal adviser*  
17           *to the Secretary of Defense and the Under Secretary of De-*  
18           *fense for Acquisition, Technology, and Logistics on matters*  
19           *relating to acquisition.*

20           “(7) *One of the Assistant Secretaries is the Assistant*  
21           *Secretary of Defense for Logistics and Materiel Readiness*  
22           *appointed pursuant to section 138a of this title. In addition*  
23           *to any duties and powers prescribed under paragraph (1),*  
24           *the Assistant Secretary of Defense for Logistics and Mate-*

1 *riel Readiness shall have the duties specified in section 138a*  
2 *of this title.*

3       “(8) *One of the Assistant Secretaries shall be the As-*  
4 *stant Secretary of Defense for Installations and Environ-*  
5 *ment. The Assistant Secretary of Defense for Installations*  
6 *and Environment is the principal adviser to the Secretary*  
7 *of Defense and the Under Secretary of Defense for Acquisi-*  
8 *tion, Technology, and Logistics on matters relating to De-*  
9 *partment of Defense installations and environmental pol-*  
10 *icy.*

11       “(9) *One of the Assistant Secretaries shall be the As-*  
12 *stant Secretary of Defense for Manufacturing and Indus-*  
13 *trial Base. The Assistant Secretary of Defense for Manufac-*  
14 *turing and Industrial Base is the principal adviser to the*  
15 *Secretary of Defense and the Under Secretary of Defense*  
16 *for Acquisition, Technology, and Logistics on policies relat-*  
17 *ing to the defense industrial base, carrying out the require-*  
18 *ments of chapter 148 of this title, and executing the authori-*  
19 *ties provided by the Defense Production Act of 1950 (50*  
20 *U.S.C. App. 2061 et seq.).*

21       “(10) *One of the Assistant Secretaries shall be the As-*  
22 *stant Secretary of Defense for Readiness. The Assistant*  
23 *Secretary of Defense for Readiness is the principal adviser*  
24 *to the Secretary of Defense and the Under Secretary of De-*

1 *fense for Personnel and Readiness on matters relating to*  
2 *military readiness.*

3 “(11) *One of the Assistant Secretaries shall be the As-*  
4 *stant Secretary of Defense for Strategy, Plans, and Forces.*  
5 *The Assistant Secretary of Defense for Strategy, Plans, and*  
6 *Forces is the principal adviser to the Secretary of Defense*  
7 *and the Under Secretary of Defense for Policy on matters*  
8 *relating to strategy, plans, and forces.”.*

9 (c) *CONFORMING AND CLERICAL AMENDMENTS.—*

10 (1) *CONFORMING AMENDMENTS.—*

11 (A) *Section 133a of such title is amended—*

12 (i) *by striking “Deputy Under Sec-*  
13 *retary of Defense for Acquisition and Tech-*  
14 *nology” each place it appears and inserting*  
15 *“Principal Deputy Under Secretary of De-*  
16 *fense for Acquisition, Technology, and Lo-*  
17 *gistics”;* and

18 (ii) *by striking “duties relating to ac-*  
19 *quisition and technology” and inserting*  
20 *“duties”.*

21 (B) *Section 134a of such title is amended*  
22 *by striking “Deputy Under Secretary” each*  
23 *place it appears and inserting “Principal Dep-*  
24 *uty Under Secretary”.*

25 (C) *Section 134b of such title is repealed.*

1           (D) Section 136a of such title is amended  
2           by striking “Deputy Under Secretary” each  
3           place it appears and inserting “Principal Dep-  
4           uty Under Secretary”.

5           (2) SECTION HEADING AMENDMENTS.—

6           (A) The heading of section 133a of such title  
7           is amended to read as follows:

8           **“§ 133a. Principal Deputy Under Secretary of Defense**  
9                       **for Acquisition, Technology, and Logis-**  
10                      **tics”.**

11           (B) The heading of section 134a of such title  
12           is amended to read as follows:

13           **“§ 134a. Principal Deputy Under Secretary of Defense**  
14                      **for Policy”.**

15           (C) The heading of section 136a of such title  
16           is amended to read as follows:

17           **“§ 136a. Principal Deputy Under Secretary of Defense**  
18                      **for Personnel and Readiness”.**

19           (D) The heading of section 138a of such  
20           title, as transferred and redesignated by sub-  
21           section (b)(1) of this section, is amended to read  
22           as follows:

1 **“§ 138a. Assistant Secretary of Defense for Logistics**  
 2 **and Materiel Readiness”.**

3 (3) *CLERICAL AMENDMENTS.*—*The table of sec-*  
 4 *tions at the beginning of chapter 4 of such title is*  
 5 *amended—*

6 (A) *by striking the item relating to section*  
 7 *133a and inserting the following new item:*

*“133a. Principal Deputy Under Secretary of Defense for Acquisition, Technology,*  
*and Logistics.”;*

8 (B) *by striking the items relating to sections*  
 9 *134a and 134b and inserting the following new*  
 10 *item:*

*“134a. Principal Deputy Under Secretary of Defense for Policy.”;*

11 (C) *by striking the item relating to section*  
 12 *136a and inserting the following new item:*

*“136a. Principal Deputy Under Secretary of Defense for Personnel and Read-*  
*iness.”;*

13 (D) *by inserting after the item relating to*  
 14 *section 137 the following new item:*

*“137a. Deputy Under Secretaries of Defense.”; and*

15 (E) *by inserting after the item relating to*  
 16 *section 138 the following new item:*

*“138a. Assistant Secretary of Defense for Logistics and Materiel Readiness.”.*

17 (d) *EXECUTIVE SCHEDULE MATTERS.*—

18 (1) *LEVEL III.*—*Section 5314 of title 5, United*  
 19 *States Code, is amended by striking the item relating*  
 20 *to the Deputy Under Secretary of Defense for Acquisi-*

1     *tion and Technology and inserting the following new*  
2     *item:*

3             *“Principal Deputy Under Secretary of Defense*  
4     *for Acquisition, Technology, and Logistics.”.*

5             (2) *LEVEL IV.—Section 5315 of such title is*  
6     *amended—*

7             (A) *by striking the item relating to the As-*  
8     *stant Secretaries of Defense and inserting the*  
9     *following new item:*

10            *“Assistant Secretaries of Defense (16).”; and*

11            (B) *by striking the items relating to the*  
12     *Deputy Under Secretary of Defense for Policy,*  
13     *the Deputy Under Secretary of Defense for Per-*  
14     *sonnel and Readiness, and the Deputy Under*  
15     *Secretary of Defense for Logistics and Materiel*  
16     *Readiness and inserting the following new items:*

17            *“Principal Deputy Under Secretary of Defense*  
18     *for Policy.*

19            *“Principal Deputy Under Secretary of Defense*  
20     *for Personnel and Readiness.*

21            *“Principal Deputy Under Secretary of Defense*  
22     *(Comptroller).*

23            *“Principal Deputy Under Secretary of Defense*  
24     *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 PERSONNEL*  
6 *ASSIGNED TO MAJOR HEADQUARTERS ACTIVITIES.*—

7 (1) *REPEALS.*—*The following provisions of law*  
8 *are repealed:*

9 (A) *Section 143 of title 10, United States*  
10 *Code.*

11 (B) *Section 194 of such title.*

12 (C) *Sections 3014(f), 5014(f), and 8014(f) of*  
13 *such title.*

14 (D) *Section 601 of the Goldwater-Nichols*  
15 *Department of Defense Reorganization Act of*  
16 *1986 (10 U.S.C. 194 note).*

17 (2) *CLERICAL AMENDMENTS.*—

18 (A) *The table of sections at the beginning of*  
19 *chapter 4 of title 10, United States Code, is*  
20 *amended by striking the item relating to section*  
21 *143.*

22 (B) *The table of sections at the beginning of*  
23 *subchapter I of chapter 8 of such title is amend-*  
24 *ed by striking the item relating to section 194.*

25 (b) *CONSOLIDATED ANNUAL REPORT.*—



1           (1) *INCLUSION IN ANNUAL DEFENSE MAPOWER*  
2           *REQUIREMENTS REPORT.*—*Section 115a of such title*  
3           *is amended by inserting after subsection (e) the fol-*  
4           *lowing new subsection:*

5           “(f) *The Secretary shall also include in each such re-*  
6           *port the following information with respect to personnel as-*  
7           *signed to or supporting major Department of Defense head-*  
8           *quarters activities:*

9           “(1) *The military end strength and civilian full-*  
10           *time equivalents assigned to major Department of De-*  
11           *fense headquarters activities for the preceding fiscal*  
12           *year and estimates of such numbers for the current*  
13           *fiscal year and the budget fiscal year.*

14           “(2) *A summary of the replacement during the*  
15           *preceding fiscal year of contract workyears providing*  
16           *support to major Department of Defense headquarters*  
17           *activities with military end strength or civilian full-*  
18           *time equivalents, including an estimate of the number*  
19           *associated with the replacement of contracts per-*  
20           *forming inherently governmental or exempt functions.*

21           “(3) *The plan for the continued review of con-*  
22           *tract personnel supporting major Department of De-*  
23           *fense headquarters activities for possible conversion to*  
24           *military or civilian performance in accordance with*  
25           *section 2463 of this title.”.*

1           (2) *TECHNICAL AMENDMENTS TO REFLECT NAME*  
2 *OF REPORT.*—

3           (A) *Subsection (a) of such section is amend-*  
4 *ed by inserting “defense” before “manpower re-*  
5 *quirements report”.*

6           (B)(i) *The heading of such section is*  
7 *amended to read as follows:*

8 **“§115a. Annual defense manpower requirements re-**  
9 **port”.**

10           (ii) *The item relating to such section in the*  
11 *table of sections at the beginning of chapter 2 of*  
12 *such title is amended to read as follows:*

*“115a. Annual defense manpower requirements report.”.*

13           (3) *CONFORMING REPEALS.*—*The following pro-*  
14 *visions of law are repealed:*

15           (A) *Subsections (b) and (c) of section 901 of*  
16 *the National Defense Authorization Act for Fis-*  
17 *cal Year 2008 (Public Law 110–181; 122 Stat.*  
18 *272).*

19           (B) *Section 1111 of the Duncan Hunter Na-*  
20 *tional Defense Authorization Act for Fiscal Year*  
21 *2009 (Public Law 110–417; 122 Stat. 4619).*

1 **SEC. 903. SENSE OF SENATE ON THE WESTERN HEMI-**  
2 **SPHERE INSTITUTE FOR SECURITY COOPERA-**  
3 **TION.**

4 (a) *FINDINGS.*—*The Senate makes the following find-*  
5 *ings:*

6 (1) *The Western Hemisphere Institute for Secu-*  
7 *rity Cooperation was established by section 911 of the*  
8 *Floyd D. Spence National Defense Authorization Act*  
9 *for Fiscal Year 2001 (as enacted into law by Public*  
10 *Law 106–398; 114 Stat. 1654A–226).*

11 (2) *The Western Hemisphere Institute for Secu-*  
12 *rity Cooperation provides professional education and*  
13 *training to military personnel, law enforcement offi-*  
14 *cials, and civilian personnel in support of the demo-*  
15 *cratic principles set forth in the Charter of the Orga-*  
16 *nization of American States. The Institute effectively*  
17 *promotes mutual knowledge, transparency, confidence,*  
18 *and cooperation among participating nations. It also*  
19 *effectively builds strategic partnerships to address the*  
20 *great security challenges in the region while encour-*  
21 *aging democratic values, respect for human rights,*  
22 *subordination to civilian authority, and under-*  
23 *standing of United States customs and traditions.*

24 (3) *The Western Hemisphere Institute for Secu-*  
25 *rity Cooperation supports the Security Cooperation*  
26 *Guidance of the Secretary of Defense by addressing*

1 *the building partner capacity education and training*  
2 *needs of the United States Southern Command and*  
3 *the United States Northern Command.*

4 (4) *In a joint letter, dated April 9, 2009, Gen-*  
5 *eral Renuart, the Commander of the United States*  
6 *Northern Command, and Admiral Stavridis, the*  
7 *Commander of the United States Southern Command,*  
8 *write “[t]he outstanding service that WHINSEC pro-*  
9 *vides directly supports the United States Southern*  
10 *Command’s and United States Northern Command’s*  
11 *strategic objective of fostering lasting partnerships*  
12 *that will ensure security, enhance stability, and en-*  
13 *able prosperity throughout the Americas” and notes*  
14 *that the Institute provides “culturally-sensitive train-*  
15 *ing, with a strong emphasis on the values of democ-*  
16 *racy and human rights”.*

17 (5) *In establishing the Western Hemisphere In-*  
18 *stitute for Security Cooperation, Congress mandates*  
19 *that participants at the Institute receive a minimum*  
20 *of 8 hours of instruction on human rights, due proc-*  
21 *ess, the rule of law, the role of the Armed Forces in*  
22 *a democratic society, and civilian control of the mili-*  
23 *tary. Every course devotes at least 10 percent of its*  
24 *course work to democracy, ethics, and human rights*  
25 *issues. The Institute is also required to develop a cur-*

1     *riculum that includes leadership development,*  
2     *counterdrug operations, peacekeeping, resource man-*  
3     *agement, and disaster relief planning. In fiscal year*  
4     *2008, the Institute presented 39 courses and hosted*  
5     *1,196 students in residence at Fort Benning, Georgia,*  
6     *of whom 292 were police personnel, and trained an*  
7     *additional 280 students through the Mobile Training*  
8     *Team programs of the Institute.*

9             (6) Congress mandated the formation of a Fed-  
10     *eral advisory committee—an oversight committee*  
11     *unique to the Western Hemisphere Institute for Secu-*  
12     *rity Cooperation. It provides recommendations and*  
13     *an independent review of the Institute and its cur-*  
14     *riculum to ensure the uniform adherence of the Insti-*  
15     *tute to United States law, regulations, and policies.*  
16     *The Board of Visitors of the Institute includes the*  
17     *Chairman and Ranking Member of the Committee on*  
18     *Armed Services of the Senate, the Chairman and*  
19     *Ranking Member of the Committee on Armed Services*  
20     *of the House of Representatives, the Secretary of*  
21     *State, the Commander of the United States Southern*  
22     *Command, the Commander of the United States*  
23     *Northern Command, the Commander of the United*  
24     *States Training and Doctrine Command, and six*  
25     *members designated by the Secretary of Defense. The*

1 *six members designated by the Secretary of Defense*  
2 *include, to the extent practicable, individuals from*  
3 *academia and the religious and human rights com-*  
4 *munities. In addition to the 13 members of the Board*  
5 *of Visitors, advisors and subject matter experts assist*  
6 *the Board in areas the Board considers necessary and*  
7 *appropriate.*

8 (7) *The Western Hemisphere Institute for Secu-*  
9 *rity Cooperation operates in accordance with section*  
10 *8130 of the Department of Defense Appropriations*  
11 *Act, 1999 (Public Law 105–262; 112 Stat. 2335) that*  
12 *prohibits United States military assistance to foreign*  
13 *military units that violate human rights, including*  
14 *security assistance programs funded through appro-*  
15 *priations available for foreign operations and train-*  
16 *ing programs funded through appropriations made*  
17 *available for the Department of Defense.*

18 (8) *The Western Hemisphere Institute for Secu-*  
19 *rity Cooperation does not select students for partici-*  
20 *pation in its courses. A partner nation nominates*  
21 *students to attend the Institute, and in accordance*  
22 *with the law of the United States and the policies of*  
23 *the Department of Defense and the Department of*  
24 *State, the United States Embassy in such partner na-*  
25 *tion screens and conducts background checks on such*

1     *nominees. The vetting process of nominees for partici-*  
2     *ipation in the Institute includes a background check*  
3     *by United States embassies in partner nations, as*  
4     *well as checks by the Bureau of Western Hemisphere*  
5     *Affairs and the Bureau of Democracy, Human*  
6     *Rights, and Labor at the Department of State. The*  
7     *Department of State also uses the Abuse Case Evalua-*  
8     *tion System, a central database that aggregates*  
9     *human rights abuse data into a single, searchable lo-*  
10    *cation, to ensure nominees have not been accused of*  
11    *any human rights abuses.*

12           *(9) The training provided by the Western Hemi-*  
13    *sphere Institute for Security Cooperation is trans-*  
14    *parent and the Institute is open to visitors at any*  
15    *time. Visitors are welcome to sit in on classes, talk*  
16    *with students and faculty, and review instructional*  
17    *materials. Every year, the Institute hosts more than*  
18    *a thousand visiting students, faculty, civilian, and*  
19    *military officials.*

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

22           *(1) the Western Hemisphere Institute for Secu-*  
23    *rity Cooperation—*

24                   *(A) offers quality professional military bi-*  
25    *lingual instruction for military officers and non-*

1           *commissioned officers that promotes democracy,*  
2           *subordination to civilian authority, and respect*  
3           *for human rights; and*

4           *(B) is uniquely positioned to support the*  
5           *modernization of Latin America security forces*  
6           *as they work to transcend their own controver-*  
7           *sial pasts;*

8           *(2) the Western Hemisphere Institute for Secu-*  
9           *rity Cooperation is building partner capacity which*  
10          *enhances regional and global security while encour-*  
11          *aging respect for human rights and promoting demo-*  
12          *cratic principles among eligible military personnel,*  
13          *law enforcement officials, and civilians of nations of*  
14          *the Western Hemisphere;*

15          *(3) the Western Hemisphere Institute for Secu-*  
16          *rity Cooperation is an invaluable education and*  
17          *training facility whose curriculum is not duplicated*  
18          *in any of the military departments and is not re-*  
19          *placeable by professional military education funded*  
20          *by appropriations for International Military Edu-*  
21          *cation and Training (IMET), which education is not*  
22          *conducted in Spanish and does not concentrate on re-*  
23          *gional challenges; and*

24          *(4) the Western Hemisphere Institute for Secu-*  
25          *rity Cooperation is an essential tool to educate future*



1       *generations of Latin American leaders and improve*  
2       *United States relationships with partner nations that*  
3       *are working with the United States to promote de-*  
4       *mocracy, prosperity, and stability in the Western*  
5       *Hemisphere.*

6       **SEC. 904. REESTABLISHMENT OF POSITION OF VICE CHIEF**  
7                               **OF THE NATIONAL GUARD BUREAU.**

8       *(a) REESTABLISHMENT OF POSITION.—*

9               *(1) IN GENERAL.—Chapter 1011 of title 10,*  
10       *United States Code, is amended—*

11                       *(A) by redesignating section 10505 as sec-*  
12       *tion 10505a; and*

13                       *(B) by inserting after section 10504 the fol-*  
14       *lowing new section 10505:*

15       **“§ 10505. Vice Chief of the National Guard Bureau**

16       *“(a) APPOINTMENT.—(1) There is a Vice Chief of the*  
17       *National Guard Bureau, selected by the Secretary of De-*  
18       *fense from officers of the Army National Guard of the*  
19       *United States or the Air National Guard of the United*  
20       *States who—*

21                       *“(A) are recommended for such appointment by*  
22       *their respective Governors or, in the case of the Dis-*  
23       *trict of Columbia, the commanding general of the Dis-*  
24       *trict of Columbia National Guard;*

1           “(B) have had at least 10 years of federally rec-  
2           ognized service in an active status in the National  
3           Guard; and

4           “(C) are in a grade above the grade of colonel.

5           “(2) The Chief and Vice Chief of the National Guard  
6           Bureau may not both be members of the Army or of the  
7           Air Force.

8           “(3)(A) Except as provided in subparagraph (B), an  
9           officer appointed as Vice Chief of the National Guard Bu-  
10          reau serves for a term of four years, but may be removed  
11          from office at any time for cause.

12          “(B) The term of the Vice Chief of the National Guard  
13          Bureau shall end within a reasonable time (as determined  
14          by the Secretary of Defense) following the appointment of  
15          a Chief of the National Guard Bureau who is a member  
16          of the same armed force as the Vice Chief.

17          “(b) DUTIES.—The Vice Chief of the National Guard  
18          Bureau performs such duties as may be prescribed by the  
19          Chief of the National Guard Bureau.

20          “(c) GRADE.—The Vice Chief of the National Guard  
21          Bureau shall be appointed to serve in a grade decided by  
22          the Secretary of Defense.

23          “(d) FUNCTIONS AS ACTING CHIEF.—When there is a  
24          vacancy in the office of the Chief of the National Guard  
25          Bureau or in the absence or disability of the Chief, the Vice

1 *Chief of the National Guard Bureau acts as Chief and per-*  
 2 *forms the duties of the Chief until a successor is appointed*  
 3 *or the absence of disability ceases.”.*

4 (2) *CLERICAL AMENDMENT.—The table of sec-*  
 5 *tions at the beginning of chapter 1011 of such title is*  
 6 *amended by striking the item relating to section*  
 7 *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.”.*

8 (b) *CONFORMING AMENDMENT.—Section 10506(a)(1)*  
 9 *of such title is amended by striking “and the Director of*  
 10 *the Joint Staff of the National Guard Bureau” and insert-*  
 11 *ing “, the Vice Chief of the National Guard Bureau, and*  
 12 *the Director of the Joint Staff of the National Guard Bu-*  
 13 *reau”.*

## 14 ***Subtitle B—Space Matters***

15 ***SEC. 911. PROVISION OF SPACE SITUATIONAL AWARENESS***  
 16 ***SERVICES AND INFORMATION TO NON-***  
 17 ***UNITED STATES GOVERNMENT ENTITIES.***

18 (a) *IN GENERAL.—Section 2274 of title 10, United*  
 19 *States Code, is amended to read as follows:*

20 ***“§2274. Space situational awareness services and in-***  
 21 ***formation: provision to non-United States***  
 22 ***Government entities***

23 *“(a) AUTHORITY.—The Secretary of Defense may pro-*  
 24 *vide space situational awareness services and information*

1 *to, and may obtain space situational awareness data and*  
2 *information from, non-United States Government entities*  
3 *in accordance with this section. Any such action may be*  
4 *taken only if the Secretary determines that such action is*  
5 *consistent with the national security interests of the United*  
6 *States.*

7       “(b) *ELIGIBLE ENTITIES.*—*The Secretary may pro-*  
8 *vide services and information under subsection (a) to, and*  
9 *may obtain data and information under subsection (a)*  
10 *from, any non-United States Government entity, including*  
11 *any of the following:*

12               “(1) *A State.*

13               “(2) *A political subdivision of a State.*

14               “(3) *A United States commercial entity.*

15               “(4) *The government of a foreign country.*

16               “(5) *A foreign commercial entity.*

17       “(c) *AGREEMENT.*—*The Secretary may not provide*  
18 *space situational awareness services and information under*  
19 *subsection (a) to a non-United States Government entity*  
20 *unless that entity enters into an agreement with the Sec-*  
21 *retary under which the entity—*

22               “(1) *agrees to pay an amount that may be*  
23 *charged by the Secretary under subsection (d);*

24               “(2) *agrees not to transfer any data or technical*  
25 *information received under the agreement, including*

1       *the analysis of data, to any other entity without the*  
2       *express approval of the Secretary; and*

3             *“(3) agrees to any other terms and conditions*  
4       *considered necessary by the Secretary.*

5       *“(d) CHARGES.—(1) As a condition of an agreement*  
6       *under subsection (c), the Secretary may (except as provided*  
7       *in paragraph (2)) require the non-United States Govern-*  
8       *ment entity entering into the agreement to pay to the De-*  
9       *partment of Defense such amounts as the Secretary deter-*  
10       *mines appropriate to reimburse the Department for the*  
11       *costs to the Department of providing space situational*  
12       *awareness services or information under the agreement.*

13       *“(2) The Secretary may not require the government*  
14       *of a State, or of a political subdivision of a State, to pay*  
15       *any amount under paragraph (1).*

16       *“(e) CREDITING OF FUNDS RECEIVED.—(1) Funds re-*  
17       *ceived for the provision of space situational awareness serv-*  
18       *ices or information pursuant to an agreement under this*  
19       *section shall be credited, at the election of the Secretary,*  
20       *to the following:*

21             *“(A) The appropriation, fund, or account used*  
22       *in incurring the obligation.*

23             *“(B) An appropriate appropriation, fund, or ac-*  
24       *count currently available for the purposes for which*  
25       *the expenditures were made.*

1       “(2) *Funds credited under paragraph (1) shall be*  
2 *merged with, and remain available for obligation with, the*  
3 *funds in the appropriation, fund, or account to which cred-*  
4 *ited.*

5       “(f) *PROCEDURES.—The Secretary shall establish pro-*  
6 *cedures by which the authority under this section shall be*  
7 *carried out. As part of those procedures, the Secretary may*  
8 *allow space situational awareness services or information*  
9 *to be provided through a contractor of the Department of*  
10 *Defense.*

11       “(g) *NONDISCLOSURE.—Any information received*  
12 *under subsection (a), records of agreements entered into*  
13 *under subsection (c), and analyses or data provided as a*  
14 *part of the provision of services or information under this*  
15 *section shall be exempt from disclosure under section*  
16 *552(b)(3) of title 5.*

17       “(h) *IMMUNITY.—The United States, any agencies and*  
18 *instrumentalities thereof, and any individuals, firms, cor-*  
19 *porations, and other persons acting for the United States,*  
20 *shall be immune from any suit in any court for any cause*  
21 *of action arising from the provision or receipt of space situ-*  
22 *ational awareness services or information, whether or not*  
23 *provided in accordance with this section, or any related ac-*  
24 *tion or omission.”.*

1       (b) *CLERICAL AMENDMENT.*—*The table of sections at*  
2 *the beginning of chapter 135 of such title is amended by*  
3 *striking the item relating to section 2274 and inserting the*  
4 *following new item:*

      “2274. *Space situational awareness services and information: provision to non-*  
      *United States Government entities.*”.

5       (c) *EFFECTIVE DATE.*—*The amendments made by this*  
6 *section shall take effect on October 1, 2009, or the date of*  
7 *the enactment of this Act, whichever is later.*

8 **SEC. 912. PLAN FOR MANAGEMENT AND FUNDING OF NA-**  
9                   **TIONAL POLAR-ORBITING OPERATIONAL EN-**  
10                   **VIRONMENTAL SATELLITE SYSTEM PROGRAM.**

11       (a) *IN GENERAL.*—*The Secretary of Defense, the Sec-*  
12 *retary of Commerce, and the Administrator of the National*  
13 *Aeronautics and Space Administration shall jointly develop*  
14 *a plan for the management and funding of the National*  
15 *Polar-Orbiting Operational Environmental Satellite Sys-*  
16 *tem Program (in this section referred to as the “Program”)*  
17 *by the Department of Defense, the Department of Com-*  
18 *merce, and the National Aeronautics and Space Adminis-*  
19 *tration.*

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

22               (1) *Requirements for the Program.*

23               (2) *The management structure of the Program.*

1           (3) *A funding profile for the Program for each*  
2           *year of the Program for the Department of Defense,*  
3           *the Department of Commerce, and the National Aero-*  
4           *navitics and Space Administration.*

5           (c) *LIMITATION ON USE OF FUNDS.—Of the amounts*  
6           *authorized to be appropriated for fiscal year 2010 by sec-*  
7           *tion 201(a)(3) for research, development, test, and evalua-*  
8           *tion for the Air Force and available for the Program, not*  
9           *more than 50 percent of such amounts may be obligated*  
10           *or expended before the date on which the plan developed*  
11           *under subsection (a) is submitted to the congressional de-*  
12           *fense committees, the Committee on Commerce, Science, and*  
13           *Transportation of the Senate, and the Committee on Energy*  
14           *and Commerce of the House of Representatives.*

15           (d) *SENSE OF SENATE.—It is the sense of the Senate*  
16           *that—*

17                   (1) *the National Polar-Orbiting Operational En-*  
18                   *vironmental Satellite System Program, including the*  
19                   *sensors, satellites, and orbits included in the Program,*  
20                   *should be maintained;*

21                   (2) *the National Polar-Orbiting Operational En-*  
22                   *vironmental Satellite System preparatory project*  
23                   *should be managed and treated as an operational sat-*  
24                   *ellite;*



1           (3) *the responsibility of Department of Defense*  
2 *milestone decision authority for the Program should*  
3 *be delegated to the Department of Defense Executive*  
4 *Agent for Space, and the Department of Defense Exec-*  
5 *utive Agent for Space should become the member of*  
6 *the Tri-Agency Executive Committee from the Depart-*  
7 *ment of Defense;*

8           (4) *the Program Executive Office of the Program*  
9 *should report directly to and take direction exclu-*  
10 *sively from the Tri-Agency Executive Committee;*

11           (5) *the acquisition procedures of the Department*  
12 *of Defense should continue to be used in the Program;*

13           (6) *the Administrator of the National Aero-*  
14 *navitics and Space Administration and the Secretary*  
15 *of the Air Force should make support from the God-*  
16 *dard Space Flight Center and the Space and Missile*  
17 *Systems Center, respectively, available for the Pro-*  
18 *gram, as needed;*

19           (7) *the budget for the Program should not be less*  
20 *than the estimate of the Cost Analysis Improvement*  
21 *Group of the Department of Defense for the Program;*

22           (8) *the Program should continue to be managed*  
23 *by a single program manager;*

24           (9) *the Program should be managed as a long-*  
25 *term operational program; and*

1           (10) once all requirements for the Program are  
2 fully agreed to by the Secretary of Defense, the Sec-  
3 retary of Commerce, and the Administrator of the Na-  
4 tional Aeronautics and Space Administration, the  
5 Program should be executed with no modifications to  
6 those requirements that would increase the cost, or ex-  
7 tend the schedule, of the Program.

### 8           ***Subtitle C—Intelligence Matters***

#### 9           **SEC. 921. INCLUSION OF DEFENSE INTELLIGENCE AGENCY**

##### 10                           **IN AUTHORITY TO USE PROCEEDS FROM**

##### 11                           **COUNTERINTELLIGENCE OPERATIONS.**

12           (a) *IN GENERAL.*—Section 423 of title 10, United  
13 States Code, is amended by inserting “and the Defense In-  
14 telligence Agency” after “the military departments” each  
15 place it appears in subsections (a) and (c).

16           (b) *CONFORMING AMENDMENTS.*—

17                   (1) *HEADING AMENDMENT.*—The heading of such  
18 section is amended to read as follows:

19           **“§423. Authority to use proceeds from counterintel-**  
20                           **ligence operations of the military depart-**  
21                           **ments and the Defense Intelligence Agen-**  
22                           **cy”.**

23                   (2) *TABLE OF SECTIONS.*—The table of sections  
24 at the beginning of chapter 21 of such title is amend-

1        *ed by striking the item relating to section 423 and in-*  
2        *serting the following new item:*

*“423. Authority to use proceeds from counterintelligence operations of the military departments and the Defense Intelligence Agency.”.*

3                    ***Subtitle D—Other Matters***

4        **SEC. 931. UNITED STATES MILITARY CANCER INSTITUTE.**

5            *(a) ESTABLISHMENT.—Chapter 104 of title 10, United*  
6        *States Code, is amended by adding at the end the following*  
7        *new section:*

8        **“§2118. United States Military Cancer Institute**

9            *“(a) ESTABLISHMENT.—The Secretary of Defense shall*  
10        *establish in the University the United States Military Can-*  
11        *cer Institute. The Institute shall be established pursuant to*  
12        *regulations prescribed by the Secretary.*

13          *“(b) PURPOSES.—The purposes of the Institute are as*  
14        *follows:*

15            *“(1) To establish and maintain a clearinghouse*  
16        *of data on the incidence and prevalence of cancer*  
17        *among members and former members of the armed*  
18        *forces.*

19            *“(2) To conduct research that contributes to the*  
20        *detection or treatment of cancer among the members*  
21        *and former members of the armed forces.*

22          *“(c) HEAD OF INSTITUTE.—The Director of the United*  
23        *States Military Cancer Institute is the head of the Institute.*

1 *The Director shall report to the President of the University*  
2 *regarding matters relating to the Institute.*

3       “(d) *ELEMENTS.—(1) The Institute is composed of*  
4 *clinical and basic scientists in the Department of Defense*  
5 *who have an expertise in research, patient care, and edu-*  
6 *cation relating to oncology and who meet applicable criteria*  
7 *for affiliation with the Institute.*

8       “(2) *The components of the Institute include military*  
9 *treatment and research facilities that meet applicable cri-*  
10 *teria and are designated as affiliates of the Institute.*

11       “(e) *RESEARCH.—(1) The Director of the United*  
12 *States Military Cancer Institute shall carry out research*  
13 *studies on the following:*

14               “(A) *The epidemiological features of cancer, in-*  
15 *cluding assessments of the carcinogenic effect of ge-*  
16 *netic and environmental factors, and of disparities in*  
17 *health, inherent or common among populations of*  
18 *various ethnic origins within the members of the*  
19 *armed forces.*

20               “(B) *The prevention and early detection of can-*  
21 *cer among members and former members of the armed*  
22 *forces.*

23               “(C) *Basic, translational, and clinical investiga-*  
24 *tion matters relating to the matters described in sub-*  
25 *paragraphs (A) and (B).*

1       “(2) *The research studies under paragraph (1) shall*  
2 *include complementary research on oncologic nursing.*

3       “(f) *COLLABORATIVE RESEARCH.—The Director of the*  
4 *United States Military Cancer Institute shall carry out the*  
5 *research studies under subsection (e) in collaboration with*  
6 *other cancer research organizations and entities selected by*  
7 *the Institute for purposes of the research studies.*

8       “(g) *ANNUAL REPORT.—(1) Not later than November*  
9 *1 each year, the Director of the United States Military Can-*  
10 *cer Institute shall submit to the President of the University*  
11 *a report on the current status of the research studies being*  
12 *carried out by the Institute under subsection (e).*

13       “(2) *Not later than 60 days after receiving a report*  
14 *under paragraph (1), the President of the University shall*  
15 *transmit such report to the Secretary of Defense and to Con-*  
16 *gress.”.*

17       “(b) *CLERICAL AMENDMENT.—The table of sections at*  
18 *the beginning of chapter 104 of such title is amended by*  
19 *adding at the end the following new item:*

      “2118. *United States Military Cancer Institute.”.*

20 **SEC. 932. INSTRUCTION OF PRIVATE SECTOR EMPLOYEES**  
21                   **IN CYBER SECURITY COURSES OF THE DE-**  
22                   **FENSE CYBER INVESTIGATIONS TRAINING**  
23                   **ACADEMY.**

24       “(a) *AUTHORITY TO RECEIVE INSTRUCTION.—*

1           (1) *IN GENERAL.*—*The Secretary of Defense may*  
2 *permit eligible private sector employees to enroll in*  
3 *and receive instruction at the Defense Cyber Inves-*  
4 *tigations Training Academy operated under the direc-*  
5 *tion of the Defense Cyber Crime Center.*

6           (2) *LIMITATION.*—*Not more than the equivalent*  
7 *of 200 full-time student positions at the Defense Cyber*  
8 *Investigations Training Academy may be filled at*  
9 *any one time by private sector employees enrolled*  
10 *under this section.*

11           (3) *CERTIFICATION.*—*Upon successful completion*  
12 *of a course of instruction at the Defense Cyber Inves-*  
13 *tigations Training Academy under this section, a pri-*  
14 *vate sector employee may be awarded an appropriate*  
15 *certification or diploma.*

16           (b) *ELIGIBLE PRIVATE SECTOR EMPLOYEES.*—

17           (1) *IN GENERAL.*—*For purposes of this section,*  
18 *an eligible private sector employee is an individual*  
19 *employed by a private entity, as determined by the*  
20 *Secretary—*

21                   (A) *that is engaged in providing to the De-*  
22 *partment of Defense or other departments or*  
23 *agencies of the Federal Government significant*  
24 *and substantial defense-related systems, products,*  
25 *or services; or*

1                   (B) whose work product is relevant to na-  
2                   tional security policy or strategy.

3                   (2) *DURATION OF TREATMENT.*—An individual  
4                   is eligible for treatment as a private sector employee  
5                   for purposes of this section only so long as the indi-  
6                   vidual remains employed by a private entity de-  
7                   scribed in paragraph (1).

8                   (c) *CURRICULA OPEN TO ENROLLEES.*—The curricula  
9                   of instruction for which eligible private sector employees  
10                  may enroll at the Defense Cyber Investigations Training  
11                  Academy under this section may only include curricula of  
12                  instruction otherwise offered by the Academy that, as deter-  
13                  mined by the Secretary, are not readily available through  
14                  other educational institutions.

15                  (d) *TUITION.*—A private sector employee enrolled at  
16                  the Defense Cyber Investigations Training Academy under  
17                  this section shall be charged tuition at a rate equal to the  
18                  rate charged for civilian employees of the Federal Govern-  
19                  ment at the Academy.

20                  (e) *STANDARDS OF CONDUCT.*—While receiving in-  
21                  struction at the Defense Cyber Investigations Training  
22                  Academy under this section, private sector employees en-  
23                  rolled at the Academy under this section shall, to the extent  
24                  practicable, be subject to the same regulations governing  
25                  academic performance, attendance, norms of behavior, and

1 *enrollment as apply to civilian employees of the Federal*  
2 *Government receiving instruction at the Academy.*

3       (f) *USE OF FUNDS.*—*Notwithstanding section 3302 of*  
4 *title 31, United States Code, or any other provision of law,*  
5 *amounts received by the Defense Cyber Investigations*  
6 *Training Academy for the instruction of private sector em-*  
7 *ployees enrolled under this section shall be retained by the*  
8 *Academy to defray the costs of such instruction. The source*  
9 *and disposition of funds so retained and utilized shall be*  
10 *specifically identified in records of the Academy.*

11 **SEC. 933. PLAN ON ACCESS TO NATIONAL AIRSPACE FOR**  
12 **UNMANNED AIRCRAFT.**

13       (a) *IN GENERAL.*—*The Secretary of Defense and the*  
14 *Secretary of Transportation shall, after consultation with*  
15 *the Secretary of Homeland Security, jointly develop a plan*  
16 *for providing access to the national airspace for unmanned*  
17 *aircraft of the Department of Defense.*

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

20               (1) *A description of how the Department of De-*  
21 *fense and the Department of Transportation will com-*  
22 *municate and cooperate, at the executive, manage-*  
23 *ment, and action levels, to provide access to the na-*  
24 *tional airspace for unmanned aircraft of the Depart-*  
25 *ment of Defense.*



1           (2) *Specific milestones, aligned to operational*  
2           *and training needs, for providing access to the na-*  
3           *tional airspace for unmanned aircraft and a transi-*  
4           *tion plan for sites programmed to be activated as un-*  
5           *manned aerial system sites during fiscal years 2010*  
6           *through 2015.*

7           (3) *Recommendations for policies with respect to*  
8           *use of the national airspace, flight standards, and op-*  
9           *erating procedures that should be implemented by the*  
10          *Department of Defense and the Department of Trans-*  
11          *portation to accommodate unmanned aircraft as-*  
12          *signed to any State or territory of the United States.*

13          (4) *An identification of resources required by the*  
14          *Department of Defense and the Department of Trans-*  
15          *portation to execute the plan.*

16          (c) *REPORT.*—*Not later than 180 days after the date*  
17          *of the enactment of this Act, the Secretary of Defense and*  
18          *the Secretary of Transportation shall submit to the congres-*  
19          *sional defense committees, the Committee on Commerce,*  
20          *Science, and Transportation of the Senate, and the Com-*  
21          *mittee on Transportation and Infrastructure of the House*  
22          *of Representatives a report containing the plan required by*  
23          *subsection (a).*

1 **TITLE X—GENERAL PROVISIONS**

2 **Subtitle A—Financial Matters**

3 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

4 (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.—*

5 (1) *AUTHORITY.—Upon determination by the*  
6 *Secretary of Defense that such action is necessary in*  
7 *the national interest, the Secretary may transfer*  
8 *amounts of authorizations made available to the De-*  
9 *partment of Defense in this division for fiscal year*  
10 *2010 between any such authorizations for that fiscal*  
11 *year (or any subdivisions thereof). Amounts of au-*  
12 *thorizations so transferred shall be merged with and*  
13 *be available for the same purposes as the authoriza-*  
14 *tion to which transferred.*

15 (2) *LIMITATION.—Except as provided in para-*  
16 *graph (3), the total amount of authorizations that the*  
17 *Secretary may transfer under the authority of this*  
18 *section may not exceed \$4,000,000,000.*

19 (3) *EXCEPTION FOR TRANSFERS BETWEEN MILI-*  
20 *TARY PERSONNEL AUTHORIZATIONS.—A transfer of*  
21 *funds between military personnel authorizations*  
22 *under title IV shall not be counted toward the dollar*  
23 *limitation in paragraph (2).*

24 (b) *LIMITATIONS.—The authority provided by this sec-*  
25 *tion to transfer authorizations—*

1           (1) *may only be used to provide authority for*  
2 *items that have a higher priority than the items from*  
3 *which authority is transferred; and*

4           (2) *may not be used to provide authority for an*  
5 *item that has been denied authorization by Congress.*

6           (c) *EFFECT ON AUTHORIZATION AMOUNTS.—A trans-*  
7 *fer made from one account to another under the authority*  
8 *of this section shall be deemed to increase the amount au-*  
9 *thorized for the account to which the amount is transferred*  
10 *by an amount equal to the amount transferred.*

11          (d) *NOTICE TO CONGRESS.—The Secretary shall*  
12 *promptly notify Congress of each transfer made under sub-*  
13 *section (a)*

14 **SEC. 1002. AUDIT READINESS OF FINANCIAL STATEMENTS**  
15 **OF THE DEPARTMENT OF DEFENSE.**

16          (a) *AUDIT READINESS OBJECTIVES.—It shall be the*  
17 *objective of the Department of Defense to ensure that—*

18           (1) *the financial statements of the Department of*  
19 *the Army are validated as ready for audit by not*  
20 *later than March 31, 2017;*

21           (2) *the financial statements of the Department of*  
22 *the Navy are validated as ready for audit by not later*  
23 *than March 31, 2016;*

1           (3) *the financial statements of the Department of*  
2 *the Air Force are validated as ready for audit by not*  
3 *later than September 30, 2016;*

4           (4) *the financial statements of the Defense Logis-*  
5 *tics Agency are validated as ready for audit by not*  
6 *later than September 30, 2017; and*

7           (5) *the financial statements of the Department of*  
8 *Defense are validated as ready for audit by not later*  
9 *than September 30, 2017.*

10       (b) *ADJUSTMENT OF DEADLINE FOR OBJECTIVES.—*

11           (1) *IN GENERAL.—In the event that the appro-*  
12 *priate chief management officer determines that the*  
13 *Department of Defense, a military department, or the*  
14 *Defense Logistics Agency will be unable to meet the*  
15 *deadline for an objective as specified in subsection*  
16 *(a), the chief management officer may adjust the*  
17 *deadline for meeting such objective.*

18           (2) *REPORT.—Not later than 30 days after ad-*  
19 *justing the deadline for an objective pursuant to*  
20 *paragraph (1), the chief management officer con-*  
21 *cerned shall submit to the congressional defense com-*  
22 *mittees a report setting forth—*

23                   (A) *a statement of the reasons why the De-*  
24 *partment of Defense, the military department, or*

1           *the Defense Logistics Agency, as applicable, will*  
2           *be unable to meet the deadline for such objective;*

3                     *(B) a proposed completion date for the*  
4           *achievement of compliance with such objective;*  
5           *and*

6                     *(C) a description of the actions that have*  
7           *been taken and are planned to be taken by the*  
8           *Department of Defense, the military department,*  
9           *or the Defense Logistics Agency, as applicable, to*  
10          *meet such objective.*

11                    *(3) APPROPRIATE CHIEF MANAGEMENT OFFI-*  
12          *CER.—For the purposes of this subsection, the appro-*  
13          *priate chief management officer is as follows:*

14                     *(A) For the objective in subsection (a)(1),*  
15           *the Chief Management Officer of the Army.*

16                     *(B) For the objective in subsection (a)(2),*  
17           *the Chief Management Officer of the Navy.*

18                     *(C) For the objective in subsection (a)(3),*  
19           *the Chief Management Officer of the Air Force.*

20                     *(D) For the objective in subsection (a)(4),*  
21           *the Deputy Chief Management Officer of the De-*  
22           *partment of Defense.*

23                     *(E) For the objective in subsection (a)(5),*  
24           *the Chief Management Officer of the Department*  
25           *of Defense.*

1       (c) *FINANCIAL IMPROVEMENT AUDIT READINESS*

2 *PLAN.*—

3           (1) *IN GENERAL.*—*The Chief Management Offi-*  
4 *cer of the Department of Defense shall, in consulta-*  
5 *tion with the Under Secretary of Defense (Comp-*  
6 *troller), develop and maintain a plan to be known as*  
7 *the “Financial Improvement and Audit Readiness*  
8 *Plan”.*

9           (2) *ELEMENTS.*—*The plan required by para-*  
10 *graph (1) shall—*

11           (A) *describe specific actions to be taken to—*

12               (i) *correct financial management defi-*  
13 *ciencies that impair the ability of the De-*  
14 *partment of Defense to prepare timely, reli-*  
15 *able, and complete financial management*  
16 *information; and*

17               (ii) *meet the objectives specified in sub-*  
18 *section (a); and*

19           (B) *systematically tie the actions described*  
20 *under subparagraph (A) to process and control*  
21 *improvements and business systems moderniza-*  
22 *tion efforts described in the business enterprise*  
23 *architecture and transition plan required by sec-*  
24 *tion 2222 of title 10, United States Code.*

1       (d) *SEMI-ANNUAL REPORTS ON FINANCIAL IMPROVE-*  
2 *MENT AND AUDIT READINESS PLAN.*—

3           (1) *IN GENERAL.*—Not later than May 15 and  
4 November 15 each year, the Under Secretary of De-  
5 fense (Comptroller) shall submit to the congressional  
6 defense committees a report on the status of the imple-  
7 mentation by the Department of Defense of the Fi-  
8 nancial Improvement and Audit Readiness Plan re-  
9 quired by subsection (c).

10          (2) *ELEMENTS.*—Each report under paragraph  
11 (1) shall include, at a minimum—

12           (A) an overview of the steps the Department  
13 has taken or plans to take to meet the objectives  
14 specified in subsection (a), including any in-  
15 terim objectives established by the Department  
16 for that purpose; and

17           (B) a description of any impediments iden-  
18 tified in the efforts of the Department to meet  
19 such objectives, and of the actions the Depart-  
20 ment has taken or plans to take to address such  
21 impediments.

22          (3) *ADDITIONAL ISSUES TO BE ADDRESSED IN*  
23 *FIRST REPORT.*—The first report submitted under  
24 paragraph (1) after the date of the enactment of this  
25 Act shall address, in addition to the elements required

1     *by paragraph (2), the actions taken or to be taken by*  
2     *the Department as follows:*

3             *(A) To develop standardized guidance for fi-*  
4             *nancial improvement plans by components of the*  
5             *Department.*

6             *(B) To establish a baseline of financial*  
7             *management capabilities and weaknesses at the*  
8             *component level of the Department.*

9             *(C) To provide results-oriented metrics for*  
10            *measuring and reporting quantifiable results to-*  
11            *ward addressing financial management defi-*  
12            *ciencies.*

13            *(D) To define the oversight roles of the Chief*  
14            *Management Officer of the Department of De-*  
15            *fense, the chief management officers of the mili-*  
16            *tary departments, and other appropriate ele-*  
17            *ments of the Department to ensure that the re-*  
18            *quirements of the Financial Improvement and*  
19            *Audit Readiness Plan are carried out.*

20            *(E) To assign accountability for carrying*  
21            *out specific elements of the Financial Improve-*  
22            *ment and Audit Readiness Plan to appropriate*  
23            *officials and organizations at the component*  
24            *level of the Department.*



1                   (F) *To develop mechanisms to track budgets*  
2                   *and expenditures for the implementation of the*  
3                   *requirements of the Financial Improvement and*  
4                   *Audit Readiness Plan.*

5           (e) *RELATIONSHIP TO EXISTING LAW.—The require-*  
6           *ments of this section shall be implemented in a manner that*  
7           *is consistent with the requirements of section 1008 of the*  
8           *National Defense Authorization Act for Fiscal Year 2002*  
9           *(Public Law 107–107; 115 Stat. 1204; 10 U.S.C. 2222*  
10           *note).*

11           ***Subtitle B—Naval Vessels and***  
12                                   ***Shipyards***

13           ***SEC. 1011. TEMPORARY REDUCTION IN MINIMUM NUMBER***  
14                                   ***OF AIRCRAFT CARRIERS IN ACTIVE SERVICE.***

15           *Notwithstanding section 5062(b) of title 10, United*  
16           *States Code, during the period beginning on the date of the*  
17           *decommissioning of the U.S.S. Enterprise (CVN 65) and*  
18           *ending on the date of the commissioning into active service*  
19           *of the U.S.S. Gerald R. Ford (CVN 78), the number of oper-*  
20           *ational aircraft carriers in the naval combat forces of the*  
21           *Navy may be 10.*

1 **SEC. 1012. REPEAL OF POLICY RELATING TO THE MAJOR**  
2 **COMBATANT VESSELS OF THE STRIKE**  
3 **FORCES OF THE UNITED STATES NAVY.**

4 *Section 1012 of the National Defense Authorization*  
5 *Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.*  
6 *303) is repealed.*

7 **SEC. 1013. SENSE OF SENATE ON THE MAINTENANCE OF A**  
8 **313-SHIP NAVY.**

9 *(a) FINDINGS.—The Senate makes the following find-*  
10 *ings:*

11 *(1) The Department of the Navy has a stated re-*  
12 *quirement for a 313-ship fleet.*

13 *(2) The Navy can better meet this requirement—*  
14 *(A) by procuring sufficient numbers of new*  
15 *ships; and*

16 *(B) by ensuring the sound material condi-*  
17 *tion of existing ships that will enable the Navy*  
18 *to utilize them for their full planned service*  
19 *lives.*

20 *(3) When procuring new classes of ships, the*  
21 *Navy must exercise greater caution than it has exhib-*  
22 *ited to date in proceeding from one stage of the acqui-*  
23 *sition cycle to the next before a ship program has*  
24 *achieved a level of maturity that significantly lowers*  
25 *the risk of cost growth and schedule slippage.*

1           (4) *In retaining existing assets, the Navy can do*  
2 *a much better job of achieving the full planned service*  
3 *lives of ships and extending the service lives of certain*  
4 *ships so as to keep their unique capabilities in the*  
5 *fleet while the Navy takes the time necessary to de-*  
6 *velop and field next-generation capabilities under a*  
7 *low risk program.*

8           (5) *The Navy can undertake certain development*  
9 *approaches that can help the Navy control the total*  
10 *costs of ownership of a ship or class of ships, includ-*  
11 *ing emphasizing common hull designs, open architec-*  
12 *ture combat systems, and other common ship systems*  
13 *in order to achieve efficiency in acquiring and sup-*  
14 *porting various classes of ships.*

15           (6) *The Navy needs to continue its efforts toward*  
16 *achieving an open architecture for existing combat*  
17 *systems, as this will have great benefit in reducing the*  
18 *costs and risks of fielding new classes of ships, and*  
19 *will yield recurring savings from reducing the costs of*  
20 *buying later ships in a program and reducing life*  
21 *cycle support costs for ships and classes of ships.*

22           (7) *The Navy can also undertake other measures*  
23 *to acquire new ships and maintain the current fleet*  
24 *with greater efficiency, including—*

25                   (A) *greater use of fixed-price contracts;*

1           (B) maximizing competition (or the option  
2 of competition) throughout the life cycle of its  
3 ships;

4           (C) entering into multiyear contracts when  
5 warranted; and

6           (D) employing an incremental approach to  
7 developing new technologies.

8       (b) *SENSE OF SENATE.*—*It is the sense of the Senate*  
9 *that—*

10           (1) *the Navy should meet its requirement for a*  
11 *313-ship fleet;*

12           (2) *the Navy should take greater care to achieve*  
13 *the full planned service life of existing ships and re-*  
14 *duce the incidence of early ship decommissioning;*

15           (3) *the Navy should exercise greater restraint on*  
16 *the acquisition process for ships in order to achieve*  
17 *on-time, on-cost shipbuilding programs; and*

18           (4) *Congress should support the Navy when it is*  
19 *acting responsibly to undertake measures that can*  
20 *help the Navy achieve the requirement for a 313-ship*  
21 *fleet and maintain a fleet that is adequate to meet the*  
22 *national security needs of the United States.*

23 **SEC. 1014. DESIGNATION OF U.S.S. CONSTITUTION AS**  
24 **AMERICA'S SHIP OF STATE.**

25       (a) *FINDINGS.*—*Congress makes the following findings:*

1           (1) *The 3rd Congress authorized, in the Act enti-*  
2 *tled “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 be*  
5 *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 being*  
18 *signed with the Bashaw of Tripoli in the Captain’s*  
19 *cabin aboard the frigate Constitution on June 4,*  
20 *1805.*

21           (5) *The frigate Constitution, with her defeat of*  
22 *HMS Guerriere, secured the first major victory by the*  
23 *young United States Navy against the Royal Navy*  
24 *during the War of 1812, gaining in the process the*

1     *nickname “Old Ironsides”, which she has proudly*  
2     *carried since.*

3             (6) *Congress awarded gold medals to four of the*  
4     *ship’s commanding officers (Preble, Hull, Stewart,*  
5     *and Bainbridge), a record unmatched by any other*  
6     *United States Navy vessel.*

7             (7) *The frigate Constitution emerged from the*  
8     *War of 1812 undefeated, having secured victories over*  
9     *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] Na-*  
13     *tional Intelligencer which proclaimed, “Let us keep*  
14     *‘Old Ironsides’ at home. She has, literally become the*  
15     *Nation’s Ship . . . and should thus be preserved . . .*  
16     *in honorable pomp, as a glorious Monument of her*  
17     *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 a*  
20     *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 as*  
25     *she searched for future coaling stations that would*

1 eventually fuel the steam-powered navy of the United  
2 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 United*  
7 *States Naval Academy from Annapolis, Maryland, to*  
8 *Newport, Rhode Island, in 1860 to prevent this es-*  
9 *teemed ship from falling into Confederate hands.*

10 (13) *Congressman John F. “Honey Fitz” Fitz-*  
11 *gerald introduced legislation in 1896 to return “Old*  
12 *Ironsides” from the Portsmouth (New Hampshire)*  
13 *Naval Shipyard, where she was moored pier side and*  
14 *largely forgotten, to Boston for her 100th birthday.*

15 (14) *Thousands of school children contributed*  
16 *pennies between 1925 an 1927 to help fund a much*  
17 *needed restoration for “Old Ironsides”.*

18 (15) *Between 1931 and 1934, more than*  
19 *4,500,000 Americans gained inspiration, at the depth*  
20 *of the Great Depression, by going aboard “Old Iron-*  
21 *sides” as she was towed to 76 ports on the Atlantic,*  
22 *Gulf, and Pacific coasts.*

23 (16) *The 83rd Congress enacted the Act of July*  
24 *23, 1954 (68 Stat. 527, chapter 565), which directed*  
25 *the Secretary of the Navy to transfer to the States*

1     *and appropriate commissions four other historic ships*  
2     *then on the Navy inventory, and to repair and equip*  
3     *U.S.S. Constitution, as much as practicable, to her*  
4     *original condition, but not for active service.*

5             *(17) Queen Elizabeth II paid a formal visit to*  
6     *U.S.S. Constitution in 1976, at the start of her state*  
7     *visit marking the Bicentennial of the United States.*

8             *(18) The U.S.S. Constitution, in celebration of*  
9     *her bicentennial, returned to sea under sail on July*  
10    *21, 1997 for the first time since 1881, proudly setting*  
11    *sails purchased by the contributions of thousands of*  
12    *pennies given by school children across the United*  
13    *States.*

14            *(19) The U.S.S. Constitution is the oldest com-*  
15    *missioned warship afloat in the world.*

16            *(20) The U.S.S. Constitution is a National His-*  
17    *toric Landmark.*

18            *(21) The U.S.S. Constitution continues to per-*  
19    *form official, ceremonial duties, including in recent*  
20    *years hosting a congressional dinner honoring the late*  
21    *Senator John Chafee of Rhode Island, a special salute*  
22    *for the dedication of the John Moakley Federal Court-*  
23    *house, a luncheon honoring British Ambassador Sir*  
24    *David Manning, and a special underway demonstra-*



1     *tion during which 60 Medal of Honor recipients each*  
2     *received a personal Medal of Honor flag.*

3             (22) *The U.S.S. Constitution celebrated on Octo-*  
4     *ber 21, 2007, the 210th anniversary of her launching.*

5             (23) *The U.S.S. Constitution will remain a com-*  
6     *missioned ship in the United States Navy, with the*  
7     *Navy retaining control of the ship, its material condi-*  
8     *tion, and its employment.*

9             (24) *The U.S.S. Constitution’s primary mission*  
10    *will remain education and public outreach, and any*  
11    *Ship of State functions will be an adjunct to the*  
12    *ship’s primary mission.*

13    (b) *DESIGNATION AS AMERICA’S SHIP OF STATE.—*

14             (1) *IN GENERAL.—The U.S.S. Constitution is*  
15    *hereby designated as “America’s Ship of State”.*

16             (2) *REFERENCES.—The U.S.S. Constitution may*  
17    *be known or referred to as “America’s Ship of State”.*

18             (3) *SENSE OF CONGRESS.—It is the sense of*  
19    *Congress that the President, Vice President, executive*  
20    *branch officials, and members of Congress should uti-*  
21    *lize the U.S.S. Constitution for the conducting of per-*  
22    *tinent matters of state, such as hosting visiting heads*  
23    *of state, signing legislation relating to the Armed*  
24    *Forces, and signing maritime related treaties.*

1           (4) *FEE OR REIMBURSEMENT STRUCTURE FOR*  
2           *NON-DEPARTMENT OF THE NAVY USE.*—*The Secretary*  
3           *of the Navy shall determine an appropriate fee or re-*  
4           *imbursement structure for any non-Department of the*  
5           *Navy entities using the U.S.S. Constitution for Ship*  
6           *of State purposes.*

7           ***Subtitle C—Counter-Drug Activities***

8           ***SEC. 1021. EXTENSION AND MODIFICATION OF AUTHORITY***  
9                           ***TO PROVIDE ADDITIONAL SUPPORT FOR***  
10                           ***COUNTER-DRUG ACTIVITIES OF CERTAIN***  
11                           ***FOREIGN GOVERNMENTS.***

12           (a) *EXTENSION OF AUTHORITY.*—*Subsection (a)(2) of*  
13           *section 1033 of the National Defense Authorization Act for*  
14           *Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as*  
15           *amended by section 1021 of the National Defense Authoriza-*  
16           *tion Act for Fiscal Year 2004 (Public Law 108–136; 117*  
17           *Stat. 1593), section 1022 of the John Warner National De-*  
18           *fense Authorization Act for Fiscal Year 2007 (Public Law*  
19           *109–364; 120 Stat. 2137), section 1022 of the National De-*  
20           *fense Authorization Act for Fiscal Year 2008 (Public Law*  
21           *110–181; 122 Stat. 304), and section 1024 of the Duncan*  
22           *Hunter National Defense Authorization Act for Fiscal Year*  
23           *2009 (Public Law 110–417; 122 Stat. 4587), is further*  
24           *amended by striking “2009” and inserting “2010”.*

1       (b) *MAXIMUM ANNUAL AMOUNT OF SUPPORT.*—Sub-  
2 section (e)(2) of such section is amended—

3           (1) by striking “or” before “\$75,000,000”; and

4           (2) by striking the period at the end and insert-  
5 ing “, or \$100,000,000 during fiscal year 2010.”.

6       (c) *CONDITIONS ON PROVISION OF SUPPORT.*—Sub-  
7 section (f)(2) of such section is amended in the matter pre-  
8 ceding subparagraph (A) by striking “for fiscal year 2009  
9 to carry out this section and the first fiscal year in which  
10 the support is to be provided” and inserting “and available  
11 for support”.

12       (d) *COUNTER-DRUG PLAN.*—Subsection (h) of such  
13 section is amended—

14           (1) in the matter preceding paragraph (1), by  
15 striking “fiscal year 2009” and inserting “for each  
16 fiscal year”; and

17           (2) in paragraph (7), by striking “fiscal year  
18 2009, and thereafter, for the first fiscal year in which  
19 support is to be provided” and inserting “each fiscal  
20 year in which support is to be provided a govern-  
21 ment”.

1 **SEC. 1022. ONE-YEAR EXTENSION OF AUTHORITY FOR**  
2 **JOINT TASK FORCES SUPPORT TO LAW EN-**  
3 **FORCEMENT AGENCIES CONDUCTING**  
4 **COUNTER-TERRORISM ACTIVITIES.**

5 (a) *ONE-YEAR EXTENSION.*—Subsection (b) of section  
6 1022 of the National Defense Authorization Act for Fiscal  
7 Year 2004 (10 U.S.C. 371 note) is amended by striking  
8 “2009” and inserting “2010”.

9 (b) *ANNUAL REPORT.*—Subsection (c) of such section  
10 is amended to read as follows:

11 “(c) *ANNUAL REPORT.*—Not later than December 31  
12 of each year after 2008 in which the authority in subsection  
13 (a) is in effect, the Secretary of Defense shall submit to the  
14 congressional defense committees a report setting forth, for  
15 the one-year period ending on the date of such report, the  
16 following:

17 “(1) *An assessment of the effect on counter-drug*  
18 *and counter-terrorism activities and objectives of*  
19 *using counter-drug funds of a joint task force to pro-*  
20 *vide counterterrorism support authorized by sub-*  
21 *section (a).*

22 “(2) *A description of the type of support and*  
23 *any recipient of support provided under subsection*  
24 *(a).*

25 “(3) *A list of current joint task forces conducting*  
26 *counter-drug operations.*”.

1 **SEC. 1023. ONE-YEAR EXTENSION OF AUTHORITY TO SUP-**  
 2 **PORT UNIFIED COUNTER-DRUG AND**  
 3 **COUNTERTERRORISM CAMPAIGN IN COLOM-**  
 4 **BIA.**

5 *Section 1021 of the Ronald W. Reagan National De-*  
 6 *fense Authorization Act for Fiscal Year 2005 (Public Law*  
 7 *108–375; 118 Stat. 2042), as amended by section 1023 of*  
 8 *the John Warner National Defense Authorization Act for*  
 9 *Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382)*  
 10 *and section 1023 of the Duncan Hunter National Defense*  
 11 *Authorization Act for Fiscal Year 2009 (Public Law 110–*  
 12 *417; 122 Stat. 4586), is further amended—*

13 *(1) in subsection (a)(1), by striking “2009” and*  
 14 *inserting “2010”; and*

15 *(2) in subsection (c), by striking “2009” and in-*  
 16 *serting “2010”.*

17 **Subtitle D—Military Commissions**

18 **SEC. 1031. MILITARY COMMISSIONS.**

19 *(a) IN GENERAL.—Chapter 47A of title 10, United*  
 20 *States Code, is amended to read as follows:*

21 **“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.

## 1       “SUBCHAPTER I—GENERAL PROVISIONS

“Sec.

“948a. *Definitions.*

“948b. *Military commissions generally.*

“948c. *Persons subject to military commissions.*

“948d. *Jurisdiction of military commissions.*

2       “§ 948a. **Definitions**3       “*In this chapter:*4               “(1) *ALIEN.*—*The term ‘alien’ means an indi-*  
5       *vidual who is not a citizen of the United States.*6               “(2) *CLASSIFIED INFORMATION.*—*The term ‘clas-*  
7       *sified information’ means the following:*8                       “(A) *Any information or material that has*  
9       *been determined by the United States Govern-*  
10       *ment pursuant to statute, Executive order, or*  
11       *regulation to require protection against unau-*  
12       *thorized disclosure for reasons of national secu-*  
13       *rity.*14                      “(B) *Any restricted data, as that term is*  
15       *defined in section 11 y. of the Atomic Energy*  
16       *Act of 1954 (42 U.S.C. 2014(y)).*17               “(3) *COALITION PARTNER.*—*The term ‘coalition*  
18       *partner’, with respect to hostilities engaged in by the*  
19       *United States, means any State or armed force di-*  
20       *rectly engaged along with the United States in such*  
21       *hostilities or providing direct operational support to*  
22       *the United States in connection with such hostilities.*

1           “(4) *GENEVA CONVENTION RELATIVE TO THE*  
2 *TREATMENT OF PRISONERS OF WAR.*—*The term ‘Ge-*  
3 *neva Convention Relative to the Treatment of Pris-*  
4 *oners of War’ means the Convention Relative to the*  
5 *Treatment of Prisoners of War, done at Geneva Au-*  
6 *gust 12, 1949 (6 UST 3316).*

7           “(5) *GENEVA CONVENTIONS.*—*The term ‘Geneva*  
8 *Conventions’ means the international conventions*  
9 *signed at Geneva on August 12, 1949.*

10          “(6) *PRIVILEGED BELLIGERENT.*—*The term*  
11 *‘privileged belligerent’ means an individual belonging*  
12 *to one of the eight categories enumerated in Article 4*  
13 *of the Geneva Convention Relative to the Treatment*  
14 *of Prisoners of War.*

15          “(7) *UNPRIVILEGED ENEMY BELLIGERENT.*—*The*  
16 *term ‘unprivileged enemy belligerent’ means an indi-*  
17 *vidual (other than a privileged belligerent) who—*

18               “(A) *has engaged in hostilities against the*  
19 *United States or its coalition partners;*

20               “(B) *has purposefully and materially sup-*  
21 *ported hostilities against the United States or its*  
22 *coalition partners; or*

23               “(C) *is a member of al Qaeda.*

1           “(8) *NATIONAL SECURITY.*—*The term ‘national*  
2           *security’ means the national defense and foreign rela-*  
3           *tions of the United States.*

4   **“§ 948b. Military commissions generally**

5           “(a) *PURPOSE.*—*This chapter establishes procedures*  
6           *governing the use of military commissions to try alien*  
7           *unprivileged enemy belligerents for violations of the law of*  
8           *war and other offenses triable by military commission.*

9           “(b) *AUTHORITY FOR MILITARY COMMISSIONS UNDER*  
10          *THIS CHAPTER.*—*The President is authorized to establish*  
11          *military commissions under this chapter for offenses triable*  
12          *by military commission as provided in this chapter.*

13          “(c) *CONSTRUCTION OF PROVISIONS.*—*The procedures*  
14          *for military commissions set forth in this chapter are based*  
15          *upon the procedures for trial by general courts-martial*  
16          *under chapter 47 of this title (the Uniform Code of Military*  
17          *Justice). Chapter 47 of this title does not, by its terms,*  
18          *apply to trial by military commission except as specifically*  
19          *provided therein or in this chapter, and many of the provi-*  
20          *sions of chapter 47 of this title are by their terms inappli-*  
21          *able to military commissions. The judicial construction*  
22          *and application of chapter 47 of this title, while instructive,*  
23          *is therefore not of its own force binding on military com-*  
24          *missions established under this chapter.*



1       “(d) *INAPPLICABILITY OF CERTAIN PROVISIONS.—(1)*  
2 *The following provisions of this title shall not apply to trial*  
3 *by military commission under this chapter:*

4           “(A) *Section 810 (article 10 of the Uniform Code*  
5 *of Military Justice), relating to speedy trial, includ-*  
6 *ing any rule of courts-martial relating to speedy*  
7 *trial.*

8           “(B) *Sections 831(a), (b), and (d) (articles*  
9 *31(a), (b), and (d) of the Uniform Code of Military*  
10 *Justice), relating to compulsory self-incrimination.*

11           “(C) *Section 832 (article 32 of the Uniform Code*  
12 *of Military Justice), relating to pretrial investigation.*

13       “(2) *Other provisions of chapter 47 of this title shall*  
14 *apply to trial by military commission under this chapter*  
15 *only to the extent provided by the terms of such provisions*  
16 *or by this chapter.*

17       “(e) *TREATMENT OF RULINGS AND PRECEDENTS.—*  
18 *The findings, holdings, interpretations, and other prece-*  
19 *dents of military commissions under this chapter may not*  
20 *be introduced or considered in any hearing, trial, or other*  
21 *proceeding of a court-martial convened under chapter 47*  
22 *of this title. The findings, holdings, interpretations, and*  
23 *other precedents of military commissions under this chapter*  
24 *may not form the basis of any holding, decision, or other*

1 *determination of a court-martial convened under that chap-*  
2 *ter.*

3 “(f) *GENEVA CONVENTIONS NOT ESTABLISHING PRI-*  
4 *VATE RIGHT OF ACTION.*—No alien unprivileged enemy bel-  
5 *ligerent subject to trial by military commission under this*  
6 *chapter may invoke the Geneva Conventions as a basis for*  
7 *a private right of action.*

8 **“§948c. *Persons subject to military commissions***

9 “*Any alien unprivileged enemy belligerent having en-*  
10 *gaged in hostilities or having supported hostilities against*  
11 *the United States is subject to trial by military commission*  
12 *as set forth in this chapter.*

13 **“§948d. *Jurisdiction of military commissions***

14 “*A military commission under this chapter shall have*  
15 *jurisdiction to try persons subject to this chapter for any*  
16 *offense made punishable by this chapter, sections 904 and*  
17 *906 of this title (articles 104 and 106 of the Uniform Code*  
18 *of Military Justice), or the law of war, and may, under*  
19 *such limitations as the President may prescribe, adjudge*  
20 *any punishment not forbidden by this chapter, including*  
21 *the penalty of death when specifically authorized under this*  
22 *chapter. A military commission is a competent tribunal to*  
23 *make a finding sufficient for jurisdiction.*

1     “*SUBCHAPTER II—COMPOSITION OF MILITARY*  
2                                    *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 members.*”

3     “**§948h. *Who may convene military commissions***”

4             “*Military commissions under this chapter may be con-*  
5 *vened by the Secretary of Defense or by any officer or offi-*  
6 *cial of the United States designated by the Secretary for*  
7 *that purpose.*”

8     “**§948i. *Who may serve on military commissions***”

9             “(a) *IN GENERAL.—Any commissioned officer of the*  
10 *armed forces on active duty is eligible to serve on a military*  
11 *commission under this chapter, including commissioned of-*  
12 *ficers of the reserve components of the armed forces on active*  
13 *duty, commissioned officers of the National Guard on active*  
14 *duty in Federal service, or retired commissioned officers re-*  
15 *called to active duty.*”

16           “(b) *DETAIL OF MEMBERS.—When convening a mili-*  
17 *tary commission under this chapter, the convening author-*  
18 *ity shall detail as members thereof such members of the*  
19 *armed forces eligible under subsection (a) who, as in the*  
20 *opinion of the convening authority, are best qualified for*  
21 *the duty by reason of age, education, training, experience,*  
22 *length of service, and judicial temperament. No member of*

1 *an armed force is eligible to serve as a member of a military*  
2 *commission when such member is the accuser or a witness*  
3 *for the prosecution or has acted as an investigator or coun-*  
4 *sel in the same case.*

5       “(c) *EXCUSE OF MEMBERS.*—*Before a military com-*  
6 *mission under this chapter is assembled for the trial of a*  
7 *case, the convening authority may excuse a member from*  
8 *participating in the case.*

9 **“§948j. *Military judge of a military commission***

10       “(a) *DETAIL OF MILITARY JUDGE.*—*A military judge*  
11 *shall be detailed to each military commission under this*  
12 *chapter. The Secretary of Defense shall prescribe regulations*  
13 *providing for the manner in which military judges are so*  
14 *detailed to military commissions. The military judge shall*  
15 *preside over each military commission to which he has been*  
16 *detailed.*

17       “(b) *ELIGIBILITY.*—*A military judge shall be a com-*  
18 *missioned officer of the armed forces who is a member of*  
19 *the bar of a Federal court, or a member of the bar of the*  
20 *highest court of a State, and who is certified to be qualified*  
21 *for duty under section 826 of this title (article 26 of the*  
22 *Uniform Code of Military Justice) as a military judge in*  
23 *general courts-martial by the Judge Advocate General of the*  
24 *armed force of which such military judge is a member.*

1       “(c) *INELIGIBILITY OF CERTAIN INDIVIDUALS.*—No  
2 *person is eligible to act as military judge in a case of a*  
3 *military commission under this chapter if he is the accuser*  
4 *or a witness or has acted as investigator or a counsel in*  
5 *the same case.*

6       “(d) *CONSULTATION WITH MEMBERS; INELIGIBILITY*  
7 *TO VOTE.*—*A military judge detailed to a military commis-*  
8 *sion under this chapter may not consult with the members*  
9 *except in the presence of the accused (except as otherwise*  
10 *provided in section 949d of this title), trial counsel, and*  
11 *defense counsel, nor may he vote with the members.*

12       “(e) *OTHER DUTIES.*—*A commissioned officer who is*  
13 *certified to be qualified for duty as a military judge of a*  
14 *military commission under this chapter may perform such*  
15 *other duties as are assigned to him by or with the approval*  
16 *of the Judge Advocate General of the armed force of which*  
17 *such officer is a member or the designee of such Judge Advo-*  
18 *cate General.*

19       “(f) *PROHIBITION ON EVALUATION OF FITNESS BY*  
20 *CONVENING AUTHORITY.*—*The convening authority of a*  
21 *military commission under this chapter shall not prepare*  
22 *or review any report concerning the effectiveness, fitness,*  
23 *or efficiency of a military judge detailed to the military*  
24 *commission which relates to his performance of duty as a*  
25 *military judge on the military commission.*

1 **“§948k. Detail of trial counsel and defense counsel**

2       “(a) *DETAIL OF COUNSEL GENERALLY.—(1) Trial*  
3 *counsel and military defense counsel shall be detailed for*  
4 *each military commission under this chapter.*

5       “(2) *Assistant trial counsel and assistant and asso-*  
6 *ciate defense counsel may be detailed for a military commis-*  
7 *sion under this chapter.*

8       “(3) *Military defense counsel for a military commis-*  
9 *sion under this chapter shall be detailed as soon as prac-*  
10 *ticable.*

11       “(4) *The Secretary of Defense shall prescribe regula-*  
12 *tions providing for the manner in which trial counsel and*  
13 *military defense counsel are detailed for military commis-*  
14 *sions under this chapter and for the persons who are au-*  
15 *thorized to detail such counsel for such military commis-*  
16 *sions.*

17       “(b) *TRIAL COUNSEL.—Subject to subsection (e), trial*  
18 *counsel detailed for a military commission under this chap-*  
19 *ter must be—*

20               “(1) *a judge advocate (as that term is defined in*  
21 *section 801 of this title (article 1 of the Uniform Code*  
22 *of Military Justice)) who is—*

23                       “(A) *a graduate of an accredited law school*  
24 *or is a member of the bar of a Federal court or*  
25 *of the highest court of a State; and*

1           “(B) certified as competent to perform du-  
2           ties as trial counsel before general courts-martial  
3           by the Judge Advocate General of the armed  
4           force of which he is a member; or

5           “(2) a civilian who is—

6           “(A) a member of the bar of a Federal court  
7           or of the highest court of a State; and

8           “(B) otherwise qualified to practice before  
9           the military commission pursuant to regulations  
10          prescribed by the Secretary of Defense.

11          “(c) *MILITARY DEFENSE COUNSEL*.—Subject to sub-  
12          section (e), military defense counsel detailed for a military  
13          commission under this chapter must be a judge advocate  
14          (as so defined) who is—

15          “(1) a graduate of an accredited law school or is  
16          a member of the bar of a Federal court or of the high-  
17          est court of a State; and

18          “(2) certified as competent to perform duties as  
19          defense counsel before general courts-martial by the  
20          Judge Advocate General of the armed force of which  
21          he is a member.

22          “(d) *CHIEF PROSECUTOR; CHIEF DEFENSE COUN-*  
23          *SEL*.—(1) The Chief Prosecutor in a military commission  
24          under this chapter shall meet the requirements set forth in  
25          subsection (b)(1).





1 *or employ for the military commission interpreters who*  
2 *shall interpret for the military commission, and, as nec-*  
3 *essary, for trial counsel and defense counsel for the military*  
4 *commission, and for the accused.*

5       “(c) *TRANSCRIPT; RECORD.*—*The transcript of a mili-*  
6 *tary commission under this chapter shall be under the con-*  
7 *trol of the convening authority of the military commission,*  
8 *who shall also be responsible for preparing the record of*  
9 *the proceedings of the military commission.*

10 **“§948m. *Number of members; excuse of members; ab-***  
11 ***sent and additional members***

12       “(a) *NUMBER OF MEMBERS.*—(1) *A military commis-*  
13 *sion under this chapter shall, except as provided in para-*  
14 *graph (2), have at least five members.*

15       “(2) *In a case in which the accused before a military*  
16 *commission under this chapter may be sentenced to a pen-*  
17 *alty of death, the military commission shall have the num-*  
18 *ber of members prescribed by section 949m(c) of this title.*

19       “(b) *EXCUSE OF MEMBERS.*—*No member of a military*  
20 *commission under this chapter may be absent or excused*  
21 *after the military commission has been assembled for the*  
22 *trial of a case unless excused—*

23               “(1) *as a result of challenge;*

24               “(2) *by the military judge for physical disability*  
25 *or other good cause; or*

1           “(3) *by order of the convening authority for good*  
2           *cause.*

3           “(c) *ABSENT AND ADDITIONAL MEMBERS.—Whenever*  
4           *a military commission under this chapter is reduced below*  
5           *the number of members required by subsection (a), the trial*  
6           *may not proceed unless the convening authority details new*  
7           *members sufficient to provide not less than such number.*  
8           *The trial may proceed with the new members present after*  
9           *the recorded evidence previously introduced before the mem-*  
10          *bers has been read to the military commission in the pres-*  
11          *ence of the military judge, the accused (except as provided*  
12          *in section 949d of this title), and counsel for both sides.*

13          “**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.*

14          “**§948q. Charges and specifications**

15          “(a) *CHARGES AND SPECIFICATIONS.—Charges and*  
16          *specifications against an accused in a military commission*  
17          *under this chapter shall be signed by a person subject to*  
18          *chapter 47 of this title under oath before a commissioned*  
19          *officer of the armed forces authorized to administer oaths*  
20          *and shall state—*

21                 “(1) *that the signer has personal knowledge of, or*  
22                 *reason to believe, the matters set forth therein; and*

1           “(2) *that they are true in fact to the best of his*  
2           *knowledge and belief.*

3           “(b) *NOTICE TO ACCUSED.*—*Upon the swearing of the*  
4           *charges and specifications in accordance with subsection*  
5           *(a), the accused shall be informed of the charges and speci-*  
6           *fications against him as soon as practicable.*

7           “**§948r. Compulsory self-incrimination prohibited;**  
8                           ***statements obtained by torture or cruel,***  
9                           ***inhuman, or degrading treatment***

10          “(a) *IN GENERAL.*—*No person shall be required to tes-*  
11          *tify against himself at a proceeding of a military commis-*  
12          *sion under this chapter.*

13          “(b) *STATEMENTS OBTAINED BY TORTURE.*—*A state-*  
14          *ment obtained by use of torture, whether or not under color*  
15          *of law, shall not be admissible in a trial by military com-*  
16          *mission under this chapter, except against a person accused*  
17          *of torture as evidence the statement was made.*

18          “(c) *STATEMENTS OBTAINED THROUGH CRUEL, INHU-*  
19          *MAN, OR DEGRADING TREATMENT.*—*A statement in which*  
20          *the degree of coercion is disputed may be admissible in a*  
21          *trial by military commission under this chapter only if the*  
22          *military judge finds that—*

23                 “(1) *the totality of the circumstances renders the*  
24                 *statement reliable and possessing sufficient probative*  
25                 *value;*

1           “(2) *the interests of justice would best be served*  
2           *by admission of the statement into evidence; and*

3           “(3) *the interrogation methods used to obtain the*  
4           *statement do not amount to cruel, inhuman, or de-*  
5           *grading treatment prohibited by section 1003 of the*  
6           *Detainee Treatment Act of 2005 (42 U.S.C. 2000dd).*

7           **“§ 948s. Service of charges**

8           *“The trial counsel assigned to a case before a military*  
9           *commission under this chapter shall cause to be served upon*  
10           *the accused and military defense counsel a copy of the*  
11           *charges upon which trial is to be had in English and, if*  
12           *appropriate, in another language that the accused under-*  
13           *stands, sufficiently in advance of trial to prepare a defense.*

14           **“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.

15           **“§ 949a. Rules**

16           “(a) *PROCEDURES AND RULES OF EVIDENCE.—Pre-*  
17           *trial, trial, and post-trial procedures, including elements*  
18           *and modes of proof, for cases triable by military commis-*

1 sion under this chapter may be prescribed by the Secretary  
2 of Defense. Such procedures may not be contrary to or in-  
3 consistent with this chapter. Except as otherwise provided  
4 in this chapter or chapter 47 of this title, the procedures  
5 and rules of evidence applicable in trials by general courts-  
6 martial of the United States shall apply in trials by mili-  
7 tary commission under this chapter.

8       “(b) *EXCEPTIONS.*—(1) *The Secretary of Defense, in*  
9 *consultation with the Attorney General, may make such ex-*  
10 *ceptions in the applicability in trials by military commis-*  
11 *sion under this chapter from the procedures and rules of*  
12 *evidence otherwise applicable in general courts-martial as*  
13 *may be required by the unique circumstances of the conduct*  
14 *of military and intelligence operations during hostilities or*  
15 *by other practical need.*

16       “(2) *Notwithstanding any exceptions authorized by*  
17 *paragraph (1), the procedures and rules of evidence in trials*  
18 *by military commission under this chapter shall include,*  
19 *at a minimum, the following rights:*

20               “(A) *To present evidence in his defense, to cross-*  
21 *examine the witnesses who testify against him, and to*  
22 *examine and respond to all evidence admitted against*  
23 *him on the issue of guilt or innocence and for sen-*  
24 *tencing, as provided for by this chapter.*

1           “(B) To be present at all sessions of the military  
2       *commission (other than those for deliberations or vot-*  
3       *ing), except when excluded under section 949d of this*  
4       *title.*

5           “(C) To be represented before a military commis-  
6       *sion by civilian counsel if provided at no expense to*  
7       *the Government, and by either the defense counsel de-*  
8       *tailed or by military counsel of the accused’s own se-*  
9       *lection, if reasonably available.*

10          “(D) To self-representation, if the accused know-  
11       *ingly and competently waives the assistance of coun-*  
12       *sel, subject to the provisions of paragraph (4).*

13          “(E) To the suppression of evidence that is not  
14       *reliable or probative.*

15          “(F) To the suppression of evidence the probative  
16       *value of which is substantially outweighed by—*

17                “(i) the danger of unfair prejudice, confu-  
18       *sion of the issues, or misleading the members; or*

19                “(ii) considerations of undue delay, waste of  
20       *time, or needless presentation of cumulative evi-*  
21       *dence.*

22          “(3) In making exceptions in the applicability in  
23       *trials by military commission under this chapter from the*  
24       *procedures and rules otherwise applicable in general courts-*  
25       *martial, the Secretary of Defense may provide the following:*

1           “(A) *Evidence seized outside the United States*  
2 *shall not be excluded from trial by military commis-*  
3 *sion on the grounds that the evidence was not seized*  
4 *pursuant to a search warrant or authorization.*

5           “(B) *A statement of the accused that is otherwise*  
6 *admissible shall not be excluded from trial by mili-*  
7 *tary commission on grounds of alleged coercion or*  
8 *compulsory self-incrimination so long as the evidence*  
9 *complies with the provisions of section 948r of this*  
10 *title.*

11           “(C) *Evidence shall be admitted as authentic so*  
12 *long as—*

13                 “(i) *the military judge of the military com-*  
14 *mission determines that there is sufficient evi-*  
15 *dence that the evidence is what it is claimed to*  
16 *be; and*

17                 “(ii) *the military judge instructs the mem-*  
18 *bers that they may consider any issue as to au-*  
19 *thentication or identification of evidence in de-*  
20 *termining the weight, if any, to be given to the*  
21 *evidence.*

22           “(D) *Hearsay evidence not otherwise admissible*  
23 *under the rules of evidence applicable in trial by gen-*  
24 *eral courts-martial may be admitted in a trial by*  
25 *military commission only if—*

1           “(i) the proponent of the evidence makes  
2 known to the adverse party, sufficiently in ad-  
3 vance to provide the adverse party with a fair  
4 opportunity to meet the evidence, the proponent’s  
5 intention to offer the evidence, and the particu-  
6 lars of the evidence (including information on  
7 the circumstances under which the evidence was  
8 obtained); and

9           “(ii) the military judge, after taking into  
10 account all of the circumstances surrounding the  
11 taking of the statement, the degree to which the  
12 statement is corroborated, and the indicia of reli-  
13 ability within the statement itself, determines  
14 that—

15           “(I) the statement is offered as evidence  
16 of a material fact;

17           “(II) either—

18           “(aa) direct testimony from the  
19 witness is not available as a practical  
20 matter, taking into consideration the  
21 physical location of the witness and the  
22 unique circumstances of the conduct of  
23 military and intelligence operations  
24 during hostilities; or



1                   “(bb) the production of the wit-  
2                   ness would have an adverse impact on  
3                   military or intelligence operations; and

4                   “(III) the general purposes of the rules  
5                   of evidence and the interests of justice will  
6                   best be served by admission of the statement  
7                   into evidence.

8           “(4)(A) The accused in a military commission under  
9 this chapter who exercises the right to self-representation  
10 under paragraph (2)(D) shall conform his deportment and  
11 the conduct of the defense to the rules of evidence, procedure,  
12 and decorum applicable to trials by military commission.

13           “(B) Failure of the accused to conform to the rules de-  
14 scribed in subparagraph (A) may result in a partial or  
15 total revocation by the military judge of the right of self-  
16 representation under paragraph (2)(D). In such case, the  
17 military counsel of the accused or an appropriately author-  
18 ized civilian counsel shall perform the functions necessary  
19 for the defense.

20           “(c) *DELEGATION OF AUTHORITY TO PRESCRIBE REG-*  
21 *ULATIONS.*—The Secretary of Defense may delegate the au-  
22 thority of the Secretary to prescribe regulations under this  
23 chapter.

1 **“§949b. Unlawfully influencing action of military**  
2 **commission**

3 “(a) *IN GENERAL.—(1) No authority convening a*  
4 *military commission under this chapter may censure, rep-*  
5 *rimand, or admonish the military commission, or any*  
6 *member, military judge, or counsel thereof, with respect to*  
7 *the findings or sentence adjudged by the military commis-*  
8 *sion, or with respect to any other exercises of its or their*  
9 *functions in the conduct of the proceedings.*

10 “(2) *No person may attempt to coerce or, by any unau-*  
11 *thorized means, influence—*

12 “(A) *the action of a military commission under*  
13 *this chapter, or any member thereof, in reaching the*  
14 *findings or sentence in any case;*

15 “(B) *the action of any convening, approving, or*  
16 *reviewing authority with respect to their judicial acts;*  
17 *or*

18 “(C) *the exercise of professional judgment by*  
19 *trial counsel or defense counsel.*

20 “(3) *The provisions of this subsection shall not apply*  
21 *with respect to—*

22 “(A) *general instructional or informational*  
23 *courses in military justice if such courses are designed*  
24 *solely for the purpose of instructing members of a*  
25 *command in the substantive and procedural aspects of*  
26 *military commissions; or*

1           “(B) statements and instructions given in open  
2           proceedings by a military judge or counsel.

3           “(b) *PROHIBITION ON CONSIDERATION OF ACTIONS ON*  
4 *COMMISSION IN EVALUATION OF FITNESS.*—*In the prepara-*  
5 *tion of an effectiveness, fitness, or efficiency report or any*  
6 *other report or document used in whole or in part for the*  
7 *purpose of determining whether a commissioned officer of*  
8 *the armed forces is qualified to be advanced in grade, or*  
9 *in determining the assignment or transfer of any such offi-*  
10 *cer or whether any such officer should be retained on active*  
11 *duty, no person may—*

12           “(1) consider or evaluate the performance of duty  
13           of any member of a military commission under this  
14           chapter; or

15           “(2) give a less favorable rating or evaluation to  
16           any commissioned officer because of the zeal with  
17           which such officer, in acting as counsel, represented  
18           any accused before a military commission under this  
19           chapter.

20           “**§949c. Duties of trial counsel and defense counsel**

21           “(a) *TRIAL COUNSEL.*—*The trial counsel of a military*  
22 *commission under this chapter shall prosecute in the name*  
23 *of the United States.*

1       “(b) *DEFENSE COUNSEL.*—(1) *The accused shall be*  
2 *represented in his defense before a military commission*  
3 *under this chapter as provided in this subsection.*

4       “(2) *The accused may be represented by military coun-*  
5 *sel detailed under section 948k of this title or by military*  
6 *counsel of the accused’s own selection, if reasonably avail-*  
7 *able.*

8       “(3) *The accused may be represented by civilian coun-*  
9 *sel if retained by the accused, provided that such civilian*  
10 *counsel—*

11           “(A) *is a United States citizen;*

12           “(B) *is admitted to the practice of law in a*  
13 *State, district, or possession of the United States, or*  
14 *before a Federal court;*

15           “(C) *has not been the subject of any sanction of*  
16 *disciplinary action by any court, bar, or other com-*  
17 *petent governmental authority for relevant mis-*  
18 *conduct;*

19           “(D) *has been determined to be eligible for access*  
20 *to information classified at the level Secret or higher;*  
21 *and*

22           “(E) *has signed a written agreement to comply*  
23 *with all applicable regulations or instructions for*  
24 *counsel, including any rules of court for conduct dur-*  
25 *ing the proceedings.*

1       “(4) *If the accused is represented by civilian counsel,*  
2 *military counsel shall act as associate counsel.*

3       “(5) *The accused is not entitled to be represented by*  
4 *more than one military counsel. However, the person au-*  
5 *thorized under regulations prescribed under section 948k of*  
6 *this title to detail counsel, in such person’s sole discretion,*  
7 *may detail additional military counsel to represent the ac-*  
8 *cused.*

9       “(6) *Defense counsel may cross-examine each witness*  
10 *for the prosecution who testifies before a military commis-*  
11 *sion under this chapter.*

12       “(7) *Civilian defense counsel shall protect any classi-*  
13 *fied information received during the course of representa-*  
14 *tion of the accused in accordance with all applicable law*  
15 *governing the protection of classified information, and may*  
16 *not divulge such information to any person not authorized*  
17 *to receive it.*

18       **“§949d. Sessions**

19       “(a) *SESSIONS WITHOUT PRESENCE OF MEMBERS.—*  
20 *(1) At any time after the service of charges which have been*  
21 *referred for trial by military commission under this chap-*  
22 *ter, the military judge may call the military commission*  
23 *into session without the presence of the members for the pur-*  
24 *pose of—*

1           “(A) hearing and determining motions raising  
2 defenses or objections which are capable of determina-  
3 tion without trial of the issues raised by a plea of not  
4 guilty;

5           “(B) hearing and ruling upon any matter which  
6 may be ruled upon by the military judge under this  
7 chapter, whether or not the matter is appropriate for  
8 later consideration or decision by the members;

9           “(C) if permitted by regulations prescribed by  
10 the Secretary of Defense, receiving the pleas of the ac-  
11 cused; and

12           “(D) performing any other procedural function  
13 which may be performed by the military judge under  
14 this chapter or under rules prescribed pursuant to  
15 section 949a of this title and which does not require  
16 the presence of the members.

17           “(2) Except as provided in subsections (b), (c), and  
18 (d), any proceedings under paragraph (1) shall be con-  
19 ducted in the presence of the accused, defense counsel, and  
20 trial counsel, and shall be made part of the record.

21           “(b) *DELIBERATION OR VOTE OF MEMBERS.*—When  
22 the members of a military commission under this chapter  
23 deliberate or vote, only the members may be present.

1       “(c) *CLOSURE OF PROCEEDINGS.—(1) The military*  
2 *judge may close to the public all or part of the proceedings*  
3 *of a military commission under this chapter.*

4       “(2) *The military judge may close to the public all*  
5 *or a portion of the proceedings under paragraph (1) only*  
6 *upon making a specific finding that such closure is nec-*  
7 *essary to—*

8               “(A) *protect information the disclosure of which*  
9 *could reasonably be expected to cause damage to the*  
10 *national security, including intelligence or law en-*  
11 *forcement sources, methods, or activities; or*

12               “(B) *ensure the physical safety of individuals.*

13       “(3) *A finding under paragraph (2) may be based*  
14 *upon a presentation, including a presentation ex parte or*  
15 *in camera, by either trial counsel or defense counsel.*

16       “(d) *EXCLUSION OF ACCUSED FROM CERTAIN PRO-*  
17 *CEEDINGS.—The military judge may exclude the accused*  
18 *from any portion of a proceeding upon a determination*  
19 *that, after being warned by the military judge, the accused*  
20 *persists in conduct that justifies exclusion from the court-*  
21 *room—*

22               “(1) *to ensure the physical safety of individuals;*  
23       *or*

24               “(2) *to prevent disruption of the proceedings by*  
25 *the accused.*

1 **“§949e. Continuances**

2       *“The military judge in a military commission under*  
3 *this chapter may, for reasonable cause, grant a continuance*  
4 *to any party for such time, and as often, as may appear*  
5 *to be just.*

6 **“§949f. Challenges**

7       *“(a) CHALLENGES AUTHORIZED.—The military judge*  
8 *and members of a military commission under this chapter*  
9 *may be challenged by the accused or trial counsel for cause*  
10 *stated to the military commission. The military judge shall*  
11 *determine the relevance and validity of challenges for cause,*  
12 *and may not receive a challenge to more than one person*  
13 *at a time. Challenges by trial counsel shall ordinarily be*  
14 *presented and decided before those by the accused are of-*  
15 *fered.*

16       *“(b) PEREMPTORY CHALLENGES.—The accused and*  
17 *trial counsel are each entitled to one peremptory challenge,*  
18 *but the military judge may not be challenged except for*  
19 *cause.*

20       *“(c) CHALLENGES AGAINST ADDITIONAL MEMBERS.—*  
21 *Whenever additional members are detailed to a military*  
22 *commission under this chapter, and after any challenges for*  
23 *cause against such additional members are presented and*  
24 *decided, the accused and trial counsel are each entitled to*  
25 *one peremptory challenge against members not previously*  
26 *subject to peremptory challenge.*



1 **“§949g. Oaths**

2       “(a) *IN GENERAL.*—(1) *Before performing their re-*  
3 *spective duties in a military commission under this chap-*  
4 *ter, military judges, members, trial counsel, defense counsel,*  
5 *reporters, and interpreters shall take an oath to perform*  
6 *their duties faithfully.*

7       “(2) *The form of the oath required by paragraph (1),*  
8 *the time and place of the taking thereof, the manner of re-*  
9 *cording thereof, and whether the oath shall be taken for all*  
10 *cases in which duties are to be performed or for a particular*  
11 *case, shall be as provided in regulations prescribed by the*  
12 *Secretary of Defense. The regulations may provide that—*

13               “(A) *an oath to perform faithfully duties as a*  
14 *military judge, trial counsel, or defense counsel may*  
15 *be taken at any time by any judge advocate or other*  
16 *person certified to be qualified or competent for the*  
17 *duty; and*

18               “(B) *if such an oath is taken, such oath need not*  
19 *again be taken at the time the judge advocate or other*  
20 *person is detailed to that duty.*

21       “(b) *WITNESSES.*—*Each witness before a military*  
22 *commission under this chapter shall be examined on oath.*

23       “(c) *OATH DEFINED.*—*In this section, the term ‘oath’*  
24 *includes an affirmation.*

1 **“§ 949h. Former jeopardy**

2       “(a) *IN GENERAL.*—No person may, without his con-  
3 sent, be tried by a military commission under this chapter  
4 a second time for the same offense.

5       “(b) *SCOPE OF TRIAL.*—No proceeding in which the  
6 accused has been found guilty by military commission  
7 under this chapter upon any charge or specification is a  
8 trial in the sense of this section until the finding of guilty  
9 has become final after review of the case has been fully com-  
10 pleted.

11 **“§ 949i. Pleas of the accused**

12       “(a) *PLEA OF NOT GUILTY.*—If an accused in a mili-  
13 tary commission under this chapter after a plea of guilty  
14 sets up matter inconsistent with the plea, or if it appears  
15 that the accused has entered the plea of guilty through lack  
16 of understanding of its meaning and effect, or if the accused  
17 fails or refuses to plead, a plea of not guilty shall be entered  
18 in the record, and the military commission shall proceed  
19 as though the accused had pleaded not guilty.

20       “(b) *FINDING OF GUILT AFTER GUILTY PLEA.*—With  
21 respect to any charge or specification to which a plea of  
22 guilty has been made by the accused in a military commis-  
23 sion under this chapter and accepted by the military judge,  
24 a finding of guilty of the charge or specification may be  
25 entered immediately without a vote. The finding shall con-  
26 stitute the finding of the military commission unless the

1 *plea of guilty is withdrawn prior to announcement of the*  
2 *sentence, in which event the proceedings shall continue as*  
3 *though the accused had pleaded not guilty.*

4 **“§949j. Opportunity to obtain witnesses and other evi-**  
5 **dence**

6 “(a) *IN GENERAL.—(1) Defense counsel in a military*  
7 *commission under this chapter shall have a reasonable op-*  
8 *portunity to obtain witnesses and other evidence as pro-*  
9 *vided in regulations prescribed by the Secretary of Defense.*

10 “(2) *Process issued in military commissions under this*  
11 *chapter to compel witnesses to appear and testify and to*  
12 *compel the production of other evidence—*

13 “(A) *shall be similar to that which courts of the*  
14 *United States having criminal jurisdiction may law-*  
15 *fully issue; and*

16 “(B) *shall run to any place where the United*  
17 *States shall have jurisdiction thereof.*

18 “(b) *DISCLOSURE OF EXCULPATORY EVIDENCE.—(1)*  
19 *As soon as practicable, trial counsel in a military commis-*  
20 *sion under this chapter shall disclose to the defense the exist-*  
21 *ence of any evidence that reasonably tends to—*

22 “(A) *negate the guilt of the accused of an offense*  
23 *charged; or*

24 “(B) *reduce the degree of guilt of the accused*  
25 *with respect to an offense charged.*

1       “(2) *The trial counsel shall, as soon as practicable, dis-*  
2 *close to the defense the existence of evidence that reasonably*  
3 *tends to impeach the credibility of a witness whom the gov-*  
4 *ernment intends to call at trial.*

5       “(3) *The trial counsel shall, as soon as practicable*  
6 *upon a finding of guilt, disclose to the defense the existence*  
7 *of evidence that is not subject to paragraph (1) or para-*  
8 *graph (2) but that reasonably may be viewed as mitigation*  
9 *evidence at sentencing.*

10       “(4) *The disclosure obligations under this subsection*  
11 *encompass evidence that is known or reasonably should be*  
12 *known to any government officials who participated in the*  
13 *investigation and prosecution of the case against the defend-*  
14 *ant.*

15       **“§ 949k. Defense of lack of mental responsibility**

16       “(a) *AFFIRMATIVE DEFENSE.—It is an affirmative de-*  
17 *fense in a trial by military commission under this chapter*  
18 *that, at the time of the commission of the acts constituting*  
19 *the offense, the accused, as a result of a severe mental disease*  
20 *or defect, was unable to appreciate the nature and quality*  
21 *or the wrongfulness of the acts. Mental disease or defect does*  
22 *not otherwise constitute a defense.*

23       “(b) *BURDEN OF PROOF.—The accused in a military*  
24 *commission under this chapter has the burden of proving*

1 *the defense of lack of mental responsibility by clear and con-*  
2 *vincing evidence.*

3       “(c) *FINDINGS FOLLOWING ASSERTION OF DE-*  
4 *FENSE.*—Whenever lack of mental responsibility of the ac-  
5 cused with respect to an offense is properly at issue in a  
6 military commission under this chapter, the military judge  
7 shall instruct the members as to the defense of lack of mental  
8 responsibility under this section and shall charge the mem-  
9 bers to find the accused—

10           “(1) *guilty;*

11           “(2) *not guilty; or*

12           “(3) *subject to subsection (d), not guilty by rea-*  
13 *son of lack of mental responsibility.*

14       “(d) *MAJORITY VOTE REQUIRED FOR FINDING.*—The  
15 accused shall be found not guilty by reason of lack of mental  
16 responsibility under subsection (c)(3) only if a majority of  
17 the members present at the time the vote is taken determines  
18 that the defense of lack of mental responsibility has been  
19 established.

20 **“§949l. Voting and rulings**

21       “(a) *VOTE BY SECRET WRITTEN BALLOT.*—Voting by  
22 members of a military commission under this chapter on  
23 the findings and on the sentence shall be by secret written  
24 ballot.

1       “(b) *RULINGS.*—(1) *The military judge in a military*  
2 *commission under this chapter shall rule upon all questions*  
3 *of law, including the admissibility of evidence and all inter-*  
4 *locutory questions arising during the proceedings.*

5       “(2) *Any ruling made by the military judge upon a*  
6 *question of law or an interlocutory question (other than the*  
7 *factual issue of mental responsibility of the accused) is con-*  
8 *clusive and constitutes the ruling of the military commis-*  
9 *sion. However, a military judge may change his ruling at*  
10 *any time during the trial.*

11       “(c) *INSTRUCTIONS PRIOR TO VOTE.*—*Before a vote is*  
12 *taken of the findings of a military commission under this*  
13 *chapter, the military judge shall, in the presence of the ac-*  
14 *cused and counsel, instruct the members as to the elements*  
15 *of the offense and charge the members—*

16               “(1) *that the accused must be presumed to be in-*  
17 *nocent until his guilt is established by legal and com-*  
18 *petent evidence beyond a reasonable doubt;*

19               “(2) *that in the case being considered, if there is*  
20 *a reasonable doubt as to the guilt of the accused, the*  
21 *doubt must be resolved in favor of the accused and he*  
22 *must be acquitted;*

23               “(3) *that, if there is reasonable doubt as to the*  
24 *degree of guilt, the finding must be in a lower degree*  
25 *as to which there is no reasonable doubt; and*

1           “(4) *that the burden of proof to establish the*  
2           *guilt of the accused beyond a reasonable doubt is upon*  
3           *the United States.*

4   **“§ 949m. Number of votes required**

5           “(a) *CONVICTION.—No person may be convicted by a*  
6           *military commission under this chapter of any offense, ex-*  
7           *cept as provided in section 949i(b) of this title or by concur-*  
8           *rence of two-thirds of the members present at the time the*  
9           *vote is taken.*

10          “(b) *SENTENCES.—(1) Except as provided in para-*  
11          *graphs (2) and (3), sentences shall be determined by a mili-*  
12          *tary commission by the concurrence of two-thirds of the*  
13          *members present at the time the vote is taken.*

14          “(2) *No person may be sentenced to death by a mili-*  
15          *tary commission, except insofar as—*

16                 “(A) *the penalty of death has been expressly au-*  
17                 *thorized under this chapter, chapter 47 of this title,*  
18                 *or the law of war for an offense of which the accused*  
19                 *has been found guilty;*

20                 “(B) *trial counsel expressly sought the penalty of*  
21                 *death by filing an appropriate notice in advance of*  
22                 *trial;*

23                 “(C) *the accused was convicted of the offense by*  
24                 *the concurrence of all the members present at the time*  
25                 *the vote is taken; and*

1           “(D) all members present at the time the vote  
2           was taken concurred in the sentence of death.

3           “(3) No person may be sentenced to life imprisonment,  
4 or to confinement for more than 10 years, by a military  
5 commission under this chapter except by the concurrence  
6 of three-fourths of the members present at the time the vote  
7 is taken.

8           “(c) NUMBER OF MEMBERS REQUIRED FOR PENALTY  
9 OF DEATH.—(1) Except as provided in paragraph (2), in  
10 a case in which the penalty of death is sought, the number  
11 of members of the military commission under this chapter  
12 shall be not less than 12 members.

13           “(2) In any case described in paragraph (1) in which  
14 12 members are not reasonably available for a military  
15 commission because of physical conditions or military ex-  
16 igencies, the convening authority shall specify a lesser num-  
17 ber of members for the military commission (but not fewer  
18 than 5 members), and the military commission may be as-  
19 sembled, and the trial held, with not less than the number  
20 of members so specified. In any such case, the convening  
21 authority shall make a detailed written statement, to be ap-  
22 pended to the record, stating why a greater number of mem-  
23 bers were not reasonably available.



1 **“§ 949n. Military commission to announce action**

2       *“A military commission under this chapter shall an-*  
3 *nounce its findings and sentence to the parties as soon as*  
4 *determined.*

5 **“§ 949o. Record of trial**

6       *“(a) RECORD; AUTHENTICATION.—Each military*  
7 *commission under this chapter shall keep a separate, ver-*  
8 *batim, record of the proceedings in each case brought before*  
9 *it, and the record shall be authenticated by the signature*  
10 *of the military judge. If the record cannot be authenticated*  
11 *by the military judge by reason of his death, disability, or*  
12 *absence, it shall be authenticated by the signature of the*  
13 *trial counsel or by a member if the trial counsel is unable*  
14 *to authenticate it by reason of his death, disability, or ab-*  
15 *sence. Where appropriate, and as provided in regulations*  
16 *prescribed by the Secretary of Defense, the record of a mili-*  
17 *tary commission under this chapter may contain a classi-*  
18 *fied annex.*

19       *“(b) COMPLETE RECORD REQUIRED.—A complete*  
20 *record of the proceedings and testimony shall be prepared*  
21 *in every military commission under this chapter.*

22       *“(c) PROVISION OF COPY TO ACCUSED.—A copy of the*  
23 *record of the proceedings of the military commission under*  
24 *this chapter shall be given the accused as soon as it is au-*  
25 *thenticated. If the record contains classified information, or*  
26 *a classified annex, the accused shall receive a redacted*

1 *version of the record consistent with the requirements of sec-*  
 2 *tion 949d(c)(4) of this title. Defense counsel shall have ac-*  
 3 *cess to the unredacted record, as provided in regulations*  
 4 *prescribed by the Secretary of Defense.*

5     “**SUBCHAPTER V—CLASSIFIED INFORMATION**  
 6                                   **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.*

7     “**§949p–1. Protection of classified information: appli-**  
 8                                   **cability of subchapter**

9             “(a) **PROTECTION OF CLASSIFIED INFORMATION.**—  
 10 *Classified information shall be protected and is privileged*  
 11 *from disclosure if disclosure would be detrimental to the na-*  
 12 *tional security. Under no circumstances may a military*  
 13 *judge order the release of classified information to any per-*  
 14 *son not authorized to receive such information.*

15             “(b) **ACCESS TO EVIDENCE.**—*Any information admit-*  
 16 *ted into evidence pursuant to any rule, procedure, or order*  
 17 *by the military judge shall be provided to the accused.*

18             “(c) **DECLASSIFICATION.**—*Trial counsel shall work*  
 19 *with the original classification authorities for evidence that*  
 20 *may be used at trial to ensure that such evidence is declas-*  
 21 *sified to the maximum extent possible, consistent with the*

1 *requirements of national security. A decision not to declass-*  
2 *sify evidence under this section shall not be subject to review*  
3 *by a military commission or upon appeal.*

4       “(d) *CONSTRUCTION OF PROVISIONS.*—*The judicial*  
5 *construction of the Classified Information Procedures Act*  
6 *(18 U.S.C. App.) shall be authoritative in the interpretation*  
7 *of this subchapter, except to the extent that such construc-*  
8 *tion is inconsistent with the specific requirements of this*  
9 *chapter.*

10 **“§ 949p–2. Pretrial conference**

11       “(a) *MOTION.*—*At any time after service of charges,*  
12 *any party may move for a pretrial conference to consider*  
13 *matters relating to classified information that may arise*  
14 *in connection with the prosecution.*

15       “(b) *CONFERENCE.*—*Following a motion under sub-*  
16 *section (a), or sua sponte, the military judge shall promptly*  
17 *hold a pretrial conference. Upon request by either party,*  
18 *the court shall hold such conference ex parte to the extent*  
19 *necessary to protect classified information from disclosure,*  
20 *in accordance with the practice of the Federal courts under*  
21 *the Classified Information Procedures Act (18 U.S.C. App.).*

22       “(c) *MATTERS TO BE ESTABLISHED AT PRETRIAL*  
23 *CONFERENCE.*—

1           “(1) *TIMING OF SUBSEQUENT ACTIONS.*—*At the*  
2 *pretrial conference, the military judge shall establish*  
3 *the timing of—*

4           “(A) *requests for discovery;*

5           “(B) *the provision of notice required by sec-*  
6 *tion 949p-5 of this title; and*

7           “(C) *the initiation of the procedure estab-*  
8 *lished by section 949p-6 of this title.*

9           “(2) *OTHER MATTERS.*—*At the pretrial con-*  
10 *ference, the military judge may also consider any*  
11 *matter—*

12           “(A) *which relates to classified information;*

13           *or*

14           “(B) *which may promote a fair and expedi-*  
15 *tious trial.*

16           “(d) *EFFECT OF ADMISSIONS BY ACCUSED AT PRE-*  
17 *TRIAL CONFERENCE.*—*No admission made by the accused*  
18 *or by any counsel for the accused at a pretrial conference*  
19 *under this section may be used against the accused unless*  
20 *the admission is in writing and is signed by the accused*  
21 *and by the counsel for the accused.*

22           **“§ 949p-3. Protective orders**

23           “*Upon motion of the trial counsel, the military judge*  
24 *shall issue an order to protect against the disclosure of any*  
25 *classified information that has been disclosed by the United*

1 *States to any accused in any military commission under*  
2 *this chapter or that has otherwise been provided to, or ob-*  
3 *tained by, any such accused in any such military commis-*  
4 *sion.*

5 **“§949p–4. Discovery of, and access to, classified infor-**  
6 **mation by the accused**

7 “(a) *LIMITATIONS ON DISCOVERY OR ACCESS BY THE*  
8 *ACCUSED.*—

9 “(1) *DECLARATIONS BY THE UNITED STATES OF*  
10 *DAMAGE TO NATIONAL SECURITY.*—*In any case before*  
11 *a military commission in which the United States*  
12 *seeks to delete, withhold, or otherwise obtain other re-*  
13 *lief with respect to the discovery of or access to any*  
14 *classified information, the trial counsel shall submit*  
15 *a declaration invoking the United States’ classified*  
16 *information privilege and setting forth the damage to*  
17 *the national security that the discovery of or access to*  
18 *such information reasonably could be expected to*  
19 *cause. The declaration shall be signed by a knowledge-*  
20 *able United States official possessing authority to*  
21 *classify information.*

22 “(2) *STANDARD FOR AUTHORIZATION OF DIS-*  
23 *COVERY OR ACCESS.*—*Upon the submission of a dec-*  
24 *laration under paragraph (1), the military judge*  
25 *shall not authorize the discovery of or access to such*

1 *classified information unless the military judge deter-*  
2 *mines that such classified information would be non-*  
3 *cumulative, relevant, and helpful to a legally cog-*  
4 *nizable defense, rebuttal of the prosecution’s case, or*  
5 *to sentencing, in accordance with standards generally*  
6 *applicable to discovery of or access to classified infor-*  
7 *mation in Federal criminal cases. If the discovery of*  
8 *or access to such classified information is authorized,*  
9 *it shall be addressed in accordance with the require-*  
10 *ments of subsection (b).*

11 *“(b) DISCOVERY OF CLASSIFIED INFORMATION.—*

12 *“(1) SUBSTITUTIONS AND OTHER RELIEF.—The*  
13 *military judge, in assessing the accused’s discovery of*  
14 *or access to classified information under this section,*  
15 *may authorize the United States—*

16 *“(A) to delete or withhold specified items of*  
17 *classified information;*

18 *“(B) to substitute a summary for classified*  
19 *information; or*

20 *“(C) to substitute a statement admitting*  
21 *relevant facts that the classified information or*  
22 *material would tend to prove.*

23 *“(2) EX PARTE PRESENTATIONS.—The military*  
24 *judge shall permit the trial counsel to make a request*  
25 *for an authorization under paragraph (1) in the form*

1     *of an ex parte presentation to the extent necessary to*  
2     *protect classified information, in accordance with the*  
3     *practice of the Federal courts under the Classified In-*  
4     *formation Procedures Act (18 U.S.C. App.). If the*  
5     *military judge enters an order granting relief fol-*  
6     *lowing such an ex parte showing, the entire text of the*  
7     *written submission shall be sealed and preserved in*  
8     *the records of the military commission to be made*  
9     *available to the appellate court in the event of an ap-*  
10    *peal.*

11           “(3) *ACTION BY MILITARY JUDGE.*—*The military*  
12    *judge shall grant the request of the trial counsel to*  
13    *substitute a summary or to substitute a statement ad-*  
14    *mitting relevant facts, or to provide other relief in ac-*  
15    *cordance with paragraph (1), if the military judge*  
16    *finds that the summary, statement, or other relief*  
17    *would provide the accused with substantially the same*  
18    *ability to make a defense as would discovery of or ac-*  
19    *cess to the specific classified information.*

20           “(c) *RECONSIDERATION.*—*An order of a military judge*  
21    *authorizing a request of the trial counsel to substitute, sum-*  
22    *marize, withhold, or prevent access to classified information*  
23    *under this section is not subject to a motion for reconsider-*  
24    *ation by the accused, if such order was entered pursuant*  
25    *to an ex parte showing under this section.*

1 **“§949p-5. Notice by accused of intention to disclose**  
2 **classified information**

3 “(a) NOTICE BY ACCUSED.—

4 “(1) NOTIFICATION OF TRIAL COUNSEL AND  
5 MILITARY JUDGE.—If an accused reasonably expects  
6 to disclose, or to cause the disclosure of, classified in-  
7 formation in any manner in connection with any  
8 trial or pretrial proceeding involving the prosecution  
9 of such accused, the accused shall, within the time  
10 specified by the military judge or, where no time is  
11 specified, within 30 days before trial, notify the trial  
12 counsel and the military judge in writing. Such no-  
13 tice shall include a brief description of the classified  
14 information. Whenever the accused learns of addi-  
15 tional classified information the accused reasonably  
16 expects to disclose, or to cause the disclosure of, at  
17 any such proceeding, the accused shall notify trial  
18 counsel and the military judge in writing as soon as  
19 possible thereafter and shall include a brief descrip-  
20 tion of the classified information.

21 “(2) LIMITATION ON DISCLOSURE BY AC-  
22 CUSED.—No accused shall disclose, or cause the dis-  
23 closure of, any information known or believed to be  
24 classified in connection with a trial or pretrial pro-  
25 ceeding until—



1           “(A) notice has been given under paragraph  
2           (1); and

3           “(B) the United States has been afforded a  
4           reasonable opportunity to seek a determination  
5           pursuant to the procedure set forth in section  
6           949p-6 of this title and the time for the United  
7           States to appeal such determination under sec-  
8           tion 950d of this title has expired or any appeal  
9           under that section by the United States is de-  
10          cided.

11          “(b) *FAILURE TO COMPLY*.—If the accused fails to  
12          comply with the requirements of subsection (a), the military  
13          judge—

14                 “(1) may preclude disclosure of any classified in-  
15                 formation not made the subject of notification; and

16                 “(2) may prohibit the examination by the ac-  
17                 cused of any witness with respect to any such infor-  
18                 mation.

19          “**§ 949p-6. Procedure for cases involving classified in-**  
20                         **formation**

21          “(a) *MOTION FOR HEARING*.—

22                 “(1) *REQUEST FOR HEARING*.—Within the time  
23                 specified by the military judge for the filing of a mo-  
24                 tion under this section, either party may request the  
25                 military judge to conduct a hearing to make all deter-

1 *minations concerning the use, relevance, or admissi-*  
2 *bility of classified information that would otherwise*  
3 *be made during the trial or pretrial proceeding.*

4 “(2) *CONDUCT OF HEARING.*—*Upon a request by*  
5 *either party under paragraph (1), the military judge*  
6 *shall conduct such a hearing and shall rule prior to*  
7 *conducting any further proceedings.*

8 “(3) *IN CAMERA HEARING UPON DECLARATION*  
9 *TO COURT BY APPROPRIATE OFFICIAL OF RISK OF*  
10 *DISCLOSURE OF CLASSIFIED INFORMATION.*—*Any*  
11 *hearing held pursuant to this subsection (or any por-*  
12 *tion of such hearing specified in the request of a*  
13 *knowledgeable United States official) shall be held in*  
14 *camera if a knowledgeable United States official pos-*  
15 *sessing authority to classify information submits to*  
16 *the military judge a declaration that a public pro-*  
17 *ceeding may result in the disclosure of classified in-*  
18 *formation. Classified information is not subject to*  
19 *disclosure under this section unless the information is*  
20 *relevant and necessary to an element of the offense or*  
21 *a legally cognizable defense and is otherwise admis-*  
22 *sible in evidence.*

23 “(4) *MILITARY JUDGE TO MAKE DETERMINA-*  
24 *TIONS IN WRITING.*—*As to each item of classified in-*

1     *formation, the military judge shall set forth in writ-*  
2     *ing the basis for the determination.*

3     “(b) *NOTICE AND USE OF CLASSIFIED INFORMATION*  
4 *BY THE GOVERNMENT.*—

5             “(1) *NOTICE TO ACCUSED.*—*Before any hearing*  
6     *is conducted pursuant to a request by the trial coun-*  
7     *sel under subsection (a), trial counsel shall provide*  
8     *the accused with notice of the classified information*  
9     *that is at issue. Such notice shall identify the specific*  
10    *classified information at issue whenever that informa-*  
11    *tion previously has been made available to the ac-*  
12    *cused by the United States. When the United States*  
13    *has not previously made the information available to*  
14    *the accused in connection with the case the informa-*  
15    *tion may be described by generic category, in such*  
16    *forms as the military judge may approve, rather than*  
17    *by identification of the specific information of con-*  
18    *cern to the United States.*

19             “(2) *ORDER BY MILITARY JUDGE UPON REQUEST*  
20    *OF ACCUSED.*—*Whenever the trial counsel requests a*  
21    *hearing under subsection (a), the military judge,*  
22    *upon request of the accused, may order the trial coun-*  
23    *sel to provide the accused, prior to trial, such details*  
24    *as to the portion of the charge or specification at*

1 *issue in the hearing as are needed to give the accused*  
2 *fair notice to prepare for the hearing.*

3 “(c) *SUBSTITUTIONS.*—

4 “(1) *IN CAMERA PRETRIAL HEARING.*—*Upon re-*  
5 *quest of the trial counsel pursuant to the Military*  
6 *Commission Rules of Evidence, and in accordance*  
7 *with the security procedures established by the mili-*  
8 *tary judge, the military judge shall conduct a classi-*  
9 *fied in camera pretrial hearing concerning the admis-*  
10 *sibility of classified information.*

11 “(2) *PROTECTION OF SOURCES, METHODS, AND*  
12 *ACTIVITIES BY WHICH EVIDENCE ACQUIRED.*—*The*  
13 *military judge shall permit the trial counsel to intro-*  
14 *duce otherwise admissible evidence, including a sub-*  
15 *stituted evidentiary foundation pursuant to the proce-*  
16 *dures described in subsection (d), before a military*  
17 *commission while protecting from disclosure the*  
18 *sources, methods, or activities by which the United*  
19 *States acquired the evidence if the military judge*  
20 *finds that the sources, methods, or activities are clas-*  
21 *sified, the evidence is reliable, and the redaction is*  
22 *consistent with affording the accused a fair trial.*

23 “(d) *ALTERNATIVE PROCEDURE FOR DISCLOSURE OF*  
24 *CLASSIFIED INFORMATION.*—

1           “(1) *MOTION BY THE UNITED STATES.*—Upon  
2           *any determination by the military judge authorizing*  
3           *the disclosure of specific classified information under*  
4           *the procedures established by this section, the trial*  
5           *counsel may move that, in lieu of the disclosure of*  
6           *such specific classified information, the military*  
7           *judge order—*

8                   “(A) *the substitution for such classified in-*  
9                   *formation of a statement admitting relevant*  
10                   *facts that the specific classified information*  
11                   *would tend to prove;*

12                   “(B) *the substitution for such classified in-*  
13                   *formation of a summary of the specific classified*  
14                   *information; or*

15                   “(C) *any other procedure or redaction lim-*  
16                   *iting the disclosure of specific classified informa-*  
17                   *tion.*

18           “(2) *ACTION ON MOTION.*—*The military judge*  
19           *shall grant such a motion of the trial counsel if the*  
20           *military judge finds that the statement, summary, or*  
21           *other procedure or redaction will provide the defend-*  
22           *ant with substantially the same ability to make his*  
23           *defense as would disclosure of the specific classified*  
24           *information.*

1           “(3) *HEARING ON MOTION.*—*The military judge*  
2           *shall hold a hearing on any motion under this sub-*  
3           *section. Any such hearing shall be held in camera at*  
4           *the request of a knowledgeable United States official*  
5           *possessing authority to classify information.*

6           “(4) *SUBMISSION OF STATEMENT OF DAMAGE TO*  
7           *NATIONAL SECURITY IF DISCLOSURE ORDERED.*—*The*  
8           *trial counsel may, in connection with a motion under*  
9           *paragraph (1), submit to the military judge a dec-*  
10          *laration signed by a knowledgeable United States offi-*  
11          *cial possessing authority to classify information certi-*  
12          *fying that disclosure of classified information would*  
13          *cause identifiable damage to the national security of*  
14          *the United States and explaining the basis for the*  
15          *classification of such information. If so requested by*  
16          *the trial counsel, the military judge shall examine*  
17          *such declaration during an ex parte presentation.*

18          “(e) *SEALING OF RECORDS OF IN CAMERA HEAR-*  
19          *INGS.*—*If at the close of an in camera hearing under this*  
20          *section (or any portion of a hearing under this section that*  
21          *is held in camera), the military judge determines that the*  
22          *classified information at issue may not be disclosed or elic-*  
23          *ited at the trial or pretrial proceeding, the record of such*  
24          *in camera hearing shall be sealed and preserved for use in*  
25          *the event of an appeal. The accused may seek reconsider-*

1 *ation of the military judge's determination prior to or dur-*  
2 *ing trial.*

3 “(f) *PROHIBITION ON DISCLOSURE OF CLASSIFIED IN-*  
4 *FORMATION BY THE ACCUSED; RELIEF FOR ACCUSED*  
5 *WHEN THE UNITED STATES OPPOSES DISCLOSURE.—*

6 “(1) *ORDER TO PREVENT DISCLOSURE BY AC-*  
7 *CUSED.—Whenever the military judge denies a mo-*  
8 *tion by the trial counsel that the judge issue an order*  
9 *under subsection (a), (c), or (d) and the trial counsel*  
10 *files with the military judge a declaration signed by*  
11 *a knowledgeable United States official possessing au-*  
12 *thority to classify information objecting to disclosure*  
13 *of the classified information at issue, the military*  
14 *judge shall order that the accused not disclose or cause*  
15 *the disclosure of such information.*

16 “(2) *RESULT OF ORDER UNDER PARAGRAPH*  
17 *(1).—Whenever an accused is prevented by an order*  
18 *under paragraph (1) from disclosing or causing the*  
19 *disclosure of classified information, the military judge*  
20 *shall dismiss the case; except that, when the military*  
21 *judge determines that the interests of justice would*  
22 *not be served by dismissal of the case, the military*  
23 *judge shall order such other action, in lieu of dis-*  
24 *missing the charge or specification, as the military*

1 *judge determines is appropriate. Such action may in-*  
2 *clude, but need not be limited to, the following:*

3 “(A) *Dismissing specified charges or speci-*  
4 *fications.*

5 “(B) *Finding against the United States on*  
6 *any issue as to which the excluded classified in-*  
7 *formation relates.*

8 “(C) *Striking or precluding all or part of*  
9 *the testimony of a witness.*

10 “(3) *TIME FOR THE UNITED STATES TO SEEK IN-*  
11 *TERLOCUTORY APPEAL.*—*An order under paragraph*  
12 *(2) shall not take effect until the military judge has*  
13 *afforded the United States—*

14 “(A) *an opportunity to appeal such order*  
15 *under section 950d of this title; and*

16 “(B) *an opportunity thereafter to withdraw*  
17 *its objection to the disclosure of the classified in-*  
18 *formation at issue.*

19 “(g) *RECIPROCITY.*—

20 “(1) *DISCLOSURE OF REBUTTAL INFORMA-*  
21 *TION.*—*Whenever the military judge determines that*  
22 *classified information may be disclosed in connection*  
23 *with a trial or pretrial proceeding, the military judge*  
24 *shall, unless the interests of fairness do not so require,*  
25 *order the United States to provide the accused with*



1 *the information it expects to use to rebut the classified*  
2 *information. The military judge may place the*  
3 *United States under a continuing duty to disclose*  
4 *such rebuttal information.*

5 “(2) *SANCTION FOR FAILURE TO COMPLY.—If the*  
6 *United States fails to comply with its obligation*  
7 *under this subsection, the military judge—*

8 “(A) *may exclude any evidence not made*  
9 *the subject of a required disclosure; and*

10 “(B) *may prohibit the examination by the*  
11 *United States of any witness with respect to such*  
12 *information.*

13 **“§ 949p–7. Introduction of classified information into**  
14 ***evidence***

15 “(a) *PRESERVATION OF CLASSIFICATION STATUS.—*  
16 *Writings, recordings, and photographs containing classified*  
17 *information may be admitted into evidence in proceedings*  
18 *of military commissions under this chapter without change*  
19 *in their classification status.*

20 “(b) *PRECAUTIONS BY MILITARY JUDGES.—*

21 “(1) *PRECAUTIONS IN ADMITTING CLASSIFIED*  
22 *INFORMATION INTO EVIDENCE.—The military judge*  
23 *in a trial by military commission, in order to prevent*  
24 *unnecessary disclosure of classified information, may*  
25 *order admission into evidence of only part of a writ-*

1     *ing, recording, or photograph, or may order admis-*  
2     *sion into evidence of the whole writing, recording, or*  
3     *photograph with excision of some or all of the classi-*  
4     *fied information contained therein, unless the whole*  
5     *ought in fairness be considered.*

6             “(2) *CLASSIFIED INFORMATION KEPT UNDER*  
7     *SEAL.—The military judge shall allow classified in-*  
8     *formation offered or accepted into evidence to remain*  
9     *under seal during the trial, even if such evidence is*  
10    *disclosed in the military commission, and may, upon*  
11    *motion by the Government, seal exhibits containing*  
12    *classified information for any period after trial as*  
13    *necessary to prevent a disclosure of classified informa-*  
14    *tion when a knowledgeable United States official pos-*  
15    *sessing authority to classify information submits to*  
16    *the military judge a declaration setting forth the*  
17    *damage to the national security that the disclosure of*  
18    *such information reasonably could be expected to*  
19    *cause.*

20             “(c) *TAKING OF TESTIMONY.—*

21             “(1) *OBJECTION BY TRIAL COUNSEL.—During*  
22    *the examination of a witness, trial counsel may object*  
23    *to any question or line of inquiry that may require*  
24    *the witness to disclose classified information not pre-*  
25    *viously found to be admissible.*

1           “(2) *ACTION BY MILITARY JUDGE.*—*Following an*  
2 *objection under paragraph (1), the military judge*  
3 *shall take such suitable action to determine whether*  
4 *the response is admissible as will safeguard against*  
5 *the compromise of any classified information. Such*  
6 *action may include requiring trial counsel to provide*  
7 *the military judge with a proffer of the witness’ re-*  
8 *sponse to the question or line of inquiry and requir-*  
9 *ing the accused to provide the military judge with a*  
10 *proffer of the nature of the information sought to be*  
11 *elicited by the accused. Upon request, the military*  
12 *judge may accept an ex parte proffer by trial counsel*  
13 *to the extent necessary to protect classified informa-*  
14 *tion from disclosure, in accordance with the practice*  
15 *of the Federal courts under the Classified Information*  
16 *Procedures Act (18 U.S.C. App.).*

17           “(d) *DISCLOSURE AT TRIAL OF CERTAIN STATEMENTS*  
18 *PREVIOUSLY MADE BY A WITNESS.*—

19           “(1) *MOTION FOR PRODUCTION OF STATEMENTS*  
20 *IN POSSESSION OF THE UNITED STATES.*—*After a*  
21 *witness called by the trial counsel has testified on di-*  
22 *rect examination, the military judge, on motion of the*  
23 *accused, may order production of statements of the*  
24 *witness in the possession of the United States which*  
25 *relate to the subject matter as to which the witness*

1 *has testified. This paragraph does not preclude dis-*  
2 *covery or assertion of a privilege otherwise author-*  
3 *ized.*

4 “(2) *INVOCATION OF PRIVILEGE BY THE UNITED*  
5 *STATES.—If the United States invokes a privilege, the*  
6 *trial counsel may provide the prior statements of the*  
7 *witness to the military judge during an ex parte pres-*  
8 *entation to the extent necessary to protect classified*  
9 *information from disclosure, in accordance with the*  
10 *practice of the Federal courts under the Classified In-*  
11 *formation Procedures Act (18 U.S.C. App.).*

12 “(3) *ACTION BY MILITARY JUDGE ON MOTION.—*  
13 *If the military judge finds that disclosure of any por-*  
14 *tion of the statement identified by the United States*  
15 *as classified would be detrimental to the national se-*  
16 *curity in the degree to warrant classification under*  
17 *the applicable Executive Order, statute, or regulation,*  
18 *that such portion of the statement is consistent with*  
19 *the testimony of the witness, and that the disclosure*  
20 *of such portion is not necessary to afford the accused*  
21 *a fair trial, the military judge shall excise that por-*  
22 *tion from the statement. If the military judge finds*  
23 *that such portion of the statement is inconsistent with*  
24 *the testimony of the witness or that its disclosure is*  
25 *necessary to afford the accused a fair trial, the mili-*

1        *tary judge, shall, upon the request of the trial counsel,*  
 2        *review alternatives to disclosure in accordance with*  
 3        *section 949p–6(d) of this title.*

4                    **“SUBCHAPTER VI—SENTENCES**

“Sec.

“949s. *Cruel or unusual punishments prohibited.*

“949t. *Maximum limits.*

“949u. *Execution of confinement.*

5        **“§949s. *Cruel or unusual punishments prohibited***

6            *“Punishment by flogging, or by branding, marking, or*  
 7        *tattooing on the body, or any other cruel or unusual punish-*  
 8        *ment, may not be adjudged by a military commission under*  
 9        *this chapter or inflicted under this chapter upon any person*  
 10       *subject to this chapter. The use of irons, single or double,*  
 11       *except for the purpose of safe custody, is prohibited under*  
 12       *this chapter.*

13       **“§949t. *Maximum limits***

14            *“The punishment which a military commission under*  
 15       *this chapter may direct for an offense may not exceed such*  
 16       *limits as the President or Secretary of Defense may pre-*  
 17       *scribe for that offense.*

18       **“§949u. *Execution of confinement***

19            *“(a) IN GENERAL.—Under such regulations as the Sec-*  
 20       *retary of Defense may prescribe, a sentence of confinement*  
 21       *adjudged by a military commission under this chapter may*  
 22       *be carried into execution by confinement—*

1           “(1) *in any place of confinement under the con-*  
2 *trol of any of the armed forces; or*

3           “(2) *in any penal or correctional institution*  
4 *under the control of the United States or its allies, or*  
5 *which the United States may be allowed to use.*

6           “(b) *TREATMENT DURING CONFINEMENT BY OTHER*  
7 *THAN THE ARMED FORCES.—Persons confined under sub-*  
8 *section (a)(2) in a penal or correctional institution not*  
9 *under the control of an armed force are subject to the same*  
10 *discipline and treatment as persons confined or committed*  
11 *by the courts of the United States or of the State, District*  
12 *of Columbia, or place in which the institution is situated.*

13           “*SUBCHAPTER VII—POST-TRIAL PROCEDURE*  
14           *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.*

15           “**§ 950a. Error of law; lesser included offense**

16           “(a) *ERROR OF LAW.—A finding or sentence of a mili-*  
17 *tary commission under this chapter may not be held incor-*  
18 *rect on the ground of an error of law unless the error mate-*  
19 *rially prejudices the substantial rights of the accused.*

1       “(b) *LESSER INCLUDED OFFENSE.*—Any reviewing  
2 *authority with the power to approve or affirm a finding*  
3 *of guilty by a military commission under this chapter may*  
4 *approve or affirm, instead, so much of the finding as in-*  
5 *cludes a lesser included offense.*

6       “**§950b. Review by the convening authority**

7       “(a) *NOTICE TO CONVENING AUTHORITY OF FINDINGS*  
8 *AND SENTENCE.*—The findings and sentence of a military  
9 *commission under this chapter shall be reported in writing*  
10 *promptly to the convening authority after the announce-*  
11 *ment of the sentence.*

12       “(b) *SUBMITTAL OF MATTERS BY ACCUSED TO CON-*  
13 *VENING AUTHORITY.*—(1) *The accused may submit to the*  
14 *convening authority matters for consideration by the con-*  
15 *vening authority with respect to the findings and the sen-*  
16 *tence of the military commission under this chapter.*

17       “(2)(A) *Except as provided in subparagraph (B), a*  
18 *submittal under paragraph (1) shall be made in writing*  
19 *within 20 days after accused has been give an authenticated*  
20 *record of trial under section 949o(c) of this title.*

21       “(B) *If the accused shows that additional time is re-*  
22 *quired for the accused to make a submittal under paragraph*  
23 *(1), the convening authority may, for good cause, extend*  
24 *the applicable period under subparagraph (A) for not more*  
25 *than an additional 20 days.*

1       “(3) *The accused may waive his right to make a sub-*  
2 *mittal to the convening authority under paragraph (1).*  
3 *Such a waiver shall be made in writing, and may not be*  
4 *revoked. For the purposes of subsection (c)(2), the time with-*  
5 *in which the accused may make a submittal under this sub-*  
6 *section shall be deemed to have expired upon the submittal*  
7 *of a waiver under this paragraph to the convening author-*  
8 *ity.*

9       “(c) *ACTION BY CONVENING AUTHORITY.—(1) The au-*  
10 *thority under this subsection to modify the findings and*  
11 *sentence of a military commission under this chapter is a*  
12 *matter of the sole discretion and prerogative of the con-*  
13 *vening authority.*

14       “(2) *The convening authority is not required to take*  
15 *action on the findings of a military commission under this*  
16 *chapter. If the convening authority takes action on the find-*  
17 *ings, the convening authority may, in his sole discretion,*  
18 *only—*

19               “(A) *dismiss any charge or specification by set-*  
20 *ting aside a finding of guilty thereto; or*

21               “(B) *change a finding of guilty to a charge to*  
22 *a finding of guilty to an offense that is a lesser in-*  
23 *cluded offense of the offense stated in the charge.*

24       “(3)(A) *The convening authority shall take action on*  
25 *the sentence of a military commission under this chapter.*



1       “(B) Subject to regulations prescribed by the Secretary  
2 of Defense, action under this paragraph may be taken only  
3 after consideration of any matters submitted by the accused  
4 under subsection (b) or after the time for submitting such  
5 matters expires, whichever is earlier.

6       “(C) In taking action under this paragraph, the con-  
7 vening authority may, in his sole discretion, approve, dis-  
8 approve, commute, or suspend the sentence in whole or in  
9 part. The convening authority may not increase a sentence  
10 beyond that which is found by the military commission.

11       “(4) The convening authority shall serve on the ac-  
12 cused or on defense counsel notice of any action taken by  
13 the convening authority under this subsection.

14       “(d) ORDER OF REVISION OR REHEARING.—(1) Sub-  
15 ject to paragraphs (2) and (3), the convening authority of  
16 a military commission under this chapter may, in his sole  
17 discretion, order a proceeding in revision or a rehearing.

18       “(2)(A) Except as provided in subparagraph (B), a  
19 proceeding in revision may be ordered by the convening au-  
20 thority if—

21               “(i) there is an apparent error or omission in  
22 the record; or

23               “(ii) the record shows improper or inconsistent  
24 action by the military commission with respect to the  
25 findings or sentence that can be rectified without ma-

1        *terial prejudice to the substantial rights of the ac-*  
2        *cused.*

3        *“(B) In no case may a proceeding in revision—*

4            *“(i) reconsider a finding of not guilty of a speci-*  
5        *fication or a ruling which amounts to a finding of*  
6        *not guilty;*

7            *“(ii) reconsider a finding of not guilty of any*  
8        *charge, unless there has been a finding of guilty under*  
9        *a specification laid under that charge, which suffi-*  
10       *ciently alleges a violation; or*

11           *“(iii) increase the severity of the sentence unless*  
12       *the sentence prescribed for the offense is mandatory.*

13        *“(3) A rehearing may be ordered by the convening au-*  
14       *thority if the convening authority disapproves the findings*  
15       *and sentence and states the reasons for disapproval of the*  
16       *findings. If the convening authority disapproves the finding*  
17       *and sentence and does not order a rehearing, the convening*  
18       *authority shall dismiss the charges. A rehearing as to the*  
19       *findings may not be ordered by the convening authority*  
20       *when there is a lack of sufficient evidence in the record to*  
21       *support the findings. A rehearing as to the sentence may*  
22       *be ordered by the convening authority if the convening au-*  
23       *thority disapproves the sentence.*

1 **“§950c. Appellate referral; waiver or withdrawal of**  
2 **appeal**

3 “(a) *AUTOMATIC REFERRAL FOR APPELLATE RE-*  
4 *VIEW.—Except as provided in subsection (b), in each case*  
5 *in which the final decision of a military commission under*  
6 *this chapter (as approved by the convening authority) in-*  
7 *cludes a finding of guilty, the convening authority shall*  
8 *refer the case to the United States Court of Appeals for the*  
9 *Armed Forces. Any such referral shall be made in accord-*  
10 *ance with procedures prescribed under regulations of the*  
11 *Secretary.*

12 “(b) *WAIVER OF RIGHT OF REVIEW.—(1) Except in*  
13 *a case in which the sentence as approved under section 950b*  
14 *of this title extends to death, an accused may file with the*  
15 *convening authority a statement expressly waiving the right*  
16 *of the accused to appellate review by the United States*  
17 *Court of Appeals for the Armed Forces under section 950f(a)*  
18 *of this title of the final decision of the military commission*  
19 *under this chapter.*

20 “(2) *A waiver under paragraph (1) shall be signed by*  
21 *both the accused and a defense counsel.*

22 “(3) *A waiver under paragraph (1) must be filed, if*  
23 *at all, within 10 days after notice of the action is served*  
24 *on the accused or on defense counsel under section*  
25 *950b(c)(4) of this title. The convening authority, for good*

1 *cause, may extend the period for such filing by not more*  
2 *than 30 days.*

3 “(c) *WITHDRAWAL OF APPEAL.—Except in a case in*  
4 *which the sentence as approved under section 950b of this*  
5 *title extends to death, the accused may withdraw an appeal*  
6 *at any time.*

7 “(d) *EFFECT OF WAIVER OR WITHDRAWAL.—A waiver*  
8 *of the right to appellate review or the withdrawal of an*  
9 *appeal under this section bars review under section 950f*  
10 *of this title.*

11 **“§950d. *Interlocutory appeals by the United States***

12 “(a) *INTERLOCUTORY APPEAL.—Except as provided*  
13 *in subsection (b), in a trial by military commission under*  
14 *this chapter, the United States may take an interlocutory*  
15 *appeal to the United States Court of Appeals for the Armed*  
16 *Forces under section 950f of this title of any order or ruling*  
17 *of the military judge—*

18 “(1) *that terminates proceedings of the military*  
19 *commission with respect to a charge or specification;*

20 “(2) *that excludes evidence that is substantial*  
21 *proof of a fact material in the proceeding;*

22 “(3) *that relates to a matter under subsection (c)*  
23 *or (d) of section 949d of this title; or*

24 “(4) *that, with respect to classified informa-*  
25 *tion—*

1           “(A) authorizes the disclosure of such infor-  
2           mation;

3           “(B) imposes sanctions for nondisclosure of  
4           such information; or

5           “(C) refuses a protective order sought by the  
6           United States to prevent the disclosure of such  
7           information.

8           “(b) *LIMITATION.*—The United States may not appeal  
9           under subsection (a) an order or ruling that is, or amounts  
10          to, a finding of not guilty by the military commission with  
11          respect to a charge or specification.

12          “(c) *SCOPE OF APPEAL RIGHT WITH RESPECT TO*  
13          *CLASSIFIED INFORMATION.*—The United States has the  
14          right to appeal under paragraph (4) of subsection (a) when-  
15          ever the military judge enters an order or ruling that would  
16          require the disclosure of classified information, without re-  
17          gard to whether the order or ruling appealed from was en-  
18          tered under this chapter, another provision of law, a rule,  
19          or otherwise. Any such appeal may embrace any preceding  
20          order, ruling, or reasoning constituting the basis of the  
21          order or ruling that would authorize such disclosure.

22          “(d) *TIMING AND ACTION ON INTERLOCUTORY AP-*  
23          *PEALS RELATING TO CLASSIFIED INFORMATION.*—

24                 “(1) *APPEAL TO BE EXPEDITED.*—An appeal  
25                 taken pursuant to paragraph (4) of subsection (a)

1     *shall be expedited by the United States Court of Ap-*  
2     *peals for the Armed Forces.*

3             “(2) *APPEALS BEFORE TRIAL.—If such an ap-*  
4     *peal is taken before trial, the appeal shall be taken*  
5     *within 10 days after the order or ruling appealed*  
6     *from and the trial shall not commence until the ap-*  
7     *peal is decided.*

8             “(3) *APPEALS DURING TRIAL.—If such an ap-*  
9     *peal is taken during trial, the military judge shall*  
10    *adjourn the trial until the appeal is decided, and the*  
11    *court of appeals—*

12            “(A) *shall hear argument on such appeal*  
13    *within 4 days of the adjournment of the trial*  
14    *(excluding weekends and holidays);*

15            “(B) *may dispense with written briefs other*  
16    *than the supporting materials previously sub-*  
17    *mitted to the military judge;*

18            “(C) *shall render its decision within four*  
19    *days of argument on appeal (excluding weekends*  
20    *and holidays); and*

21            “(D) *may dispense with the issuance of a*  
22    *written opinion in rendering its decision.*

23            “(e) *NOTICE AND TIMING OF OTHER APPEALS.—The*  
24    *United States shall take an appeal of an order or ruling*  
25    *under subsection (a), other than an appeal under para-*

1 *graph (4) of that subsection, by filing a notice of appeal*  
2 *with the military judge within 5 days after the date of the*  
3 *order or ruling.*

4 “(f) *METHOD OF APPEAL.*—*An appeal under this sec-*  
5 *tion shall be forwarded, by means specified in regulations*  
6 *prescribed by the Secretary of Defense, directly to the*  
7 *United States Court of Appeals for the Armed Forces.*

8 “(g) *APPEALS COURT TO ACT ONLY WITH RESPECT*  
9 *TO MATTER OF LAW.*—*In ruling on an appeal under para-*  
10 *graph (1), (2), or (3) of subsection (a), the appeals court*  
11 *may act only with respect to matters of law.*

12 “(h) *SUBSEQUENT APPEAL RIGHTS OF ACCUSED NOT*  
13 *AFFECTED.*—*An appeal under paragraph (4) of subsection*  
14 *(a), and a decision on such appeal, shall not affect the right*  
15 *of the accused, in a subsequent appeal from a judgment of*  
16 *conviction, to claim as error reversal by the military judge*  
17 *on remand of a ruling appealed from during trial.*

18 **“§ 950e. Rehearings**

19 “(a) *COMPOSITION OF MILITARY COMMISSION FOR RE-*  
20 *HEARING.*—*Each rehearing under this chapter shall take*  
21 *place before a military commission under this chapter com-*  
22 *posed of members who were not members of the military*  
23 *commission which first heard the case.*

24 “(b) *SCOPE OF REHEARING.*—(1) *Upon a rehearing—*

1           “(A) *the accused may not be tried for any offense*  
2           *of which he was found not guilty by the first military*  
3           *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 of*  
7                   *guilty of an offense not considered upon the mer-*  
8                   *its in the original proceedings; or*

9                   “(ii) *the sentence prescribed for the offense*  
10                  *is mandatory.*

11          “(2) *Upon a rehearing, if the sentence approved after*  
12          *the first military commission was in accordance with a pre-*  
13          *trial agreement and the accused at the rehearing changes*  
14          *his plea with respect to the charges or specifications upon*  
15          *which the pretrial agreement was based, or otherwise does*  
16          *not comply with pretrial agreement, the sentence as to those*  
17          *charges or specifications may include any punishment not*  
18          *in excess of that lawfully adjudged at the first military com-*  
19          *mission.*

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 APPEALS*  
23          *FOR THE ARMED FORCES.—(1) Subject to the provisions*  
24          *of this subsection, the United States Court of Appeals for*  
25          *the Armed Forces shall have exclusive jurisdiction to deter-*



1 *mine the final validity of any judgment rendered by a mili-*  
2 *tary 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 for*  
5 *the Armed Forces may act only with respect to the findings*  
6 *and sentence as approved by the convening authority. It*  
7 *may affirm only such findings of guilty, and the sentence*  
8 *or such part or amount of the sentence, as it finds correct*  
9 *in law and fact and determines, on the basis of the entire*  
10 *record, should be approved. In considering the record, it*  
11 *may weigh the evidence, judge the credibility of witnesses,*  
12 *and determine controverted questions of fact, recognizing*  
13 *that the trial court saw and heard the witnesses.*

14       “(3) *If the United States Court of Appeals for the*  
15 *Armed Forces sets aside the findings and sentence, it may,*  
16 *except where the setting aside is based on lack of sufficient*  
17 *evidence in the record to support the findings, order a re-*  
18 *hearing. If it sets aside the findings and sentence and does*  
19 *not order a rehearing, it shall order that the charges be dis-*  
20 *missed.*

21       “(b) *REVIEW BY SUPREME COURT.—The Supreme*  
22 *Court of the United States may review by writ of certiorari*  
23 *pursuant to section 1257 of title 28 the final judgment of*  
24 *the United States Court of Appeals for the Armed Forces*  
25 *in a determination under subsection (a).*

1 **“§950g. Appellate counsel**

2       “(a) *APPOINTMENT.*—*The Secretary of Defense shall,*  
3 *by regulation, establish procedures for the appointment of*  
4 *appellate counsel for the United States and for the accused*  
5 *in military commissions under this chapter. Appellate*  
6 *counsel shall meet the qualifications of counsel for appear-*  
7 *ing before military commissions under this chapter.*

8       “(b) *REPRESENTATION OF UNITED STATES.*—*Appel-*  
9 *late counsel may represent the United States in any appeal*  
10 *or review proceeding under this chapter. Appellate Govern-*  
11 *ment counsel may represent the United States before the*  
12 *Supreme Court in case arising under this chapter when re-*  
13 *quested to do so by the Attorney General.*

14       “(c) *REPRESENTATION OF ACCUSED.*—*The accused*  
15 *shall be represented before the United States Court of Ap-*  
16 *peals for the Armed Forces or the Supreme Court by mili-*  
17 *tary appellate counsel, or by civilian counsel if retained*  
18 *by him.*

19 **“§950h. Execution of sentence; suspension of sentence**

20       “(a) *EXECUTION OF SENTENCE OF DEATH ONLY UPON*  
21 *APPROVAL BY THE PRESIDENT.*—*If the sentence of a mili-*  
22 *tary commission under this chapter extends to death, that*  
23 *part of the sentence providing for death may not be executed*  
24 *until approved by the President. In such a case, the Presi-*  
25 *dent may commute, remit, or suspend the sentence, or any*  
26 *part thereof, as he sees fit.*



1 *publishing the proceedings of military commissions under*  
2 *this chapter are binding upon all departments, courts,*  
3 *agencies, and officers of the United States, subject only to*  
4 *action by the Secretary or the convening authority as pro-*  
5 *vided in section 950h(c) of this title and the authority of*  
6 *the President.*

7       “SUBCHAPTER VIII—PUNITIVE MATTERS

8       “§950p. **Definitions; construction of certain offenses;**  
9               **common circumstances**

10       “(a) *DEFINITIONS.—In this subchapter:*

11               “(1) *The term ‘military objective’ means combat-*  
12 *ants and those objects during an armed conflict*  
13 *which, by their nature, location, purpose, or use, effec-*  
14 *tively contribute to the war-fighting or war-sus-*  
15 *taining capability of an opposing force and whose*  
16 *total or partial destruction, capture, or neutralization*  
17 *would constitute a definite military advantage to the*  
18 *attacker under the circumstances at the time of an at-*  
19 *tack.*

20               “(2) *The term ‘protected person’ means any per-*  
21 *son entitled to protection under one or more of the*  
22 *Geneva Conventions, including civilians not taking*  
23 *an active part in hostilities, military personnel*  
24 *placed out of combat by sickness, wounds, or deten-*  
25 *tion, and military medical or religious personnel.*

1           “(3) *The term ‘protected property’ means any*  
2 *property specifically protected by the law of war, in-*  
3 *cluding buildings dedicated to religion, education,*  
4 *art, science, or charitable purposes, historic monu-*  
5 *ments, hospitals, and places where the sick and*  
6 *wounded are collected, but only if and to the extent*  
7 *such property is not being used for military purposes*  
8 *or is not otherwise a military objective. The term in-*  
9 *cludes objects properly identified by one of the distinc-*  
10 *tive emblems of the Geneva Conventions, but does not*  
11 *include civilian property that is a military objective.*

12           “(b) *CONSTRUCTION OF CERTAIN OFFENSES.—The in-*  
13 *tent required for offenses under paragraphs (1), (2), (3),*  
14 *(4), and (12) of section 950w of this title precludes their*  
15 *applicability with regard to collateral damage or to death,*  
16 *damage, or injury incident to a lawful attack.*

17           “(c) *COMMON CIRCUMSTANCES.—An offense specified*  
18 *in this subchapter is triable by military commission under*  
19 *this chapter only if the offense is committed in the context*  
20 *of and associated with armed conflict.*

21           “(d) *OFFENSES ENCOMPASSED UNDER LAW OF*  
22 *WAR.—To the extent that the provisions of this subchapter*  
23 *codify offenses that have traditionally been triable under*  
24 *the law of war or otherwise triable by military commission,*  
25 *this subchapter does not preclude trial for offenses that oc-*

1 *curred before the date of the enactment of the National De-*  
2 *fense Authorization Act for Fiscal Year 2010.*

3 **“§950q. Principals**

4 *“Any person punishable under this chapter who—*

5 *“(1) commits an offense punishable by this chap-*  
6 *ter, or aids, abets, counsels, commands, or procures its*  
7 *commission;*

8 *“(2) causes an act to be done which if directly*  
9 *performed by him would be punishable by this chap-*  
10 *ter; or*

11 *“(3) is a superior commander who, with regard*  
12 *to acts punishable by this chapter, knew, had reason*  
13 *to know, or should have known, that a subordinate*  
14 *was about to commit such acts or had done so and*  
15 *who failed to take the necessary and reasonable meas-*  
16 *ures to prevent such acts or to punish the perpetrators*  
17 *thereof,*

18 *is a principal.*

19 **“§950r. Accessory after the fact**

20 *“Any person subject to this chapter who, knowing that*  
21 *an offense punishable by this chapter has been committed,*  
22 *receives, comforts, or assists the offender in order to hinder*  
23 *or prevent his apprehension, trial, or punishment shall be*  
24 *punished as a military commission under this chapter may*  
25 *direct.*

1 **“§950s. Conviction of lesser offenses**

2       *“An accused may be found guilty of an offense nec-*  
3 *essarily included in the offense charged or of an attempt*  
4 *to commit either the offense charged or an attempt to com-*  
5 *mit either the offense charged or an offense necessarily in-*  
6 *cluded therein.*

7 **“§950t. Attempts**

8       *“(a) IN GENERAL.—Any person subject to this chapter*  
9 *who attempts to commit any offense punishable by this*  
10 *chapter shall be punished as a military commission under*  
11 *this chapter may direct.*

12       *“(b) SCOPE OF OFFENSE.—An act, done with specific*  
13 *intent to commit an offense under this chapter, amounting*  
14 *to more than mere preparation and tending, even though*  
15 *failing, to effect its commission, is an attempt to commit*  
16 *that offense.*

17       *“(c) EFFECT OF CONSUMMATION.—Any person subject*  
18 *to this chapter may be convicted of an attempt to commit*  
19 *an offense although it appears on the trial that the offense*  
20 *was consummated.*

21 **“§950u. Conspiracy**

22       *“Any person subject to this chapter who conspires to*  
23 *commit one or more substantive offenses triable by military*  
24 *commission under this subchapter, and who knowingly does*  
25 *any overt act to effect the object of the conspiracy, shall*  
26 *be punished, if death results to one or more of the victims,*

1 *by death or such other punishment as a military commis-*  
 2 *sion under this chapter may direct, and, if death does not*  
 3 *result to any of the victims, by such punishment, other than*  
 4 *death, as a military commission under this chapter may*  
 5 *direct.*

6 **“§950v. Solicitation**

7       *“Any person subject to this chapter who solicits or ad-*  
 8 *vises another or others to commit one or more substantive*  
 9 *offenses triable by military commission under this chapter*  
 10 *shall, if the offense solicited or advised is attempted or com-*  
 11 *mitted, be punished with the punishment provided for the*  
 12 *commission of the offense, but, if the offense solicited or ad-*  
 13 *vised is not committed or attempted, he shall be punished*  
 14 *as a military commission under this chapter may direct.*

15 **“§950w. Crimes triable by military commissions**

16       *“The following offenses shall be triable by military*  
 17 *commission under this chapter at any time without limita-*  
 18 *tion:*

19               *“(1) MURDER OF PROTECTED PERSONS.—Any*  
 20 *person subject to this chapter who intentionally kills*  
 21 *one or more protected persons shall be punished by*  
 22 *death or such other punishment as a military com-*  
 23 *mission under this chapter may direct.*

24               *“(2) ATTACKING CIVILIANS.—Any person subject*  
 25 *to this chapter who intentionally engages in an attack*



1     upon a civilian population as such, or individual ci-  
2     vilians not taking active part in hostilities, shall be  
3     punished, if death results to one or more of the vic-  
4     tims, by death or such other punishment as a mili-  
5     tary commission under this chapter may direct, and,  
6     if death does not result to any of the victims, by such  
7     punishment, other than death, as a military commis-  
8     sion under this chapter may direct.

9             “(3) *ATTACKING CIVILIAN OBJECTS.*—Any person  
10     subject to this chapter who intentionally engages in  
11     an attack upon a civilian object that is not a mili-  
12     tary objective shall be punished as a military com-  
13     mission under this chapter may direct.

14             “(4) *ATTACKING PROTECTED PROPERTY.*—Any  
15     person subject to this chapter who intentionally en-  
16     gages in an attack upon protected property shall be  
17     punished as a military commission under this chap-  
18     ter may direct.

19             “(5) *PILLAGING.*—Any person subject to this  
20     chapter who intentionally and in the absence of mili-  
21     tary necessity appropriates or seizes property for pri-  
22     vate or personal use, without the consent of a person  
23     with authority to permit such appropriation or sei-  
24     zure, shall be punished as a military commission  
25     under this chapter may direct.

1           “(6) *DENYING QUARTER.*—Any person subject to  
2           *this chapter who, with effective command or control*  
3           *over subordinate groups, declares, orders, or otherwise*  
4           *indicates to those groups that there shall be no sur-*  
5           *ivors or surrender accepted, with the intent to*  
6           *threaten an adversary or to conduct hostilities such*  
7           *that there would be no survivors or surrender accept-*  
8           *ed, shall be punished as a military commission under*  
9           *this chapter may direct.*

10           “(7) *TAKING HOSTAGES.*—Any person subject to  
11           *this chapter who, having knowingly seized or detained*  
12           *one or more persons, threatens to kill, injure, or con-*  
13           *tinue to detain such person or persons with the intent*  
14           *of compelling any nation, person other than the hos-*  
15           *tage, or group of persons to act or refrain from acting*  
16           *as an explicit or implicit condition for the safety or*  
17           *release of such person or persons, shall be punished,*  
18           *if death results to one or more of the victims, by death*  
19           *or such other punishment as a military commission*  
20           *under this chapter may direct, and, if death does not*  
21           *result to any of the victims, by such punishment,*  
22           *other than death, as a military commission under*  
23           *this chapter may direct.*

24           “(8) *EMPLOYING POISON OR SIMILAR WEAP-*  
25           *ONS.*—Any person subject to this chapter who inten-

1     *tionally, as a method of warfare, employs a substance*  
2     *or weapon that releases a substance that causes death*  
3     *or serious and lasting damage to health in the ordi-*  
4     *nary course of events, through its asphyxiating, bac-*  
5     *teriological, or toxic properties, 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         “(9) *USING PROTECTED PERSONS AS A*  
13    *SHIELD.—Any person subject to this chapter who po-*  
14    *sitions, or otherwise takes advantage of, a protected*  
15    *person with the intent to shield a military objective*  
16    *from attack, or to shield, favor, or impede military*  
17    *operations, shall be punished, if death results to one*  
18    *or more of the victims, by death or such other punish-*  
19    *ment as a military commission under this chapter*  
20    *may direct, and, if death does not result to any of the*  
21    *victims, by such punishment, other than death, as a*  
22    *military commission under this chapter may direct.*

23         “(10) *USING PROTECTED PROPERTY AS A*  
24    *SHIELD.—Any person subject to this chapter who po-*  
25    *sitions, or otherwise takes advantage of the location*

1 of, protected property with the intent to shield a mili-  
2 tary objective from attack, or to shield, favor, or im-  
3 pede military operations, shall be punished as a mili-  
4 tary commission under this chapter may direct.

5 “(11) TORTURE.—

6 “(A) OFFENSE.—Any person subject to this  
7 chapter who commits an act specifically intended  
8 to inflict severe physical or mental pain or suf-  
9 fering (other than pain or suffering incidental to  
10 lawful sanctions) upon another person within his  
11 custody or physical control for the purpose of ob-  
12 taining information or a confession, punishment,  
13 intimidation, coercion, or any reason based on  
14 discrimination of any kind, shall be punished, if  
15 death results to one or more of the victims, by  
16 death or such other punishment as a military  
17 commission under this chapter may direct, and,  
18 if death does not result to any of the victims, by  
19 such punishment, other than death, as a military  
20 commission under this chapter may direct.

21 “(B) SEVERE MENTAL PAIN OR SUFFERING  
22 DEFINED.—In this paragraph, the term ‘severe  
23 mental pain or suffering’ has the meaning given  
24 that term in section 2340(2) of title 18.

1           “(12) *CRUEL OR INHUMAN TREATMENT.*—Any  
2     *person subject to this chapter who subjects another*  
3     *person in their custody or under their physical con-*  
4     *trol, regardless of nationality or physical location, to*  
5     *cruel or inhuman treatment that constitutes a grave*  
6     *breach of common Article 3 of the Geneva Conventions*  
7     *shall be punished, if death results to the victim, by*  
8     *death or such other punishment as a military com-*  
9     *mission under this chapter may direct, and, if death*  
10    *does not result to the victim, by such punishment,*  
11    *other than death, as a military commission under*  
12    *this chapter may direct.*

13           “(13) *INTENTIONALLY CAUSING SERIOUS BODILY*  
14    *INJURY.*—

15           “(A) *OFFENSE.*—Any person subject to this  
16    *chapter who intentionally causes serious bodily*  
17    *injury to one or more persons, including privi-*  
18    *leged belligerents, in violation of the law of war*  
19    *shall be punished, if death results to one or more*  
20    *of the victims, by death or such other punish-*  
21    *ment as a military commission under this chap-*  
22    *ter may direct, and, if death does not result to*  
23    *any of the victims, by such punishment, other*  
24    *than death, as a military commission under this*  
25    *chapter may direct.*

1                   “(B) *SERIOUS BODILY INJURY DEFINED.*—

2                   *In this paragraph, the term ‘serious bodily in-*  
3                   *jury’ means bodily injury which involves—*

4                               “(i) *a substantial risk of death;*

5                               “(ii) *extreme physical pain;*

6                               “(iii) *protracted and obvious disfigure-*  
7                   *ment; or*

8                               “(iv) *protracted loss or impairment of*  
9                   *the function of a bodily member, organ, or*  
10                   *mental faculty.*

11                   “(14) *MUTILATING OR MAIMING.*—*Any person*  
12                   *subject to this chapter who intentionally injures one*  
13                   *or more protected persons by disfiguring the person or*  
14                   *persons by any mutilation of the person or persons,*  
15                   *or by permanently disabling any member, limb, or*  
16                   *organ of the body of the person or persons, without*  
17                   *any legitimate medical or dental purpose, shall be*  
18                   *punished, if death results to one or more of the vic-*  
19                   *tims, by death or such other punishment as a mili-*  
20                   *tary commission under this chapter may direct, and,*  
21                   *if death does not result to any of the victims, by such*  
22                   *punishment, other than death, as a military commis-*  
23                   *sion under this chapter may direct.*

24                   “(15) *MURDER IN VIOLATION OF THE LAW OF*  
25                   *WAR.*—*Any person subject to this chapter who inten-*

1 *tionally kills one or more persons, including privi-*  
2 *leged belligerents, in violation of the law of war shall*  
3 *be punished by death or such other punishment as a*  
4 *military commission under this chapter may direct.*

5 “(16) *DESTRUCTION OF PROPERTY IN VIOLATION*  
6 *OF THE LAW OF WAR.—Any person subject to this*  
7 *chapter who intentionally destroys property belonging*  
8 *to another person in violation of the law of war shall*  
9 *punished as a military commission under this chap-*  
10 *ter may direct.*

11 “(17) *USING TREACHERY OR PERFIDY.—Any*  
12 *person subject to this chapter who, after inviting the*  
13 *confidence or belief of one or more persons that they*  
14 *were entitled to, or obliged to accord, protection under*  
15 *the law of war, intentionally makes use of that con-*  
16 *fidence or belief in killing, injuring, or capturing*  
17 *such person or persons shall be punished, if death re-*  
18 *sults to one or more of the victims, by death or such*  
19 *other punishment as a military commission under*  
20 *this chapter may direct, and, if death does not result*  
21 *to any of the victims, by such punishment, other than*  
22 *death, as a military commission under this chapter*  
23 *may direct.*

24 “(18) *IMPROPERLY USING A FLAG OF TRUCE.—*  
25 *Any person subject to this chapter who uses a flag of*

1 *truce to feign an intention to negotiate, surrender, or*  
2 *otherwise suspend hostilities when there is no such in-*  
3 *tention shall be punished as a military commission*  
4 *under this chapter may direct.*

5 “(19) *IMPROPERLY USING A DISTINCTIVE EM-*  
6 *BLEM.—Any person subject to this chapter who inten-*  
7 *tionally uses a distinctive emblem recognized by the*  
8 *law of war for combatant purposes in a manner pro-*  
9 *hibited by the law of war shall be punished as a mili-*  
10 *tary commission under this chapter may direct.*

11 “(20) *INTENTIONALLY MISTREATING A DEAD*  
12 *BODY.—Any person subject to this chapter who inten-*  
13 *tionally mistreats the body of a dead person, without*  
14 *justification by legitimate military necessity, shall be*  
15 *punished as a military commission under this chap-*  
16 *ter may direct.*

17 “(21) *RAPE.—Any person subject to this chapter*  
18 *who forcibly or with coercion or threat of force wrong-*  
19 *fully invades the body of a person by penetrating,*  
20 *however slightly, the anal or genital opening of the*  
21 *victim with any part of the body of the accused, or*  
22 *with any foreign object, shall be punished as a mili-*  
23 *tary commission under this chapter may direct.*

24 “(22) *SEXUAL ASSAULT OR ABUSE.—Any person*  
25 *subject to this chapter who forcibly or with coercion*



1     *or threat of force engages in sexual contact with one*  
2     *or more persons, or causes one or more persons to en-*  
3     *gage in sexual contact, shall be punished as a mili-*  
4     *tary commission under this chapter may direct*

5             “(23) *HIJACKING OR HAZARDING A VESSEL OR*  
6     *AIRCRAFT.—Any person subject to this chapter who*  
7     *intentionally seizes, exercises unauthorized control*  
8     *over, or endangers the safe navigation of a vessel or*  
9     *aircraft that is not a legitimate military objective*  
10    *shall be punished, if death results to one or more of*  
11    *the victims, by death or such other punishment as a*  
12    *military commission under this chapter may direct,*  
13    *and, if death does not result to any of the victims, by*  
14    *such punishment, other than death, as a military*  
15    *commission under this chapter may direct.*

16            “(24) *TERRORISM.—Any person subject to this*  
17    *chapter who intentionally kills or inflicts great bodily*  
18    *harm on one or more protected persons, or inten-*  
19    *tionally engages in an act that evinces a wanton dis-*  
20    *regard for human life, in a manner calculated to in-*  
21    *fluence or affect the conduct of government or civilian*  
22    *population by intimidation or coercion, or to retali-*  
23    *ate against government conduct, shall be punished, if*  
24    *death results to one or more of the victims, by death*  
25    *or such other punishment as a military commission*

1     *under this chapter may direct, and, if death does not*  
2     *result to any of the victims, by such punishment,*  
3     *other than death, as a military commission under*  
4     *this chapter may direct.*

5             “(25) *PROVIDING MATERIAL SUPPORT FOR TER-*  
6     *RORISM.—*

7                     “(A) *OFFENSE.—Any person subject to this*  
8     *chapter who provides material support or re-*  
9     *sources, knowing or intending that they are to be*  
10    *used in preparation for, or in carrying out, an*  
11    *act of terrorism (as set forth in paragraph (23)*  
12    *of this section), or who intentionally provides*  
13    *material support or resources to an international*  
14    *terrorist organization engaged in hostilities*  
15    *against the United States, knowing that such or-*  
16    *ganization has engaged or engages in terrorism*  
17    *(as so set forth), shall be punished as a military*  
18    *commission under this chapter may direct.*

19                     “(B) *MATERIAL SUPPORT OR RESOURCES*  
20    *DEFINED.—In this paragraph, the term ‘mate-*  
21    *rial support or resources’ has the meaning given*  
22    *that term in section 2339A(b) of title 18.*

23             “(26) *WRONGFULLY AIDING THE ENEMY.—Any*  
24    *person subject to this chapter who, in breach of an al-*  
25    *legiance or duty to the United States, knowingly and*

1 *intentionally aids an enemy of the United States, or*  
2 *one of the co-belligerents of the enemy, shall be pun-*  
3 *ished as a military commission under this chapter*  
4 *may direct.*

5 “(27) *SPYING.*—*Any person subject to this chap-*  
6 *ter who, in violation of the law of war and with in-*  
7 *tent or reason to believe that it is to be used to the*  
8 *injury of the United States or to the advantage of a*  
9 *foreign power, collects or attempts to collect informa-*  
10 *tion by clandestine means or while acting under false*  
11 *pretenses, for the purpose of conveying such informa-*  
12 *tion to an enemy of the United States, or one of the*  
13 *co-belligerents of the enemy, shall be punished by*  
14 *death or such other punishment as a military com-*  
15 *mission under this chapter may direct.*

16 “(28) *CONTEMPT.*—*A military commission*  
17 *under this chapter may punish for contempt any per-*  
18 *son who uses any menacing word, sign, or gesture in*  
19 *its presence, or who disturbs its proceedings by any*  
20 *riot or disorder.*

21 “(29) *PERJURY AND OBSTRUCTION OF JUS-*  
22 *TICE.*—*A military commission under this chapter*  
23 *may try offenses and impose such punishment as the*  
24 *military commission may direct for perjury, false tes-*

1        *timony, or obstruction of justice related to the mili-*  
2        *tary commission.”.*

3        (b) *CONFORMING AMENDMENT.*—*Paragraph (13) of*  
4        *section 802 of title 10, United States Code (article 2 of the*  
5        *Uniform Code of Military Justice), is amended to read as*  
6        *follows:*

7                *“(13) Privileged belligerents (as that term is de-*  
8        *finied section 948a(3) of this title) who violate the law*  
9        *of war.”.*

10        (c) *PROCEEDINGS UNDER PRIOR STATUTE.*—

11                (1) *PRIOR CONVICTIONS.*—*The amendments*  
12        *made by subsection (a) shall have no effect on the va-*  
13        *lidity of any conviction 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 of*  
16        *this Act.*

17                (2) *COMPOSITION OF MILITARY COMMISSIONS.*—  
18        *Notwithstanding the amendments made by subsection*  
19        (a)—

20                        (A) *any commission convened pursuant to*  
21        *chapter 47A of title 10, United States Code, as*  
22        *such chapter was in effect on the day before the*  
23        *date of the enactment of this Act, shall be deemed*  
24        *to have been convened pursuant to chapter 47A*

1           of title 10, United States Code, as amended by  
2           subsection (a);

3           (B) any member of the Armed Forces de-  
4           tailed to serve on a commission pursuant to  
5           chapter 47A of title 10, United States Code, as  
6           in effect on the day before the date of the enact-  
7           ment of this Act, shall be deemed to have been de-  
8           tailed pursuant to chapter 47A of title 10,  
9           United States Code, as so amended;

10          (C) any military judge detailed to a com-  
11          mission pursuant to chapter 47A of title 10,  
12          United States Code, as in effect on the day before  
13          the date of the enactment of this Act, shall be  
14          deemed to have been detailed pursuant to chapter  
15          47A of title 10, United States Code, as so amend-  
16          ed;

17          (D) any trial counsel or defense counsel de-  
18          tailed for a commission pursuant to chapter 47A  
19          of title 10, United States Code, as in effect on the  
20          day before the date of the enactment of this Act,  
21          shall be deemed to have been detailed pursuant  
22          to chapter 47A of title 10, United States Code,  
23          as so amended; and

24          (E) any court reporters detailed to or em-  
25          ployed by a commission pursuant to chapter 47A

1           of title 10, United States Code, as in effect on the  
2           day before the date of the enactment of this Act,  
3           shall be deemed to have been detailed or em-  
4           ployed pursuant to chapter 47A of title 10,  
5           United States Code, as so amended.

6           (3) *CHARGES AND SPECIFICATIONS.*—Notwith-  
7           standing the amendments made by subsection (a)—

8                   (A) any charges or specifications sworn or  
9                   referred pursuant to chapter 47A of title 10,  
10                  United States Code, as such chapter was in effect  
11                  on the day before the date of the enactment of  
12                  this Act, shall be deemed to have been sworn or  
13                  referred pursuant to chapter 47A of title 10,  
14                  United States Code, as amended by subsection  
15                  (a); and

16                   (B) any charges or specifications described  
17                   in subparagraph (A) may be amended, without  
18                   prejudice, as needed to properly allege jurisdic-  
19                   tion under chapter 47A of title 10, United States  
20                   Code, as so amended, and crimes triable under  
21                   such chapter.

22           (4) *PROCEDURES AND REQUIREMENTS.*—Except  
23           as provided in paragraphs (1) through (3), any com-  
24           mission convened pursuant to chapter 47A of title 10,  
25           United States Code, as such chapter was in effect on

1     *the day before the date of the enactment of this Act,*  
2     *shall be conducted after the date of the enactment of*  
3     *this Act in accordance with the procedures and re-*  
4     *quirements of chapter 47A of title 10, United States*  
5     *Code, as amended by subsection (a).*

6     *(d) NOTICE TO CONGRESS.—*

7             *(1) INITIAL RULES.—Not later than 90 days*  
8     *after the date of the enactment of this Act, the Sec-*  
9     *retary of Defense shall submit to the Committees on*  
10    *Armed Services of the Senate and the House of Rep-*  
11    *resentatives a report setting for the procedures for*  
12    *military commissions prescribed under chapter 47A*  
13    *of title 10, United States Code, as amended by sub-*  
14    *section (a).*

15            *(2) CHANGES TO PROCEDURES.—Not later than*  
16    *60 days before the date on which any proposed modi-*  
17    *fication of the regulations in effect for military com-*  
18    *missions under Chapter 47A of title 10, United States*  
19    *Code, as so amended, goes into effect, the Secretary of*  
20    *Defense shall submit to the Committees on Armed*  
21    *Services of the Senate and the House of Representa-*  
22    *tives a report describing the modification.*

1 **SEC. 1032. TRIAL BY MILITARY COMMISSION OF ALIEN**  
2 **UNPRIVILEGED BELLIGERENTS FOR VIOLA-**  
3 **TIONS OF THE LAW OF WAR.**

4 (a) *IN GENERAL.*—Subchapter I of chapter 47A of title  
5 10, United States Code, as amended by section 1031(a), is  
6 further amended by adding at the end the following new  
7 section:

8 **“§948e. Trial by military commission of alien**  
9 **unprivileged belligerents for violations of**  
10 **the law of war**

11 “(a) *SENSE OF CONGRESS.*—It is the sense of Congress  
12 that the preferred forum for the trial of alien unprivileged  
13 enemy belligerents subject to this chapter for violations of  
14 the law of war and other offenses made punishable by this  
15 chapter is trial by military commission under this chap-  
16 ter.”

17 (b) *CLERICAL AMENDMENT.*—The table of sections of  
18 the beginning of such subchapter, as amended by section  
19 1031(a), is further amended by adding after the item relat-  
20 ing to section 948d the following new item:

“948e. Trial by military commission of alien unprivileged belligerents for viola-  
tions of the law of war.”.

21 **SEC. 1033. NO MIRANDA WARNINGS FOR AL QAEDA TERROR-**  
22 **ISTS.**

23 (a) *DEFINITIONS.*—In this section—



1           (1) *the term “foreign national” means an indi-*  
2 *vidual who is not a citizen or national of the United*  
3 *States; and*

4           (2) *the term “enemy combatant” includes a priv-*  
5 *ileged belligerent and an unprivileged enemy bellig-*  
6 *erent, as those terms are defined in section 948a of*  
7 *title 10, United States Code, as amended by section*  
8 *1031 of this Act.*

9           (b) *NO MIRANDA WARNINGS.—Absent an unappealable*  
10 *court order requiring the reading of such statements, no*  
11 *military or intelligence agency or department of the United*  
12 *States shall read to a foreign national who is captured or*  
13 *detained as an enemy combatant by the United States the*  
14 *statement required by *Miranda v. Arizona*, 384 U.S. 436*  
15 *(1966), or otherwise inform such a prisoner of any rights*  
16 *that the prisoner may or may not have to counsel or to*  
17 *remain silent consistent with *Miranda v. Arizona*, 384 U.S.*  
18 *436 (1966). No Federal statute, regulation, or treaty shall*  
19 *be construed to require that a foreign national who is cap-*  
20 *tured or detained as an enemy combatant by the United*  
21 *States be informed of any rights to counsel or remain silent*  
22 *consistent with *Miranda v. Arizona*, 384 U.S. 436 (1966)*  
23 *that the prisoner may or may not have, except as required*  
24 *by the United States Constitution. No statement that is*  
25 *made by a foreign national who is captured or detained*

1 *as an enemy combatant by the United States may be ex-*  
2 *cluded from any proceeding on the basis that the prisoner*  
3 *was not informed of a right to counsel or to remain silent,*  
4 *that the prisoner may or may not have, unless required by*  
5 *the United States Constitution.*

6 (c) *IN GENERAL.*—*This section shall not apply to the*  
7 *Department of Justice.*

8 ***Subtitle E—Medical Facility***  
9 ***Matters***

10 ***SEC. 1041. SHORT TITLE.***

11 *This subtitle may be cited as the “Captain James A.*  
12 *Lovell Federal Health Care Center Act of 2009”.*

13 ***SEC. 1042. EXECUTIVE AGREEMENT.***

14 (a) *EXECUTIVE AGREEMENT REQUIRED.*—*Not later*  
15 *than 180 days after the date of the enactment of this Act,*  
16 *the Secretary of Defense, in consultation with the Secretary*  
17 *of the Navy, and the Secretary of Veterans Affairs shall exe-*  
18 *cute a signed executive agreement for the joint use by the*  
19 *Department of Defense and the Department of Veterans Af-*  
20 *airs of the following:*

21 (1) *A new Navy ambulatory care center (on*  
22 *which construction commenced in July 2008), park-*  
23 *ing structure, and supporting structures and facilities*  
24 *in North Chicago, Illinois, and Great Lakes, Illinois.*

1           (2) *Medical personal property and equipment re-*  
2 *lating to the center, structures, and facilities described*  
3 *in paragraph (1).*

4           (b) *SCOPE.*—*The agreement required by subsection (a)*  
5 *shall—*

6           (1) *be a binding operational agreement on mat-*  
7 *ters under the areas specified in section 706 of the*  
8 *Duncan Hunter National Defense Authorization Act*  
9 *for Fiscal Year 2009 (Public Law 110–417; 122 Stat.*  
10 *4500); and*

11           (2) *contain additional terms and conditions as*  
12 *required by the provisions of this title.*

13 **SEC. 1043. TRANSFER OF PROPERTY.**

14           (a) *TRANSFER.*—

15           (1) *TRANSFER AUTHORIZED.*—*The Secretary of*  
16 *Defense, acting through the Administrator of General*  
17 *Services, may transfer, without reimbursement, to the*  
18 *Secretary of Veterans Affairs jurisdiction over the*  
19 *center, structures, facilities, and property and equip-*  
20 *ment covered by the executive agreement under section*  
21 *1042.*

22           (2) *DATE OF TRANSFER.*—*The transfer author-*  
23 *ized by paragraph (1) may not occur before the ear-*  
24 *lier of—*

1           (A) *the date that is five years after the date*  
2           *of the execution under section 1042 of the execu-*  
3           *tive agreement required by that section; or*

4           (B) *the date of the completion of such spe-*  
5           *cific benchmarks relating to the joint use by the*  
6           *Department of Defense and the Department of*  
7           *Veterans Affairs of the Navy ambulatory care*  
8           *center described in section 1042(a)(1) as the Sec-*  
9           *retary of Defense (in consultation with the Sec-*  
10           *retary of the Navy) and Secretary of the Depart-*  
11           *ment of Veterans Affairs shall jointly establish*  
12           *for purposes of this section not later than 180*  
13           *days after the date of the enactment of this Act.*

14           (3) *DELAY OF TRANSFER FOR COMPLETION OF*  
15           *CONSTRUCTION.—If construction on the center, struc-*  
16           *tures, and facilities described in paragraph (1) is not*  
17           *complete as of the date specified in subparagraph (A)*  
18           *or (B) of that paragraph, as applicable, the transfer*  
19           *of the center, structures, and facilities under that*  
20           *paragraph may occur thereafter upon completion of*  
21           *the construction.*

22           (4) *DISCHARGE OF TRANSFER.—The Adminis-*  
23           *trator of General Services shall effectualize and me-*  
24           *morialize the transfer as authorized by this subsection*

1     *not later than 30 days after receipt of the request for*  
2     *the transfer.*

3             (5) *DESIGNATION OF FACILITY.*—*The center,*  
4     *structures, facilities transferred under this subsection*  
5     *shall be designated and known after transfer under*  
6     *this subsection as the “Captain James A. Lovell Fed-*  
7     *eral Health Care Center”.*

8     (b) *REVERSION.*—

9             (1) *IN GENERAL.*—*If any of the real and related*  
10    *personal property transferred pursuant to subsection*  
11    *(a) is subsequently used for purposes other than those*  
12    *specified in the executive agreement required by sec-*  
13    *tion 1042, or is otherwise jointly determined by the*  
14    *Secretary of Defense and the Secretary of Veterans Af-*  
15    *airs to be excess to the needs of the Captain James*  
16    *A. Lovell Federal Health Care Center, the Secretary*  
17    *of Veterans Affairs shall offer to transfer jurisdiction*  
18    *over such property, without reimbursement, to the*  
19    *Secretary of Defense. Any such transfer shall be car-*  
20    *ried out by the Administrator of General Services not*  
21    *later than one year after the acceptance of the offer*  
22    *of such transfer, plus such additional time as the Ad-*  
23    *ministrator may require to effectuate and memori-*  
24    *alize such transfer.*

1           (2) *REVERSION IN EVENT OF LACK OF FACILI-*  
2 *TIES INTEGRATION.*—

3           (A) *WITHIN INITIAL PERIOD.*—*During the*  
4 *five-year period beginning on the date of the*  
5 *transfer of real and related personal property*  
6 *pursuant to subsection (a), if the Secretary of*  
7 *Veterans Affairs, the Secretary of Defense, and*  
8 *the Secretary of Navy jointly determine that the*  
9 *integration of the facilities transferred pursuant*  
10 *to that subsection should not continue, jurisdic-*  
11 *tion over such real and related personal property*  
12 *shall be transferred, without reimbursement, to*  
13 *the Secretary of Defense. The transfer under this*  
14 *subparagraph shall be carried out by the Admin-*  
15 *istrator of General Services not later than 180*  
16 *days after the date of the determination by the*  
17 *Secretaries, plus such additional time as the Ad-*  
18 *ministrator may require to effectuate and memo-*  
19 *rialize such transfer.*

20           (B) *AFTER INITIAL PERIOD.*—*After the end*  
21 *of the five-year period described in subparagraph*  
22 *(A), if the Secretary of Veterans Affairs or the*  
23 *Secretary of Defense determines that the integra-*  
24 *tion of the facilities transferred pursuant to sub-*  
25 *section (a) should not continue, the Secretary of*

1 *Veterans Affairs shall transfer, without reim-*  
2 *bursement, to the Secretary of Defense jurisdic-*  
3 *tion over the real and related personal property*  
4 *described in subparagraph (A). Any transfer*  
5 *under this subparagraph shall be carried out by*  
6 *the Administrator of General Services not later*  
7 *than one year after the date of the determination*  
8 *by the applicable Secretary, plus such additional*  
9 *time as the Administrator may require to effec-*  
10 *tuate and memorialize such transfer.*

11 *(C) REVERSION PROCEDURES.—The execu-*  
12 *tive agreement required by section 1042 shall*  
13 *provide the following:*

14 *(i) Specific procedures for the reversion*  
15 *of real and related personal property, as*  
16 *appropriate, transferred pursuant to sub-*  
17 *section (a) to ensure the continuing accom-*  
18 *plishment by the Department of Defense*  
19 *and the Department of Veterans Affairs of*  
20 *their missions in the event that the integra-*  
21 *tion of facilities described transferred pur-*  
22 *suant to that subsection (a) is not completed*  
23 *or a reversion of property occurs under sub-*  
24 *paragraph (A) or (B).*

1                   (ii) *In the event of a reversion under*  
2                   *this paragraph, the transfer from the De-*  
3                   *partment of Veterans Affairs to the Depart-*  
4                   *ment of Defense of associated functions in-*  
5                   *cluding appropriate resources, civilian posi-*  
6                   *tions, and personnel, in a manner that will*  
7                   *not result in adverse impact to the missions*  
8                   *of Department of Defense or the Department*  
9                   *of Veterans Affairs.*

10 **SEC. 1044. TRANSFER OF CIVILIAN PERSONNEL OF THE DE-**  
11 **PARTMENT OF DEFENSE.**

12           (a) *TRANSFER OF FUNCTIONS.*—*The Secretary of De-*  
13 *fense and the Secretary of the Navy may transfer to the*  
14 *Secretary of Veterans Affairs functions necessary for the ef-*  
15 *fective operation of the Captain James A. Lovell Federal*  
16 *Health Care Center. The Secretary of Veterans Affairs may*  
17 *accept any functions so transferred.*

18           (b) *TERMS.*—

19                   (1) *EXECUTIVE AGREEMENT.*—*Any transfer of*  
20 *functions under subsection (a) shall be carried out as*  
21 *provided in the executive agreement required by sec-*  
22 *tion 1042. The functions to be so transferred shall be*  
23 *identified utilizing the provisions of section 3503 of*  
24 *title 5, United States Code.*



1           (2) *ELEMENTS.*—*In providing for the transfer of*  
2 *functions under subsection (a), the executive agree-*  
3 *ment required by section 1042 shall provide for the*  
4 *following:*

5           (A) *The transfer of civilian employee posi-*  
6 *tions of the Department of Defense identified in*  
7 *the executive agreement to the Department of*  
8 *Veterans Affairs, and of the incumbent civilian*  
9 *employees in such positions, and the transition*  
10 *of the employees so transferred to the pay, bene-*  
11 *fits, and personnel systems that apply to employ-*  
12 *ees of the Department of Veterans Affairs (to the*  
13 *extent that different systems apply).*

14           (B) *The transition of employees so trans-*  
15 *ferred to the pay systems of the Department of*  
16 *Veterans Affairs in a manner which will not re-*  
17 *sult in any reduction in an employee's regular*  
18 *rate of compensation (including basic pay, local-*  
19 *ity pay, any physician comparability allowance,*  
20 *and any other fixed and recurring pay suppl-*  
21 *ement) at the time of transition.*

22           (C) *The continuation after transfer of the*  
23 *same employment status for employees so trans-*  
24 *ferred who have already successfully completed or*  
25 *are in the process of completing a one-year pro-*

1            *bationary period under title 5, United States*  
2            *Code, notwithstanding the provisions of section*  
3            *7403(b)(1) of title 38, United States Code.*

4            *(D) The extension of collective bargaining*  
5            *rights under title 5, United States Code, to em-*  
6            *ployees so transferred in positions listed in sub-*  
7            *section 7421(b) of title 38, United States Code,*  
8            *notwithstanding the provisions of section 7422 of*  
9            *title 38, United States Code, for a two-year pe-*  
10           *riod beginning on the effective date of the execu-*  
11           *tive agreement.*

12           *(E) At the end of the two-year period begin-*  
13           *ning on the effective date of the executive agree-*  
14           *ment, for the following actions by the Secretary*  
15           *of Veterans Affairs with respect to the extension*  
16           *of collective bargaining rights under subpara-*  
17           *graph (D):*

18                    *(i) Consideration of the impact of the*  
19                    *extension of such rights.*

20                    *(ii) Consultation with exclusive em-*  
21                    *ployee representatives of the transferred em-*  
22                    *ployees about such impact.*

23                    *(iii) Determination, after consultation*  
24                    *with the Secretary of Defense and the Sec-*  
25                    *retary of the Navy, whether the extension of*

1           *such rights should be terminated, modified,*  
2           *or kept in effect.*

3                   *(iv) Submittal to Congress of a notice*  
4           *regarding the determination made under*  
5           *clause (iii).*

6                   *(F) The recognition after transfer of each*  
7           *transferred physician's and dentist's total num-*  
8           *ber of years of service as a physician or dentist*  
9           *in the Department of Defense for purposes of cal-*  
10          *culating such employee's rate of base pay, not-*  
11          *withstanding the provisions of section 7431(b)(3)*  
12          *of title 38, United States Code.*

13                   *(G) The preservation of the seniority of the*  
14          *employees so transferred for all pay purposes.*

15          *(c) RETENTION OF DEPARTMENT OF DEFENSE EM-*  
16          *PLOYMENT AUTHORITY.—Notwithstanding subsections (a)*  
17          *and (b), the Department of Defense may employ civilian*  
18          *personnel at the Captain James Lovell Federal Health Care*  
19          *Center if the Secretary of the Navy, or a designee of the*  
20          *Secretary, determines it is necessary and appropriate to*  
21          *meet mission requirements of the Department of the Navy.*

1 **SEC. 1045. JOINT FUNDING AUTHORITY FOR THE CAPTAIN**

2 **JAMES A. LOVELL FEDERAL HEALTH CARE**

3 **CENTER.**

4 (a) *IN GENERAL.*—*The Department of Veterans Af-*  
5 *fairs/Department of Defense Health-Care Resources Sharing*  
6 *Committee under section 8111(b) of title 38, United States*  
7 *Code, may provide for the joint funding of the Captain*  
8 *James A. Lovell Federal Health Care Center in accordance*  
9 *with the provisions of this section.*

10 (b) *HEALTH CARE CENTER FUND.*—

11 (1) *ESTABLISHMENT.*—*There is established on*  
12 *the books of the Treasury under the Department of*  
13 *Veterans Affairs a fund to be known as the “Captain*  
14 *James A. Lovell Federal Health Care Center Fund”*  
15 *(in this section referred to as the “Fund”).*

16 (2) *ELEMENTS.*—*The Fund shall consist of the*  
17 *following:*

18 (A) *Amounts transferred to the Fund by the*  
19 *Secretary of Defense, in consultation with the*  
20 *Secretary of the Navy, from amounts authorized*  
21 *to be appropriated for the Department of De-*  
22 *fense.*

23 (B) *Amounts transferred to the Fund by the*  
24 *Secretary of Veterans Affairs from amounts au-*  
25 *thorized to be appropriated for the Department*  
26 *of Veterans Affairs.*

1                   (C) Amounts transferred to the Fund from  
2                   medical care collections under paragraph (4).

3                   (3) DETERMINATION OF AMOUNTS TRANSFERRED  
4                   GENERALLY.—The amount transferred to the Fund by  
5                   each of the Secretary of Defense and the Secretary of  
6                   Veterans Affairs under subparagraphs (A) and (B), as  
7                   applicable, of paragraph (2) each fiscal year shall be  
8                   such amount, as determined by a methodology jointly  
9                   established by the Secretary of Defense and the Sec-  
10                  retary of Veterans Affairs for purposes of this sub-  
11                  section, that reflects the mission-specific activities,  
12                  workload, and costs of provision of health care at the  
13                  Captain James A. Lovell Federal Health Care Center  
14                  of the Department of Defense and the Department of  
15                  Veterans Affairs, respectively.

16                  (4) TRANSFERS FROM MEDICAL CARE COLLEC-  
17                  TIONS.—

18                  (A) IN GENERAL.—Amounts collected under  
19                  the authorities specified in subparagraph (B) for  
20                  health care provided at the Captain James A.  
21                  Lovell Federal Health Care Center may be trans-  
22                  ferred to the Fund under paragraph (2)(C).

23                  (B) AUTHORITIES.—The authorities speci-  
24                  fied in this subparagraph are the following:

1                   (i) Section 1095 of title 10, United  
2                   States Code.

3                   (ii) Section 1729 of title 38, United  
4                   States Code.

5                   (iii) Public Law 87–693, popularly  
6                   known as the “Federal Medical Care Recov-  
7                   ery Act” (42 U.S.C. 2651 et seq.).

8                   (5) ADMINISTRATION.—The Fund shall be ad-  
9                   ministered in accordance with such provisions of the  
10                  executive agreement required by section 1042 as the  
11                  Secretary of Defense and the Secretary of Veterans Af-  
12                  fairs shall jointly include in the executive agreement.  
13                  Such provisions shall provide for an independent re-  
14                  view of the methodology established under paragraph  
15                  (3).

16                  (c) AVAILABILITY.—

17                  (1) IN GENERAL.—Funds transferred to the  
18                  Fund under subsection (b) shall be available to fund  
19                  the operations of the Captain James A. Lovell Federal  
20                  Health Care Center, including capital equipment,  
21                  real property maintenance, and minor construction  
22                  projects that are not required to be specifically au-  
23                  thorized by law under section 2805 of title 10, United  
24                  States Code, or section 8104 of title 38, United States  
25                  Code.

1           (2) *LIMITATION.*—*The availability of funds*  
2 *transferred to the Fund under subsection (b)(2)(C)*  
3 *shall be subject to the provisions of section 1729A of*  
4 *title 38, United States Code.*

5           (3) *PERIOD OF AVAILABILITY.*—

6           (A) *IN GENERAL.*—*Except as provided in*  
7 *subparagraph (B), funds transferred to the Fund*  
8 *under subsection (b) shall be available under*  
9 *paragraph (1) for one fiscal year after transfer.*

10           (B) *EXCEPTION.*—*Of an amount transferred*  
11 *to the Fund under subsection (b), an amount not*  
12 *to exceed two percent of such amount shall be*  
13 *available under paragraph (1) for two fiscal*  
14 *years after transfer.*

15           (d) *FINANCIAL RECONCILIATION.*—*The executive*  
16 *agreement required by section 1042 shall provide for the*  
17 *development and implementation of an integrated financial*  
18 *reconciliation process that meets the fiscal reconciliation re-*  
19 *quirements of the Department of Defense, the Department*  
20 *of the Navy, and the Department of Veterans Affairs. The*  
21 *process shall permit each of the Department of Defense, the*  
22 *Department of Navy, and the Department of Veterans Af-*  
23 *fairs to identify their fiscal contributions to the Fund, tak-*  
24 *ing into consideration accounting, workload, and financial*  
25 *management differences.*

1       (e) *ANNUAL REPORT.*—*The Secretary of Defense, in*  
2 *consultation with the Secretary of the Navy, and the Sec-*  
3 *retary of Veterans Affairs shall jointly provide for an an-*  
4 *nual independent review of the Fund for at least three years*  
5 *after the date of the enactment of this Act. Such review shall*  
6 *include detailed statements of the uses of amounts of the*  
7 *Fund and an evaluation of the adequacy of the proportional*  
8 *share contributed to the Fund by each of the Secretary of*  
9 *Defense and the Secretary of Veterans Affairs.*

10       (f) *TERMINATION.*—*The authorities in this section*  
11 *shall terminate on September 30, 2015.*

12 **SEC. 1046. ELIGIBILITY OF MEMBERS OF THE UNIFORMED**  
13 **SERVICES FOR CARE AND SERVICES AT THE**  
14 **CAPTAIN JAMES A. LOVELL FEDERAL HEALTH**  
15 **CARE CENTER.**

16       (a) *IN GENERAL.*—*For purposes of eligibility for*  
17 *health care under chapter 55 of title 10, United States Code,*  
18 *the Captain James A. Lovell Federal Health Care Center*  
19 *may be treated as a facility of the uniformed services to*  
20 *the extent provided under subsection (b) in the executive*  
21 *agreement required by section 1042.*

22       (b) *ADDITIONAL ELEMENTS.*—*The executive agreement*  
23 *required by section 1042 may include provisions as follows:*



1           (1) *To establish an integrated priority list for*  
2 *access to health care at the Captain James A. Lovell*  
3 *Federal Health Care Center, which list shall—*

4                   (A) *integrate the respective health care pri-*  
5 *ority lists of the Secretary of Defense and the*  
6 *Secretary of Veterans Affairs; and*

7                   (B) *take into account categories of bene-*  
8 *ficiaries, enrollment program status, and such*  
9 *other matters as the Secretary of Defense and the*  
10 *Secretary of Veterans Affairs jointly consider ap-*  
11 *propriate.*

12           (2) *To incorporate any resource-related limita-*  
13 *tions for access to health care at the Captain James*  
14 *A. Lovell Federal Health Care Center that the Sec-*  
15 *retary of Defense may establish for purposes of ad-*  
16 *ministering space-available eligibility for care in fa-*  
17 *cilities of the uniformed services under chapter 55 of*  
18 *title 10, United States Code.*

19           (3) *To allocate financial responsibility for care*  
20 *provided at the Captain James A. Lovell Federal*  
21 *Health Care Center for individuals who are eligible*  
22 *for care under both chapter 55 of title 10, United*  
23 *States Code, and title 38, United States Code.*

24           (4) *To waive the applicability to the Captain*  
25 *James A. Lovell Federal Health Care Center of any*

1 *provision of section 8111(e) of title 38, United States*  
2 *Code, that the Secretary of Defense and the Secretary*  
3 *of Veterans Affairs shall jointly specify.*

4 **SEC. 1047. EXTENSION OF DOD-VA HEALTH CARE SHARING**  
5 **INCENTIVE FUND.**

6 *Section 8111(d)(3) of title 38, United States Code, is*  
7 *amended by striking “September 30, 2010” and inserting*  
8 *“September 30, 2015”.*

9 **Subtitle F—Miscellaneous Require-**  
10 **ments, Authorities, and Limita-**  
11 **tions**

12 **SEC. 1051. CONGRESSIONAL EARMARKS RELATING TO THE**  
13 **DEPARTMENT OF DEFENSE.**

14 *(a) REPORT ON RECURRING EARMARKS.—*

15 *(1) REPORT REQUIRED.—Not later than 180*  
16 *days after the date of the enactment of this Act, the*  
17 *Secretary of Defense shall submit to the congressional*  
18 *defense committees a report setting forth a list of each*  
19 *congressional earmark that has been included in a*  
20 *national defense authorization Act for three or more*  
21 *consecutive fiscal years as of the national defense au-*  
22 *thorization Act for fiscal year 2010.*

23 *(2) ELEMENTS.—The report required by para-*  
24 *graph (1) shall include the following:*

1           (A) *A description of the extent to which*  
2           *competitive or merit-based procedures were used*  
3           *to award funding, or to enter into a contract,*  
4           *grant, or other agreement, pursuant to each con-*  
5           *gressional earmark listed in the report.*

6           (B) *An identification of the specific con-*  
7           *tracting vehicle used for each such earmark.*

8           (C) *In the case of any congressional ear-*  
9           *mark listed in the report for which competitive*  
10          *or merit-based procedures were not used to*  
11          *award funding, or to enter the contract, grant,*  
12          *or other agreement, a statement of the reasons*  
13          *competitive or merit-based procedures were not*  
14          *used.*

15          (b) *DOD INSPECTOR GENERAL AUDIT OF EAR-*  
16          *MARKS.—The Inspector General of the Department of De-*  
17          *fense shall conduct an audit of contracts, grants, or other*  
18          *agreements pursuant to congressional earmarks of Depart-*  
19          *ment of Defense funds to determine whether or not the re-*  
20          *cipients of such earmarks are complying with requirements*  
21          *of Federal law on the use of appropriated funds to influence,*  
22          *whether directly or indirectly, congressional action on any*  
23          *legislation or appropriation matter pending before Con-*  
24          *gress.*

25          (c) *DEFINITIONS.—In this section:*

1           (1) *The term “congressional earmark” means*  
2 *any congressionally directed spending item (Senate)*  
3 *or congressional earmark (House of Representatives)*  
4 *on the list published in compliance with rule XLIV*  
5 *of the Standing Rules of the Senate or rule XXI of*  
6 *the Rules of the House of Representatives.*

7           (2) *The term “national defense authorization*  
8 *Act” means an Act authorizing funds for a fiscal year*  
9 *for the military activities of the Department of De-*  
10 *fense, and for other purposes.*

11 **SEC. 1052. NATIONAL STRATEGIC FIVE-YEAR PLAN FOR IM-**  
12 **PROVING THE NUCLEAR FORENSIC AND AT-**  
13 **TRIBUTION CAPABILITIES OF THE UNITED**  
14 **STATES.**

15           (a) *IN GENERAL.—The President, with the participa-*  
16 *tion of the officials specified in subsection (c), shall develop*  
17 *a national strategic plan for improving over a five-year pe-*  
18 *riod the nuclear forensic and attribution capabilities of the*  
19 *United States and the methods, capabilities, and capacity*  
20 *for nuclear materials forensics and attribution.*

21           (b) *ELEMENTS.—The plan required under subsection*  
22 *(a) shall include the following:*

23           (1) *An investment plan to support nuclear mate-*  
24 *rials forensics and attribution.*

25           (2) *Recommendations with respect to—*

1           (A) *the allocation of roles and responsibilities for pre-detonation, detonation, and post-detonation activities; and*

2  
3  
4           (B) *methods for the attribution of nuclear or radiological material to the source when such material is intercepted by the United States, foreign governments, or international bodies or is dispersed in the course of a terrorist attack or other nuclear or radiological explosion.*

5  
6  
7  
8  
9  
10       (c) *OFFICIALS.—The officials specified in this sub-*  
11 *section are the following:*

12           (1) *The Secretary of Homeland Security.*

13           (2) *The Secretary of Defense.*

14           (3) *The Secretary of Energy.*

15           (4) *The Attorney General.*

16           (5) *The Secretary of State.*

17           (6) *The Director of National Intelligence.*

18           (7) *Such other officials as the President considers*  
19 *appropriate.*

20       (d) *SUBMITTAL TO CONGRESS.—Not later than 180*  
21 *days after the date of the enactment of this Act, the Presi-*  
22 *dent shall submit to Congress the plan required under sub-*  
23 *section (a).*

1 **SEC. 1053. ONE-YEAR EXTENSION OF AUTHORITY TO OFFER**  
2 **AND MAKE REWARDS FOR ASSISTANCE IN**  
3 **COMBATING TERRORISM THROUGH GOVERN-**  
4 **MENT PERSONNEL OF ALLIED FORCES.**

5 *Section 127b(c)(3)(C) of title 10, United States Code,*  
6 *is amended by striking “September, 30, 2009” and insert-*  
7 *ing “September, 30, 2010”.*

8 **SEC. 1054. BUSINESS PROCESS REENGINEERING.**

9 *(a) NEW PROGRAMS.—Section 2222 of title 10, United*  
10 *States Code, is amended—*

11 *(1) in subsection (a)—*

12 *(A) by redesignating paragraphs (1) and*  
13 *(2) as paragraphs (2) and (3), respectively;*

14 *(B) by inserting before paragraph (2), as*  
15 *redesignated by subparagraph (A) of this sub-*  
16 *section, the following new paragraph (1):*

17 *“(1) the appropriate chief management officer*  
18 *for the defense business system modernization has de-*  
19 *termined whether or not—*

20 *“(A) the defense business system moderniza-*  
21 *tion is in compliance with the enterprise archi-*  
22 *tecture developed under subsection (c); and*

23 *“(B) appropriate business process re-*  
24 *engineering efforts have been undertaken to en-*  
25 *sure that—*

1           “(i) the business process to be sup-  
2           ported by the defense business system mod-  
3           ernization will be as streamlined and effi-  
4           cient as practicable; and

5           “(ii) the need to tailor commercial-off-  
6           the-shelf systems to meet unique require-  
7           ments or incorporate unique interfaces has  
8           been eliminated or reduced to the maximum  
9           extent practicable;”;

10          (C) in paragraph (2), as redesignated by  
11          subparagraph (A) of this subsection, by striking  
12          subparagraph (A) and inserting the following  
13          new subparagraph (A):

14          “(A) has been determined by the appro-  
15          priate chief management officer to be in compli-  
16          ance with the requirements of paragraph (1);”;  
17          and

18          (D) in paragraph (3), as redesignated by  
19          subparagraph (A) of this paragraph, by striking  
20          “the certification by the approval authority is”  
21          and inserting “the certification by the approval  
22          authority and the determination by the chief  
23          management officer are”; and

24          (2) in subsection (f)—

1           (A) by redesignating paragraphs (1)  
2 through (5) as subparagraphs (A) through (E),  
3 respectively;

4           (B) by inserting “(1)” before “The Sec-  
5 retary of Defense”;

6           (C) in subparagraph (E) of paragraph (1),  
7 as designated by this paragraph, by striking  
8 “paragraphs (1) through (4)” and inserting  
9 “subparagraphs (A) through (D)”; and

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

12       “(2) For purposes of subsection (a), the appropriate  
13 chief management officer for a defense business system mod-  
14 ernization is as follows:

15           “(A) In the case of an Army program, the Chief  
16 Management Officer of the Army.

17           “(B) In the case of a Navy program, the Chief  
18 Management Officer of the Navy.

19           “(C) In the case of an Air Force program, the  
20 Chief Management Officer of the Air Force.

21           “(D) In the case of a program of a Defense Agen-  
22 cy, the Deputy Chief Management Officer of the De-  
23 partment of Defense.

24           “(E) In the case of a program that will support  
25 the business processes of more than one military de-



1     *partment or Defense Agency, the Deputy Chief Man-*  
2     *agement Officer of the Department of Defense.”.*

3     **(b) ONGOING PROGRAMS.—**

4             **(1) IN GENERAL.—***Not later than one year after*  
5     *the date of the enactment of this Act, the appropriate*  
6     *chief management officer for each defense business*  
7     *system modernization approved by the Defense Busi-*  
8     *ness Systems Management Committee before the date*  
9     *of the enactment of this Act that will have a total cost*  
10    *in excess of \$100,000,000 shall review such defense*  
11    *business system modernization to determine whether*  
12    *or not appropriate business process reengineering ef-*  
13    *forts have been undertaken to ensure that—*

14             **(A)** *the business process to be supported by*  
15     *such defense business system modernization will*  
16     *be as streamlined and efficient as practicable;*  
17     *and*

18             **(B)** *the need to tailor commercial-off-the-*  
19     *shelf systems to meet unique requirements or in-*  
20     *corporate unique interfaces has been eliminated*  
21     *or reduced to the maximum extent practicable.*

22             **(2) ACTION ON FINDING OF LACK OF RE-**  
23     **ENGINEERING EFFORTS.—***If the appropriate chief*  
24     *management officer determines that appropriate busi-*  
25     *ness process reengineering efforts have not been under-*

1     *taken with regard to a defense business system mod-*  
2     *ernization as described in paragraph (1), that chief*  
3     *management officer—*

4             *(A) shall develop a plan to undertake busi-*  
5             *ness process reengineering efforts with respect to*  
6             *the defense business system modernization; and*

7             *(B) may direct that the defense business*  
8             *system modernization be restructured or termi-*  
9             *nated, if necessary to meet the requirements of*  
10            *paragraph (1).*

11     (3) *DEFINITIONS.—In this subsection:*

12             *(A) The term “appropriate chief manage-*  
13             *ment officer”, with respect to a defense business*  
14             *system modernization, has the meaning given*  
15             *that term in paragraph (2) of subsection (f) of*  
16             *section 2222 of title 10, United States Code (as*  
17             *amended by subsection (a)(2) of this section).*

18             *(B) The term “defense business system mod-*  
19             *ernization” has the meaning given that term in*  
20             *subsection (j)(3) of section 2222 of title 10,*  
21             *United States Code.*

22     **SEC. 1055. RESPONSIBILITY FOR PREPARATION OF BIEN-**  
23             **NIAL GLOBAL POSITIONING SYSTEM REPORT.**

24             *(a) IN GENERAL.—Section 2281(d) of title 10, United*  
25     *States Code, is amended—*

1           (1) *in paragraph (1)—*

2                   (A) *by striking “the Secretary of Defense”*  
3                   *and inserting “the Deputy Secretary of Defense*  
4                   *and the Deputy Secretary of Transportation, in*  
5                   *their capacity as co-chairs of the National Exec-*  
6                   *utive Committee for Space-Based Positioning,*  
7                   *Navigation, and Timing,”; and*

8                   (B) *by striking “the Committee on Armed*  
9                   *Services of the Senate and the Committee on*  
10                   *Armed Services of the House of Representatives”*  
11                   *and inserting “the Committees on Armed Serv-*  
12                   *ices and Commerce, Science, and Transportation*  
13                   *of the Senate and the Committees on Armed*  
14                   *Services, Energy and Commerce, and Transpor-*  
15                   *tation and Infrastructure of the House of Rep-*  
16                   *resentatives”;* and

17           (2) *by striking paragraph (2) and inserting the*  
18           *following new paragraph (2):*

19           “(2) *In preparing each report required under para-*  
20           *graph (1), the Deputy Secretary of Defense and the Deputy*  
21           *Secretary of Transportation, in their capacity as co-chairs*  
22           *of the National Executive Committee for Space-Based Posi-*  
23           *tioning, Navigation, and Timing, shall consult with the*  
24           *Secretary of Defense, the Secretary of State, the Secretary*

1 of Transportation, and the Secretary of Homeland Secu-  
2 rity.”.

3 (b) *TECHNICAL AMENDMENTS.*—*Paragraph (1)(B)(ii)*  
4 *of such section is amended—*

5 (1) *by inserting “validated” before “performance*  
6 *requirements”;* and

7 (2) *by inserting “in accordance with Office of*  
8 *Management and Budget Circular A–109” after*  
9 *“Plan”.*

10 **SEC. 1056. ADDITIONAL SUBPOENA AUTHORITY FOR THE**  
11 **INSPECTOR GENERAL OF THE DEPARTMENT**  
12 **OF DEFENSE.**

13 *Section 8 of the Inspector General Act of 1978 (5*  
14 *U.S.C. App. 8) is amended by adding at the end the fol-*  
15 *lowing new subsection:*

16 “(i)(1) *The Inspector General of the Department of De-*  
17 *fense is authorized to require by subpoena the attendance*  
18 *and testimony of witnesses necessary to carry out an audit*  
19 *or investigation pursuant to the authorities of this Act.*

20 “(2) *A subpoena issued under this subsection, in the*  
21 *case of contumacy or refusal to obey, shall be enforceable*  
22 *by order of any appropriate United States district court.*

23 “(3) *The Inspector General shall consult with the At-*  
24 *torney General before issuing any subpoena under this sec-*

1 tion, and shall not proceed with the issuance of such a sub-  
2 poena if the Attorney General objects.”.

3 **SEC. 1057. REPORTS ON BANDWIDTH REQUIREMENTS FOR**  
4 **MAJOR DEFENSE ACQUISITION PROGRAMS**  
5 **AND MAJOR SYSTEM ACQUISITION PRO-**  
6 **GRAMS.**

7 Section 1047(d) of the Duncan Hunter National De-  
8 fense Authorization Act for Fiscal Year 2009 (Public Law  
9 110–417; 122 Stat. 4603; 10 U.S.C. 2366b note) is amend-  
10 ed—

11 (1) by redesignating paragraphs (1) and (2) as  
12 subparagraphs (A) and (B), respectively, and by in-  
13 denting such subparagraphs, as so redesignated, four  
14 ems from the left margin;

15 (2) by striking “The Secretary” and inserting  
16 the following:

17 “(1) *IN GENERAL.*—The Secretary”; and

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

19 “(2) *REPORTS.*—Not later than January 1 each  
20 year, the Secretary of Defense and the Director of Na-  
21 tional Intelligence shall each submit to the congres-  
22 sional defense committees, the Select Committee on  
23 Intelligence of the Senate, and the Permanent Select  
24 Committee on Intelligence of the House of Representa-  
25 tives a report on any determinations made under

1        *paragraph (1) with respect to meeting the bandwidth*  
2        *requirements for major defense acquisition programs*  
3        *and major system acquisition programs during the*  
4        *preceding fiscal year.”.*

5        **SEC. 1058. MULTIYEAR CONTRACTS UNDER PILOT PRO-**  
6                                **GRAM ON COMMERCIAL FEE-FOR-SERVICE**  
7                                **AIR REFUELING SUPPORT FOR THE AIR**  
8                                **FORCE.**

9        *(a) MULTIYEAR CONTRACTS AUTHORIZED.—The Sec-*  
10        *retary of the Air Force may enter into one or more*  
11        *multiyear contracts, beginning with the fiscal year 2011*  
12        *program year, for purposes of conducting the pilot program*  
13        *on utilizing commercial fee-for-service air refueling tanker*  
14        *aircraft for Air Force operations required by section 1081*  
15        *of the National Defense Authorization Act for Fiscal Year*  
16        *2008 (Public Law 110–181; 122 Stat. 335).*

17        *(b) COMPLIANCE WITH LAW APPLICABLE TO*  
18        *MULTIYEAR CONTRACTS.—Any contract entered into under*  
19        *subsection (a) shall be entered into in accordance with the*  
20        *provisions of section 2306c of title 10, United States Code,*  
21        *except that—*

22                *(1) the term of the contract may not be more*  
23        *than 8 years;*

24                *(2) notwithstanding subsection 2306c(b) of title*  
25        *10, United States Code, the authority under sub-*

1        *section 2306c(a) of title 10, United States Code, shall*  
2        *apply to the fee-for-service air refueling pilot pro-*  
3        *gram;*

4            (3) *the contract may contain a clause setting*  
5        *forth a cancellation ceiling in excess of \$100,000,000;*  
6        *and*

7            (4) *the contract may provide for an unfunded*  
8        *contingent liability in excess of \$20,000,000.*

9        (c) *COMPLIANCE WITH LAW APPLICABLE TO SERVICE*  
10       *CONTRACTS.—A contract entered into under subsection (a)*  
11       *shall be entered into in accordance with the provisions of*  
12       *section 2401 of title 10, United States Code, except that—*

13            (1) *the Secretary shall not be required to certify*  
14        *to the congressional defense committees that the con-*  
15        *tract is the most cost-effective means of obtaining*  
16        *commercial fee-for-service air refueling tanker aircraft*  
17        *for Air Force operations; and*

18            (2) *the Secretary shall not be required to certify*  
19        *to the congressional defense committees that there is*  
20        *no alternative for meeting urgent operational require-*  
21        *ments other than making the contract.*

22        (d) *LIMITATION ON AMOUNT.—The amount of a con-*  
23        *tract under subsection (a) may not exceed \$999,999,999.*

24        (e) *PROVISION OF GOVERNMENT INSURANCE.—A com-*  
25        *mercial air operator contracting with the Department of*

1 *Defense under the pilot program referred to in subsection*  
2 *(a) shall be eligible to receive government provided insur-*  
3 *ance pursuant to chapter 443 of title 49, United States*  
4 *Code, if commercial insurance is unavailable on reasonable*  
5 *terms and conditions.*

6 **SEC. 1059. ADDITIONAL DUTY FOR ADVISORY PANEL ON DE-**  
7 **PARTMENT OF DEFENSE CAPABILITIES FOR**  
8 **SUPPORT OF CIVIL AUTHORITIES AFTER CER-**  
9 **TAIN INCIDENTS.**

10 *Section 1082(d) of the National Defense Authorization*  
11 *Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.*  
12 *337) is amended by—*

13 *(1) redesignating paragraphs (7) and (8) as*  
14 *paragraphs (9) and (10), respectively;*

15 *(2) in paragraph (4), by striking “other depart-*  
16 *ment” and inserting “other departments”; and*

17 *(3) by inserting after paragraph (6) the fol-*  
18 *lowing new paragraphs:*

19 *“(7) assess the adequacy of the process and meth-*  
20 *odology by which the Department of Defense estab-*  
21 *lishes, maintains, and resources dedicated, special,*  
22 *and general purpose forces for conducting operations*  
23 *described in paragraph (1);*

24 *“(8) assess the adequacy of the resources planned*  
25 *and programmed by the Department of Defense to en-*



1     *sure the preparedness and capability of dedicated,*  
 2     *special, and general purpose forces for conducting op-*  
 3     *erations described in paragraph (1);”.*

## 4                   ***Subtitle G—Reports***

5     ***SEC. 1071. NATIONAL INTELLIGENCE ESTIMATE ON NU-***  
 6                   ***CLEAR ASPIRATIONS OF NON-STATE ENTI-***  
 7                   ***TIES AND NUCLEAR WEAPONS AND RELATED***  
 8                   ***PROGRAMS IN NON-NUCLEAR-WEAPONS***  
 9                   ***STATES AND COUNTRIES NOT PARTIES TO***  
 10                   ***THE NUCLEAR NON-PROLIFERATION TREATY.***

11     *(a) IN GENERAL.—The Director of National Intel-*  
 12     *ligence shall prepare a national intelligence estimate (NIE)*  
 13     *on the following:*

14             *(1) The nuclear weapons programs and any re-*  
 15     *lated programs of countries that are non-nuclear-*  
 16     *weapons state parties to the Treaty on Non-Prolifera-*  
 17     *tion of Nuclear Weapons, done at Washington, Lon-*  
 18     *don, and Moscow July 1, 1968, and entered into force*  
 19     *March 5, 1970 (commonly known as the “Nuclear*  
 20     *Non-Proliferation Treaty”)* and countries that are not  
 21     *parties to the Treaty.*

22             *(2) The nuclear weapons aspirations of such*  
 23     *non-state entities as the Director considers appro-*  
 24     *priate to include in the estimate.*

1       (b) *ELEMENTS.*—*The national intelligence estimate re-*  
2 *quired under subsection (a) shall include, with respect to*  
3 *each country described in subsection (a)(1) and each non-*  
4 *state entity referred to in subsection (a)(2), the following:*

5           (1) *A statement of the number of nuclear weap-*  
6 *ons possessed by such country or non-state entity.*

7           (2) *An estimate of the total number of nuclear*  
8 *weapons that such country or non-state entity seeks to*  
9 *obtain and, in the case of such non-state entity, an*  
10 *assessment of the extent to which such non-state entity*  
11 *is seeking to develop a nuclear weapon or device or*  
12 *radiological dispersion device.*

13           (3) *A description of the technical characteristics*  
14 *of any nuclear weapons possessed by such country or*  
15 *non-state entity.*

16           (4) *A description of nuclear weapons designs*  
17 *available to such country or non-state entity.*

18           (5) *A description of any sources of assistance*  
19 *with respect to nuclear weapons design provided to*  
20 *such country or non-state entity.*

21           (6) *An assessment of the annual capability of*  
22 *such country and non-state entity to produce new or*  
23 *newly designed nuclear weapons.*

1           (7) *A description of the type of fissile materials*  
2 *used in any nuclear weapons possessed by such coun-*  
3 *try or non-state entity.*

4           (8) *An description of the location and produc-*  
5 *tion capability of any fissile materials production fa-*  
6 *cilities in such country or controlled by such non-*  
7 *state entity, the current status of any such facilities,*  
8 *and any plans by such country or non-state entity to*  
9 *develop such facilities.*

10          (9) *An identification of the source of any fissile*  
11 *materials used by such country or non-state entity, if*  
12 *such materials are not produced in facilities referred*  
13 *to in paragraph (8).*

14          (10) *A description of any delivery systems avail-*  
15 *able to such country or non-state entity and an as-*  
16 *essment of whether nuclear warheads have been*  
17 *mated to any such delivery system.*

18          (11) *An assessment of the physical security of the*  
19 *storage facilities for nuclear weapons in such country*  
20 *or controlled by such non-state entity.*

21          (12) *An assessment of whether such country or*  
22 *non-state entity is modernizing or otherwise improv-*  
23 *ing the safety, security, and reliability of the nuclear*  
24 *weapons stockpile of such country or non-state entity.*

1           (13) *In the case of a country, an assessment of*  
2 *the policy of such country on the employment and use*  
3 *of nuclear weapons.*

4           (c) *SUBMITTAL TO CONGRESS.—*

5           (1) *IN GENERAL.—Except as provided in para-*  
6 *graph (2), the Director of National Intelligence shall*  
7 *submit to the congressional defense committees, the*  
8 *Select Committee on Intelligence of the Senate, and*  
9 *the Permanent Select Committee on Intelligence of the*  
10 *House of Representatives the national intelligence es-*  
11 *timate required under subsection (a) by not later than*  
12 *September 1, 2010.*

13           (2) *NOTIFICATION OF DELAY IN SUBMITTAL.—If*  
14 *the Director of National Intelligence determines that*  
15 *it will not be possible for the Director to submit the*  
16 *national intelligence estimate by September 1, 2010,*  
17 *the Director shall, not later than August 1, 2010, sub-*  
18 *mit to the committees specified in paragraph (1) a*  
19 *notice—*

20                   (A) *that the national intelligence estimate*  
21 *will not be submitted by September 1, 2010; and*

22                   (B) *setting forth the date by which the Di-*  
23 *rector will submit the national intelligence esti-*  
24 *mate.*

1 **SEC. 1072. COMPTROLLER GENERAL OF THE UNITED**  
2 **STATES ASSESSMENT OF MILITARY WHISTLE-**  
3 **BLOWER PROTECTIONS.**

4 (a) *REVIEW.*—*The Comptroller General of the United*  
5 *States shall conduct a review of military whistleblower pro-*  
6 *tections afforded to members of the Armed Services by the*  
7 *Department of Defense. The review shall include an anal-*  
8 *ysis of the following:*

9 (1) *A sample of military whistleblower cases at*  
10 *the Office of the Inspector General of the Department*  
11 *of Defense, as well as one or more Offices of the In-*  
12 *pector General of a military department (as selected*  
13 *by the Comptroller General for the purposes of this*  
14 *section).*

15 (2) *Department-wide efforts to educate and in-*  
16 *form members of the Armed Forces about the protec-*  
17 *tions provided to them under section 1034 of title 10,*  
18 *United States Code.*

19 (3) *A sample of military whistleblower reprisal*  
20 *appeals (as selected by the Comptroller General for*  
21 *the purposes of this section) heard by the Boards for*  
22 *the Correction of Military Records referred to in sec-*  
23 *tion 1552 of title 10, United States Code, of each*  
24 *military department.*

25 (b) *REPORT.*—*Not later than December 1, 2009, the*  
26 *Comptroller General shall submit a report on the review*

1 *and analysis conducted under subsection (a) to the Chair-*  
2 *man and Ranking Minority Member of each of the fol-*  
3 *lowing:*

4           (1) *The Committees on Armed Services, Home-*  
5 *land Security and Governmental Affairs, and the Ju-*  
6 *diiciary of the Senate.*

7           (2) *The Committees on Armed Services, Home-*  
8 *land Security, and the Judiciary of the House of Rep-*  
9 *resentatives.*

10 **SEC. 1073. REPORT ON RE-DETERMINATION PROCESS FOR**  
11                   **PERMANENTLY INCAPACITATED DEPEND-**  
12                   **ENTS OF RETIRED AND DECEASED MEMBERS**  
13                   **OF THE ARMED FORCES.**

14           *Not later than 180 days after the date of the enactment*  
15 *of this Act, the Secretary of Defense shall submit to Congress*  
16 *a report on the re-determination process of the Department*  
17 *of Defense used to determine the eligibility of permanently*  
18 *incapacitated dependents of retired and deceased members*  
19 *of the Armed Forces for benefits provided under laws ad-*  
20 *ministered by the Secretary. The report shall include the*  
21 *following:*

22           (1) *An assessment of the re-determination proc-*  
23 *ess, including the following:*

24                   (A) *The rationale for requiring a quadren-*  
25 *ennial recertification of financial support after*

1           *issuance of a permanent identification card to a*  
2           *permanently incapacitated dependent.*

3           *(B) The administrative and other burdens*  
4           *the quadrennial recertification imposes on the af-*  
5           *ected sponsor and dependents, especially after*  
6           *the sponsor becomes ill, incapacitated, or de-*  
7           *ceased.*

8           *(C) The extent to which the quadrennial re-*  
9           *certification undermines the utility of issuing a*  
10          *permanent identification card.*

11          *(D) The extent of the consequences entailed*  
12          *in eliminating the requirement for quadrennial*  
13          *recertification.*

14          *(2) Specific recommendations for the following:*

15                *(A) Improving the efficiency of the recertifi-*  
16                *cation process.*

17                *(B) Minimizing the burden of such process*  
18                *on the sponsors of such dependents.*

19                *(C) Eliminating the requirement for quad-*  
20                *rennial recertification.*

21   **SEC. 1074. COMPTROLLER GENERAL REVIEW OF SPENDING**  
22                        **IN THE FINAL QUARTER OF FISCAL YEAR 2009**  
23                        **BY THE DEPARTMENT OF DEFENSE.**

24           *(a) REVIEW OF SPENDING BY THE COMPTROLLER*  
25    *GENERAL.—The Comptroller General of the United States*

1 *shall conduct a review of the obligations and expenditures*  
2 *of the Department of Defense in the final quarter of fiscal*  
3 *year 2009, as compared to the obligations and expenditures*  
4 *of the Department in the first three quarters of that fiscal*  
5 *year, to determine if policies with respect to spending by*  
6 *the Department contribute to hastened year-end spending*  
7 *and poor use or waste of taxpayer dollars.*

8       **(b) REPORT.**—*Not later than the earlier of March 30,*  
9 *2010, or the date that is 180 days after the date of the enact-*  
10 *ment of this Act, the Comptroller General shall submit to*  
11 *Congress a report containing—*

12               **(1)** *the results of the review conducted under sub-*  
13 *section (a); and*

14               **(2)** *any recommendations of the Comptroller*  
15 *General with respect to improving the policies pursu-*  
16 *ant to which amounts appropriated to the Depart-*  
17 *ment of Defense are obligated and expended in the*  
18 *final quarter of the fiscal year.*

19 **SEC. 1075. REPORT ON AIR AMERICA.**

20       **(a) DEFINITIONS.**—*In this section:*

21               **(1) AIR AMERICA.**—*The term “Air America”*  
22 *means Air America, Incorporated.*

23               **(2) ASSOCIATED COMPANY.**—*The term “associ-*  
24 *ated company” means any entity associated with,*  
25 *predecessor to, or subsidiary to Air America, includ-*



1 *ing Air Asia Company Limited, CAT Incorporated,*  
2 *Civil Air Transport Company Limited, and the Pa-*  
3 *cific Division of Southern Air Transport during the*  
4 *period when such an entity was owned and controlled*  
5 *by the United States Government.*

6 (b) *REPORT ON RETIREMENT BENEFITS FOR FORMER*  
7 *EMPLOYEES OF AIR AMERICA.—*

8 (1) *IN GENERAL.—Not later than 180 days after*  
9 *the date of the enactment of this Act, the Director of*  
10 *National Intelligence shall submit to Congress a re-*  
11 *port on the advisability of providing Federal retire-*  
12 *ment benefits to United States citizens for the service*  
13 *of such citizens prior to 1977 as employees of Air*  
14 *America or an associated company during a period*  
15 *when Air America or the associated company was*  
16 *owned or controlled by the United States Government*  
17 *and operated or managed by the Central Intelligence*  
18 *Agency.*

19 (2) *REPORT ELEMENTS.—The report required by*  
20 *paragraph (1) shall include the following:*

21 (A) *The history of Air America and the as-*  
22 *sociated companies prior to 1977, including a*  
23 *description of—*

24 (i) *the relationship between Air Amer-*  
25 *ican and the associated companies and the*

1           *Central Intelligence Agency or any other*  
2           *element of the United States Government;*

3                     *(ii) the workforce of Air America and*  
4           *the associated companies;*

5                     *(iii) the missions performed by Air*  
6           *America, the associated companies, and*  
7           *their employees for the United States; and*

8                     *(iv) the casualties suffered by employ-*  
9           *ees of Air America and the associated com-*  
10          *panies in the course of their employment.*

11          *(B) A description of—*

12                     *(i) the retirement benefits contracted*  
13          *for or promised to the employees of Air*  
14          *America and the associated companies prior*  
15          *to 1977;*

16                     *(ii) the contributions made by such*  
17          *employees for such benefits;*

18                     *(iii) the retirement benefits actually*  
19          *paid such employees;*

20                     *(iv) the entitlement of such employees*  
21          *to the payment of future retirement benefits;*  
22          *and*

23                     *(v) the likelihood that such employees*  
24          *will receive any future retirement benefits.*

1           (C) *An assessment of the difference be-*  
2 *tween—*

3                 (i) *the retirement benefits that former*  
4 *employees of Air America and the associ-*  
5 *ated companies have received or will receive*  
6 *by virtue of their employment with Air*  
7 *America and the associated companies; and*

8                 (ii) *the retirement benefits that such*  
9 *employees would have received or be eligible*  
10 *to receive if such employment was deemed*  
11 *to be employment by the United States Gov-*  
12 *ernment and their service during such em-*  
13 *ployment was credited as Federal service for*  
14 *the purpose of Federal retirement benefits.*

15           (D)(i) *Any recommendations regarding the*  
16 *advisability of legislative action to treat such*  
17 *employment as Federal service for the purpose of*  
18 *Federal retirement benefits in light of the rela-*  
19 *tionship between Air America and the associated*  
20 *companies and the United States Government*  
21 *and the services and sacrifices of such employees*  
22 *to and for the United States.*

23                 (ii) *If legislative action is considered advis-*  
24 *able under clause (i), a proposal for such action*  
25 *and an assessment of its costs.*

1           (E) *The opinions of the Director of the Cen-*  
2           *tral Intelligence Agency, if any, on any matters*  
3           *covered by the report that the Director of the*  
4           *Central Intelligence Agency considers appro-*  
5           *priate.*

6           (3) *ASSISTANCE OF COMPTROLLER GENERAL.—*  
7           *The Comptroller General of the United States shall,*  
8           *upon the request of the Director of National Intel-*  
9           *ligence and in a manner consistent with the protec-*  
10          *tion of classified information, assist the Director in*  
11          *the preparation of the report required by paragraph*  
12          *(1).*

13          (4) *FORM.—The report required by paragraph*  
14          *(1) shall be submitted in unclassified form, but may*  
15          *include a classified annex.*

16 **SEC. 1076. REPORT ON CRITERIA FOR SELECTION OF STRA-**  
17                   **TEGIC EMBARKATION PORTS AND SHIP**  
18                   **LAYBERTHING LOCATIONS.**

19          (a) *REPORT REQUIRED.—Not later than 180 days*  
20          *after the date of the enactment of this Act, the Commander*  
21          *of the United States Transportation Command shall submit*  
22          *to the congressional defense committees a report with cri-*  
23          *teria for the selection of strategic embarkation ports and*  
24          *ship layberth locations.*

1       (b) *DEVELOPMENT OF CRITERIA.*—*The criteria in-*  
2 *cluded in the report required under subsection (a) shall—*

3           (1) *prioritize the facilitation of strategic deploy-*  
4 *ment and reduction of combatant commander force*  
5 *closure timelines;*

6           (2) *take into account—*

7               (A) *time required to crew, activate, and sail*  
8 *sealift vessels to embarkation ports;*

9               (B) *distance and travel times for the forces*  
10 *from assigned installation to embarkation ports;*

11              (C) *availability of adequate infrastructure*  
12 *to transport forces from assigned installation to*  
13 *embarkation ports; and*

14              (D) *time required to move forces from em-*  
15 *barkation ports to likely areas of force deploy-*  
16 *ment around the world; and*

17           (3) *inform the selection of strategic embarkation*  
18 *ports and the procurement of ship layberthing serv-*  
19 *ices.*

20 **SEC. 1077. REPORT ON DEFENSE TRAVEL SIMPLIFICATION.**

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 Committees on Armed Serv-*  
24 *ices of the Senate and the House of Representatives a report*

1 *setting forth a comprehensive plan to simplify defense trav-*  
2 *el.*

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

5 (1) *A comprehensive discussion of aspects of the*  
6 *Department of Defense travel system that are most*  
7 *confusing, inefficient, and in need of revision.*

8 (2) *Critical review of opportunities to streamline*  
9 *and simplify defense travel policies and to reduce*  
10 *travel-related costs to the Department of Defense.*

11 (3) *Options to leverage industry capabilities that*  
12 *could enhance management responsiveness to chang-*  
13 *ing markets.*

14 (4) *A discussion of pilot programs that could be*  
15 *undertaken to prove the merit of improvements iden-*  
16 *tified in accomplishing actions specified in para-*  
17 *graphs (1) and (2), including recommendations for*  
18 *legislative authority.*

19 (5) *Such recommendations and an implementa-*  
20 *tion plan for legislative or administrative action as*  
21 *the Secretary of Defense considers appropriate to im-*  
22 *prove defense travel.*

1 **SEC. 1078. REPORT ON MODELING AND SIMULATION AC-**  
2 **TIVITIES OF UNITED STATES JOINT FORCES**  
3 **COMMAND.**

4 (a) *REPORT REQUIRED.*—Not later than 180 days  
5 after the date of the enactment of this Act, the Secretary  
6 of Defense, working through the Director for Defense Re-  
7 search and Engineering, the Assistant Secretary of Defense  
8 for Manufacturing and Industrial Base, and the Com-  
9 mander of the United States Joint Forces Command, shall  
10 submit to the congressional defense committees a report that  
11 describes current and planned efforts to support and en-  
12 hance the defense modeling and simulation technological  
13 and industrial base, including in academia, industry, and  
14 government.

15 (b) *ELEMENTS.*—The report required under subsection  
16 (a) shall include the following:

17 (1) *An assessment of the current and future do-*  
18 *mestic defense modeling and simulation technological*  
19 *and industrial base and its ability to meet current*  
20 *and future defense requirements.*

21 (2) *A description of current and planned pro-*  
22 *grams and activities of the Department of Defense to*  
23 *enhance the ability of the domestic defense modeling*  
24 *and simulation industrial base to meet current and*  
25 *future defense requirements.*

1           (3) *A description of current and planned De-*  
2 *partment of Defense activities in cooperation with*  
3 *Federal, State, and local government organizations*  
4 *that promote the enhancement of the ability of the do-*  
5 *mestic defense modeling and simulation industrial*  
6 *base to meet current and future defense requirements.*

7           (4) *A comparative assessment of current and fu-*  
8 *ture global modeling and simulation capabilities rel-*  
9 *ative to those of the United States in areas related to*  
10 *defense applications of modeling and simulation.*

11           (5) *An identification of additional authorities or*  
12 *resources related to technology transfer, establishment*  
13 *of public-private partnerships, coordination with re-*  
14 *gional, State, or local initiatives, or other activities*  
15 *that would be required to enhance efforts to support*  
16 *the domestic defense modeling and simulation indus-*  
17 *trial base.*

18           (6) *Other matters as determined appropriate by*  
19 *the Secretary.*

20 **SEC. 1079. REPORT ON ENABLING CAPABILITIES FOR SPE-**  
21 **CIAL OPERATIONS FORCES.**

22           (a) *REPORT REQUIRED.*—*Not later than 270 days*  
23 *after the date of the enactment of this Act, the Commander*  
24 *of the United States Special Operations Command, jointly*  
25 *with the commanders of the combatant commands and the*



1 *chiefs of the services, shall submit to the Secretary of De-*  
2 *fense and the Chairman of the Joint Chiefs of Staff a report*  
3 *on the availability of enabling capabilities to support spe-*  
4 *cial operations forces requirements.*

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

7 (1) *An identification of the requirements for ena-*  
8 *bling capabilities for conventional forces and special*  
9 *operations forces globally, including current and pro-*  
10 *jected needs in Iraq, Afghanistan, and other theaters*  
11 *of operation.*

12 (2) *A description of the processes used to*  
13 *prioritize and allocate enabling capabilities to meet*  
14 *the mission requirements of conventional forces and*  
15 *special operations forces.*

16 (3) *An identification and description of any*  
17 *shortfalls in enabling capabilities for special oper-*  
18 *ations forces by function, region, and quantity, as de-*  
19 *termined by the Commander of the United States*  
20 *Special Operations Command and the commanders of*  
21 *the geographic combatant commands.*

22 (4) *An assessment of the current inventory of*  
23 *these enabling capabilities within the military de-*  
24 *partments and components and the United States*  
25 *Special Operations Command.*

1           (5) *An assessment of whether there is a need to*  
2 *create additional enabling capabilities by function*  
3 *and quantity.*

4           (6) *An assessment of the merits of creating addi-*  
5 *tional enabling units, by type and quantity—*

6                   (A) *within the military departments; and*

7                   (B) *within the United States Special Oper-*  
8 *ations Command.*

9           (7) *Recommendations for meeting the current*  
10 *and future enabling force requirements of the United*  
11 *States Special Operations Command, including an*  
12 *assessment of the increases in endstrength, equipment,*  
13 *funding, and military construction that would be re-*  
14 *quired to support these recommendations.*

15           (8) *Any other matters the Commander of the*  
16 *United States Special Operations Command, the com-*  
17 *manders of the combatant commands, and the chiefs*  
18 *of the services consider useful and relevant.*

19           (c) *REPORT TO CONGRESS.—Not later than 30 days*  
20 *after receiving the report required under subsection (a), the*  
21 *Secretary of Defense shall forward the report to the congres-*  
22 *sional defense committees with any additional comments*  
23 *the Secretary considers appropriate.*

## **Subtitle H—Other Matters**

### **SEC. 1081. TRANSFER OF NAVY AIRCRAFT N40VT.**

(a) *AUTHORITY TO TRANSFER.*—

(1) *AUTHORITY.*—Subject to all applicable Federal laws and regulations controlling the disposition of Federal property, the Secretary of the Navy may transfer to Piasecki Aircraft Corporation of Essington, Pennsylvania (in this section referred to as the “transferee”), Navy aircraft N40VT (Bureau Number 163283) and associated components, test equipment, and engines, previously specified as Government-furnished equipment in contract N00019–00–C–0284.

(2) *WRITTEN AGREEMENT.*—The transfer under this subsection shall be made by means of a written agreement.

(3) *APPLICABLE LAW.*—The transfer or use of military equipment is subject to all applicable United State laws and regulations, including, but not limited to, the Arms Export Control Act, the Export Administration Act of 1979, continued under Executive Order 12924, International Traffic in Arms Regulations (22 C.F.R. 120 et seq.), Export Administration Regulations (15 C.F.R. 730 et seq.), Foreign Assets Control

1        *Regulations (31 C.F.R. 500 et seq.), and the Espio-*  
2        *nage Act.*

3        (b) *CERTIFICATION REQUIRED FOR DISPOSAL OF COM-*  
4        *BATANT MILITARY EQUIPMENT.*—*No military equipment*  
5        *described by subsection (a) that is military equipment of*  
6        *a combatant command may be transferred under subsection*  
7        *(a) unless the Chief of Staff of the Army, the Chief of Naval*  
8        *Operations, the Chief of Staff of the Air Force, or the Com-*  
9        *mandant of the Marine Corps, as applicable, certifies that*  
10       *such equipment is not essential to the defense of the United*  
11       *States.*

12       (c) *CONDITION OF EQUIPMENT TO BE TRANS-*  
13       *FERRED.*—*The military equipment transferred under sub-*  
14       *section (a) shall be transferred in its current “as is” condi-*  
15       *tion. The Secretary is not required to repair or alter the*  
16       *condition of any military equipment before transferring*  
17       *any interest in such equipment under subsection (a).*

18       (d) *TRANSFER AT NO COST TO THE UNITED*  
19       *STATES.*—*The transfer of military equipment under sub-*  
20       *section (a) shall be made at no cost to the United States.*  
21       *Any costs associated with the transfer shall be borne by the*  
22       *transferee.*

23       (e) *GOVERNMENT RIGHTS.*—*The Secretary shall in-*  
24       *clude in the written agreement under subsection (a)(2) such*

1 *terms and conditions as the Secretary considers appro-*  
2 *priate—*

3           (1) *to permit the United States to use any future*  
4 *technologies derived from testing of military equip-*  
5 *ment transferred under subsection (a), including upon*  
6 *the transfer of such military equipment to a successor*  
7 *in interest of the transferee; and*

8           (2) *to retain for the Government all technical*  
9 *data rights associated with military equipment trans-*  
10 *ferred under subsection (a).*

11       (f) *CONSIDERATION.—As consideration for the transfer*  
12 *of military equipment under subsection (a), the transferee*  
13 *shall provide compensation to the United States, the value*  
14 *of which is equal to the fair market value of such military*  
15 *equipment, as determined by the Secretary. The Secretary*  
16 *may not delegate the authority to make the determination*  
17 *required by the preceding sentence.*

18       (g) *NO LIABILITY FOR THE UNITED STATES.—Upon*  
19 *the transfer of military equipment under subsection (a), the*  
20 *United States shall not be liable for any death, injury, loss,*  
21 *or damage that results from the use of such military equip-*  
22 *ment by any person other than the United States.*

23       (h) *REVERTER UPON BREACH OF CONDITIONS.—The*  
24 *Secretary shall include in the written agreement under sub-*  
25 *section (a)(2) the following:*

1           (1) *A condition that the transferee not transfer*  
2 *any interest in, or transfer possession of, the military*  
3 *equipment transferred under subsection (a) to any*  
4 *other party without the prior written approval of the*  
5 *Secretary.*

6           (2) *A condition that the transferee operate or*  
7 *maintain, as applicable, the military equipment*  
8 *transferred under subsection (a) in compliance with*  
9 *all applicable limitations and maintenance require-*  
10 *ments under law.*

11           (3) *A condition that if the Secretary determines*  
12 *at any time that the transferee has failed to comply*  
13 *with a condition set forth in paragraph (1) or (2), all*  
14 *right, title, and interest in and to the military equip-*  
15 *ment transferred under subsection (a), including any*  
16 *repair or alteration of the military equipment by the*  
17 *transferee or otherwise, shall revert to the United*  
18 *States, and the United States shall have the right of*  
19 *immediate possession of the military equipment.*

20           (i) *LIMITATION ON TRANSFER PENDING NOTICE TO*  
21 *CONGRESS.—*

22           (1) *LIMITATION.—A transfer of military equip-*  
23 *ment under subsection (a) may not occur until—*

24                   (A) *notice of the proposal to make the trans-*  
25 *fer is sent to Congress; and*

1                   (B) 60 days of continuous session of Con-  
2                   gress have expired following the date on which  
3                   such notice is sent to Congress.

4                   (2) *CALCULATION OF CONTINUOUS SESSION.*—

5                   For purposes of paragraph (1)(B), the continuity of  
6                   a session of Congress is broken only by an adjourn-  
7                   ment of the Congress sine die, and the days on which  
8                   the either House is not in session because of adjourn-  
9                   ment of more than 3 days to a day certain are ex-  
10                  cluded in the computation of such 60-day period.

11                  (j) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-  
12                  retary may require such additional terms and conditions  
13                  in connection with a transfer under subsection (a) as the  
14                  Secretary considers appropriate to protect the interests of  
15                  the United States.

16                  **SEC. 1082. TRANSFER OF BIG CROW AIRCRAFT.**

17                  (a) *IN GENERAL.*—The Secretary of the Air Force may  
18                  convey to an appropriate private entity the right, title, and  
19                  interest of the United States in and to the Big Crow aircraft  
20                  referred to in subsection (b) in order to permit the continu-  
21                  ation of the purpose of such aircraft at the time of their  
22                  retirement in and through such private entity after convey-  
23                  ance if the Secretary and the Under Secretary of Defense  
24                  for Acquisition, Technology, and Logistics jointly determine

1 *that it is in the interests of the Department of Defense to*  
2 *do so.*

3 (b) *COVERED BIG CROW AIRCRAFT.—The Big Crow*  
4 *aircraft referred to in this subsection are the recently-retired*  
5 *aircraft as follows:*

6 (1) *Big Crow aircraft NC-135E, tail number*  
7 *55-3132.*

8 (2) *Big Crow aircraft NC-135B, tail number*  
9 *63-8050.*

10 (c) *CONDITIONS OF CONVEYANCE.—*

11 (1) *IN GENERAL.—Any conveyance of Big Crow*  
12 *aircraft under subsection (a) shall be for such consid-*  
13 *eration as the Secretary considers appropriate. The*  
14 *Secretary shall provide for any aircraft so conveyed*  
15 *to be conveyed in “as-is” condition at the time of con-*  
16 *veyance, with all classified and other sensitive equip-*  
17 *ment removed from such aircraft before conveyance.*

18 (2) *NO LIABILITY FOR THE UNITED STATES.—*  
19 *Notwithstanding any other provision of law, upon the*  
20 *conveyance of a Big Crow aircraft under subsection*  
21 *(a), the United States shall not be liable for any*  
22 *death, injury, loss, or damage that results from the*  
23 *use of the aircraft by any person other than the*  
24 *United States.*



1       (d) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-  
2       retary may require such additional terms and conditions  
3       in connection with a conveyance under this section as the  
4       Secretary considers appropriate to protect the interests of  
5       the United States.

6       **SEC. 1083. PLAN FOR SUSTAINMENT OF LAND-BASED SOLID**  
7                               **ROCKET MOTOR INDUSTRIAL BASE.**

8       (a) *IN GENERAL.*—The Secretary of Defense shall re-  
9       view and establish a plan to sustain the solid rocket motor  
10      industrial base, including the ability to maintain and sus-  
11      tain currently deployed strategic and missile defense sys-  
12      tems and to maintain an intellectual and engineering ca-  
13      pacity to support next generation rocket motors, as needed.

14      (b) *SUBMISSION OF PLAN.*—Not later than March 1,  
15      2010, the Secretary of Defense shall submit to the congres-  
16      sional defense committees the plan required under sub-  
17      section (a), together with an explanation of how fiscal year  
18      2010 funds will be used to sustain and support the plan  
19      and a description of the funding in the future years defense  
20      program plan to support the plan.

21      **SEC. 1084. PILOT PROGRAM ON USE OF SERVICE DOGS FOR**  
22                               **THE TREATMENT OR REHABILITATION OF**  
23                               **VETERANS WITH PHYSICAL OR MENTAL INJU-**  
24                               **RIES OR DISABILITIES.**

25      (a) *FINDINGS.*—Congress makes the following findings:

1           (1) *The United States owes a profound debt to*  
2 *those who have served the United States honorably in*  
3 *the Armed Forces.*

4           (2) *Disabled veterans suffer from a range of*  
5 *physical and mental injuries and disabilities.*

6           (3) *In 2008, the Army reported the highest level*  
7 *of suicides among its soldiers since it began tracking*  
8 *the rate 28 years before 2009.*

9           (4) *A scientific study documented in the 2008*  
10 *Rand Report entitled “Invisible Wounds of War” esti-*  
11 *mated that 300,000 veterans of Operation Enduring*  
12 *Freedom and Operation Iraqi Freedom currently suf-*  
13 *fer from post-traumatic stress disorder.*

14           (5) *Veterans have benefitted in multiple ways*  
15 *from the provision of service dogs.*

16           (6) *The Department of Veterans Affairs has been*  
17 *successfully placing guide dogs with the blind since*  
18 *1961.*

19           (7) *Thousands of dogs around the country await*  
20 *adoption.*

21           (b) *PROGRAM REQUIRED.—Not later than 120 days*  
22 *after the date of the enactment of this Act, the Secretary*  
23 *of Veterans Affairs shall commence a three-year pilot pro-*  
24 *gram to assess the benefits, feasibility, and advisability of*  
25 *using service dogs for the treatment or rehabilitation of vet-*

1 *erans with physical or mental injuries or disabilities, in-*  
2 *cluding post-traumatic stress disorder.*

3 (c) *PARTNERSHIPS.*—

4 (1) *IN GENERAL.*—*The Secretary shall carry out*  
5 *the pilot program by partnering with nonprofit orga-*  
6 *nizations that—*

7 (A) *have experience providing service dogs*  
8 *to individuals with injuries or disabilities;*

9 (B) *do not charge fees for the dogs, services,*  
10 *or lodging that they provide; and*

11 (C) *are accredited by a generally accepted*  
12 *industry-standard accrediting institution.*

13 (2) *REIMBURSEMENT OF COSTS.*—*The Secretary*  
14 *shall reimburse partners for costs relating to the pilot*  
15 *program as follows:*

16 (A) *For the first 50 dogs provided under the*  
17 *pilot program, all costs relating to the provision*  
18 *of such dogs.*

19 (B) *For dogs provided under the pilot pro-*  
20 *gram after the first 50 dogs provided, all costs*  
21 *relating to the provision of every other dog.*

22 (d) *PARTICIPATION.*—

23 (1) *IN GENERAL.*—*As part of the pilot program,*  
24 *the Secretary shall provide a service dog to a number*  
25 *of veterans with physical or mental injuries or dis-*

1       abilities that is greater than or equal to the greater  
2       of—

3               (A) 200; and

4               (B) the minimum number of such veterans  
5       required to produce scientifically valid results  
6       with respect to assessing the benefits and costs of  
7       the use of such dogs for the treatment or rehabili-  
8       tation of such veterans.

9       (2) *COMPOSITION.*—The Secretary shall ensure  
10      that—

11              (A) half of the participants in the pilot pro-  
12      gram are veterans who suffer primarily from a  
13      mental health injury or disability; and

14              (B) half of the participants in the pilot pro-  
15      gram are veterans who suffer primarily from a  
16      physical injury or disability.

17      (e) *STUDY.*—In carrying out the pilot program, the  
18      Secretary shall conduct a scientifically valid research study  
19      of the costs and benefits associated with the use of service  
20      dogs for the treatment or rehabilitation of veterans with  
21      physical or mental injuries or disabilities. The matters  
22      studied shall include the following:

23              (1) The therapeutic benefits to such veterans, in-  
24      cluding the quality of life benefits reported by the vet-  
25      erans partaking in the pilot program.

1           (2) *The economic benefits of using service dogs*  
2 *for the treatment or rehabilitation of such veterans,*  
3 *including—*

4                   (A) *savings on health care costs, including*  
5 *savings relating to reductions in hospitalization*  
6 *and reductions in the use of prescription drugs;*  
7 *and*

8                   (B) *productivity and employment gains for*  
9 *the veterans.*

10           (3) *The effectiveness of using service dogs to pre-*  
11 *vent suicide.*

12 (f) *REPORTS.—*

13           (1) *ANNUAL REPORT OF THE SECRETARY.—After*  
14 *each year of the pilot program, the Secretary shall*  
15 *submit to Congress a report on the findings of the*  
16 *Secretary with respect to the pilot program.*

17           (2) *FINAL REPORT BY THE NATIONAL ACADEMY*  
18 *OF SCIENCES.—Not later than 180 days after the date*  
19 *of the completion of the pilot program, the National*  
20 *Academy of Sciences shall submit to Congress a re-*  
21 *port on the results of the pilot program.*

1 **SEC. 1085. EXPANSION OF STATE HOME CARE FOR PARENTS**  
2 **OF VETERANS WHO DIED WHILE SERVING IN**  
3 **ARMED FORCES.**

4 *In administering section 51.210(d) of title 38, Code*  
5 *of Federal Regulations, the Secretary of Veterans Affairs*  
6 *shall permit a State home to provide services to, in addition*  
7 *to non-veterans described in such subsection, a non-veteran*  
8 *any of whose children died while serving in the Armed*  
9 *Forces.*

10 **SEC. 1086. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE**  
11 **AND RETIREMENT TREATMENT FOR CERTAIN**  
12 **RETIREEES OF THE ARMED FORCES.**

13 *(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS*  
14 *SUBJECT TO FERS.—*

15 *(1) LAW ENFORCEMENT OFFICERS AND FIRE-*  
16 *FIGHTERS.—Section 3307(e) of title 5, United States*  
17 *Code, is amended—*

18 *(A) by striking “(e) The” and inserting*  
19 *“(e)(1) Except as provided in paragraph (2),*  
20 *the”;* and

21 *(B) by adding at the end the following:*

22 *“(2) The maximum age limit for an original appoint-*  
23 *ment to a position as a firefighter or law enforcement officer*  
24 *(as defined by section 8401(14) or (17), respectively) shall*  
25 *be 47 years of age, in the case of an individual who on*  
26 *the effective date of such appointment is eligible to receive*

1 *retired pay or retainer pay for military service, or pension*  
2 *or compensation from the Department of Veterans Affairs*  
3 *instead of such retired or retainer pay.”.*

4           (2) *OTHER POSITIONS.—The maximum age*  
5 *limit for an original appointment to a position as a*  
6 *member of the Capitol Police or Supreme Court Po-*  
7 *lice, nuclear materials courier (as defined under sec-*  
8 *tion 8401(33) of title 5, United States Code), or cus-*  
9 *oms and border protection officer (as defined in sec-*  
10 *tion 8401(36) of title 5, United States Code) shall be*  
11 *47 years of age, in the case of an individual who on*  
12 *the effective date of such appointment is eligible to re-*  
13 *ceive retired pay or retainer pay for military service,*  
14 *or pension or compensation from the Department of*  
15 *Veterans Affairs instead of such retired or retainer*  
16 *pay.*

17           (b) *ELIGIBILITY FOR ANNUITY.—Section 8412(d) of*  
18 *title 5, United States Code, is amended—*

19           (1) *in paragraph (1), by striking “or” at the*  
20 *end;*

21           (2) *in paragraph (2), by adding “or” at the end;*  
22 *and*

23           (3) *by inserting after paragraph (2) the fol-*  
24 *lowing:*

1           “(3) after becoming 57 years of age and com-  
2           pleting 10 years of service as a law enforcement offi-  
3           cer, member of the Capitol Police or Supreme Court  
4           Police, firefighter, nuclear materials courier, customs  
5           or border protection officer, or any combination of  
6           such service totaling 10 years, if such employee—

7                   “(A) is originally appointed to a position  
8                   as a law enforcement officer, member of the Cap-  
9                   itol Police or Supreme Court Police, firefighter,  
10                  nuclear materials courier, or customs and border  
11                  protection officer on or after the effective date of  
12                  this paragraph under section 1083(e) of the Na-  
13                  tional Defense Authorization Act for Fiscal Year  
14                  2010;

15                  “(B) on the date that original appointment  
16                  met the requirements of section 3307(e)(2) of this  
17                  title or section 1083(a)(2) of the National De-  
18                  fense Authorization Act for Fiscal Year 2010.”.

19           (c) *MANDATORY SEPARATION*.—Section 8425 of title 5,  
20 *United States Code*, is amended—

21                   (1) in subsection (b)(1), in the first sentence, by  
22                   inserting “, except that a law enforcement officer,  
23                   firefighter, nuclear materials courier, or customs and  
24                   border protection officer eligible for retirement under  
25                   8412(d)(3) shall be separated from service on the last



1 *day of the month in which that employee becomes 57*  
2 *years of age” before the period;*

3 (2) *in subsection (c), in the first sentence, by in-*  
4 *serting “, except that a member of the Capitol Police*  
5 *eligible for retirement under 8412(d)(3) shall be sepa-*  
6 *rated from service on the last day of the month in*  
7 *which that employee becomes 57 years of age” before*  
8 *the period; and*

9 (3) *in subsection (d), in the first sentence, by in-*  
10 *serting “, except that a member of the Supreme Court*  
11 *Police eligible for retirement under 8412(d)(3) shall*  
12 *be separated from service on the last day of the month*  
13 *in which that employee becomes 57 years of age” be-*  
14 *fore the period.*

15 (d) *COMPUTATION OF BASIC ANNUITY.—Section*  
16 *8415(d) of title 5, United States Code, is amended—*

17 (1) *in paragraph (1), by striking “total service*  
18 *as” and inserting “civilian service as a law enforce-*  
19 *ment officer, member of the Capitol Police or Su-*  
20 *preme Court Police, firefighter, nuclear materials cou-*  
21 *rier, customs and border protection officer, or air*  
22 *traffic controller that, in the aggregate,”; and*

23 (2) *in paragraph (2), by striking “so much of*  
24 *such individual’s total service as exceeds 20 years”*



1 *missile defense, arms control initiatives, and non-*  
2 *proliferation strategies.*

3 (2) *The Commission, comprised of some of the*  
4 *most preeminent scholars and technical experts in the*  
5 *United States in the subject matter, found a bipar-*  
6 *tisan consensus on these issues in its Final Report*  
7 *made public on May 6, 2009.*

8 (3) *Congress appreciates the service of former*  
9 *Secretary of Defense William Perry, former Secretary*  
10 *of Defense and Energy James Schlesinger, former*  
11 *Senator John Glenn, former Congressman Lee Ham-*  
12 *ilton, Ambassador James Woolsey, Doctors John Fos-*  
13 *ter, Fred Ikle, Keith Payne, Morton Halperin, Ellen*  
14 *Williams, Bruce Tarter, and Harry Cartland, and*  
15 *the United States Institute of Peace.*

16 (4) *Congress values the work of the Commission*  
17 *and pledges to work with President Barack Obama to*  
18 *address the findings and review and consider the rec-*  
19 *ommendations of the Commission.*

20 (b) *EXTENSION OF SUNSET.*—*Section 1062 of the Na-*  
21 *tional Defense Authorization Act for Fiscal Year 2008 (Pub-*  
22 *lic Law 110–181; 122 Stat. 319) is amended—*

23 (1) *by redesignating subsections (f) and (g) as*  
24 *subsections (g) and (h), respectively;*

1           (2) *in subsection (h), as redesignated by para-*  
2 *graph (1), by striking “September 30, 2009” and in-*  
3 *serting “September 30, 2010”;* and

4           (3) *by inserting after subsection (e) the following*  
5 *new subsection:*

6           “(f) *FOLLOW-ON REPORT.—Following submittal of the*  
7 *report required in subsection (e), the Commission may con-*  
8 *duct public outreach and discussion of the matters con-*  
9 *tained in the report.”.*

10 **SEC. 1089. ADDITIONAL MEMBERS AND DUTIES FOR INDE-**  
11 **PENDENT PANEL TO ASSESS THE QUADREN-**  
12 **NIAL DEFENSE REVIEW.**

13           (a) *FINDING.—Congress understands that the inde-*  
14 *pendent panel appointed by the Secretary of Defense pursu-*  
15 *ant to section 118(f) of title 10, United States Code, will*  
16 *be comprised of twelve members equally divided on a bipar-*  
17 *tisan basis.*

18           (b) *SENSE OF CONGRESS ON INDEPENDENT PANEL.—*  
19 *It is the sense of Congress that the independent panel ap-*  
20 *pointed by the Secretary of Defense pursuant to section*  
21 *118(f) of title 10, United States Code, should be comprised*  
22 *of members equally divided on a bipartisan basis.*

23           (c) *ADDITIONAL MEMBERS.—*

24           (1) *IN GENERAL.—For purposes of conducting*  
25 *the assessment of the 2009 quadrennial defense review*

1     *under section 118 of title 10, United States Code (in*  
2     *this section referred to as the “2009 QDR”), the inde-*  
3     *pendent panel established under subsection (f) of such*  
4     *section (in this section referred to as the “Panel”)*  
5     *shall include eight additional members to be ap-*  
6     *pointed as follows:*

7             *(A) Two by the chairman of the Committee*  
8             *on Armed Services of the House of Representa-*  
9             *tives.*

10            *(B) Two by the chairman of the Committee*  
11            *on Armed Services of the Senate.*

12            *(C) Two by the ranking member of the*  
13            *Committee on Armed Services of the House of*  
14            *Representatives.*

15            *(D) Two by the ranking member of the*  
16            *Committee on Armed Services of the Senate.*

17            *(2) PERIOD OF APPOINTMENT; VACANCIES.—Any*  
18            *vacancy in an appointment to the Panel under para-*  
19            *graph (1) shall be filled in the same manner as the*  
20            *original appointment.*

21            *(d) ADDITIONAL DUTIES OF PANEL FOR 2009 QDR.—*  
22     *In addition to the duties of the Panel under section 118(f)*  
23     *of title 10, United States Code, the Panel shall, with respect*  
24     *to the 2009 QDR—*

1           (1) *conduct an independent assessment of a vari-*  
2           *ety of possible force structures of the Armed Forces,*  
3           *including the force structure identified in the report*  
4           *of the 2009 QDR; and*

5           (2) *make any recommendations it considers ap-*  
6           *propriate for consideration.*

7           (e) *REPORT OF SECRETARY OF DEFENSE.—Not later*  
8           *than 30 days after the Panel submits its report with respect*  
9           *to the 2009 QDR under section 118(f)(2) of title 10, United*  
10           *States Code, the Secretary of Defense, after consultation*  
11           *with the Chairman of the Joint Chiefs of Staff, shall submit*  
12           *to the congressional defense committees any comments of the*  
13           *Secretary on the report of the Panel.*

14           (f) *TERMINATION.—The provisions of this section shall*  
15           *terminate on the day that is 45 days after the date on which*  
16           *the Panel submits its report with respect to the 2009 QDR*  
17           *under section 118(f)(2) of title 10, United States Code.*

18   **SEC. 1090. CONTRACTING IMPROVEMENTS.**

19           (a) *DEFINITIONS.—In this section—*

20           (1) *the terms “Administration” and “Adminis-*  
21           *trator” mean the Small Business Administration and*  
22           *the Administrator thereof, respectively; and*

23           (2) *the terms “HUBZone small business con-*  
24           *cern”, “small business concern”, “small business con-*  
25           *cern owned and controlled by service-disabled vet-*

1        *erans*”, and “*small business concern owned and con-*  
2        *trolled by women*” have the same meanings as in sec-  
3        *tion 3 of the Small Business Act (15 U.S.C. 632).*

4        (b)        *CONTRACTING OPPORTUNITIES.*—Section  
5        *31(b)(2)(B) of the Small Business Act (15 U.S.C.*  
6        *657a(b)(2)(B)) is amended by striking “shall” and insert-*  
7        *ing “may”.*

8        (c)        *CONTRACTING GOALS.*—Section *15(g)(1) of the*  
9        *Small Business Act (15 U.S.C. 644(g)(1)) is amended in*  
10        *the fourth sentence by inserting “and subcontract” after*  
11        *“not less than 3 percent of the total value of all prime con-*  
12        *tract”.*

13        (d)        *MENTOR-PROTEGE PROGRAMS.*—*The Adminis-*  
14        *trator may establish mentor-protege programs for small*  
15        *business concerns owned and controlled by service-disabled*  
16        *veterans, small business concerns owned and controlled by*  
17        *women, and HUBZone small business concerns modeled on*  
18        *the mentor-protege program of the Administration for small*  
19        *business concerns participating in programs under section*  
20        *8(a) of the Small Business Act (15 U.S.C. 637(a)).*

21        **SEC. 1091. NATIONAL D-DAY MEMORIAL STUDY.**

22        (a)        *DEFINITIONS.*—*In this section:*

23                (1)        *AREA.*—*The term “Area” means in the Na-*  
24        *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 a*  
6 *study of the Area to evaluate the national significance*  
7 *of the Area and suitability and feasibility of desig-*  
8 *nating the Area as a unit of the National Park Sys-*  
9 *tem.*

10          (2) *CRITERIA.*—*In conducting the study required*  
11 *by paragraph (1), the Secretary shall use the criteria*  
12 *for the study of areas for potential inclusion in the*  
13 *National Park System in section 8(c) of Public Law*  
14 *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 National*  
19 *Park System;*

20           (B) *include cost estimates for any necessary*  
21 *acquisition, development, operation, and mainte-*  
22 *nance 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 re-  
3 quired by this section, except that the study shall be sub-  
4 mitted to the Committee on Natural Resources of the House  
5 of Representatives and the Committee on Energy and Nat-  
6 ural Resources of the Senate not later than 3 years after  
7 the date on which funds are first made available for the  
8 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 NATIONAL*  
16 *SECURITY PERSONNEL SYSTEM*.—Section 9902 of title 5,  
17 *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 (h)*  
21 *as subsections (d), (e), and (f) respectively.*

22       (b) *PERIOD FOR TERMINATION OF NATIONAL SECUR-*  
23 *ITY 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 the*  
3 *date of the enactment of this Act, shall apply to orga-*  
4 *nizational and functional units included in the Na-*  
5 *tional Security Personnel System as of January 20,*  
6 *2009, for a period of one year after the date of the*  
7 *enactment of this Act.*

8 (2) *TRANSITION OF UNITS FROM NSPS.—The Sec-*  
9 *retary of Defense shall ensure the orderly transition*  
10 *of all organizational and functional units covered by*  
11 *paragraph (1) from the National Security Personnel*  
12 *System by not later than one year after the date of*  
13 *the enactment of this Act. The Secretary shall ensure*  
14 *that no employee is subject to a reduction in pay as*  
15 *a result of such transition.*

16 (3) *REMOVAL OF LIMITATION ON PAY ADJUST-*  
17 *MENT.—Notwithstanding section 9902(e)(7) of title 5,*  
18 *United States Code (as in effect on the day before the*  
19 *date of the enactment of this Act), at the time of any*  
20 *annual adjustment to pay schedules pursuant to sec-*  
21 *tion 5303 of such title during the transitional period*  
22 *provided in paragraph (1), the rate of basic pay for*  
23 *each employee described in section 9902(e)(7), as so*  
24 *in effect, shall be adjusted by 100 percent of the*  
25 *amount of such adjustment.*

1           (4) *CURRENT RULES INVALID.*—Any rule or im-  
2           plementing issuance adopted before the date of the en-  
3           actment of this Act to implement any provision of  
4           section 9902 of title 5, United States Code (other than  
5           subsections (d), (e), and (f) of such section (as redesign-  
6           ated by subsection (a)(2))), shall cease to be effective  
7           on the date that is one year after the date of the en-  
8           actment of this Act.

9           (c) *AUTHORITY RELATING TO PERSONNEL MANAGE-*  
10          *MENT AND WORKFORCE INCENTIVES.*—Section 9902 of such  
11          title is further amended by inserting before subsection (d),  
12          as redesignated by subsection (a)(2) of this section, the fol-  
13          lowing 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 Secretary*  
17          *considers appropriate to establish and implement regula-*  
18          *tions 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 positions.*

22                 “(B) *Fair, credible, and transparent methods of*  
23                 *assigning, reassigning, detailing, transferring, or pro-*  
24                 *moting employees.*

1       “(2) *In implementing this subsection, the Secretary*  
2 *shall comply with the provisions of section 2302(b)(11), re-*  
3 *garding 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 sub-*  
7 *section, or to implement this subsection, shall be subject to*  
8 *the requirements subsection (c) and chapter 71.*

9       “(b) *PERFORMANCE MANAGEMENT AND WORKFORCE*  
10 *INCENTIVES.—(1) The Secretary may waive the require-*  
11 *ments of chapters 43 (other than sections 4302 and 4303(e))*  
12 *and 45, and the regulations implementing such chapters,*  
13 *to the extent the Secretary considers appropriate to estab-*  
14 *lish and implement regulations providing for the following:*

15           “(A) *A fair, credible, and transparent perform-*  
16 *ance appraisal system for employees.*

17           “(B) *A fair, credible, and transparent system for*  
18 *linking employee bonuses and other performance-*  
19 *based actions to performance appraisals of employees.*

20           “(C) *A process for ensuring ongoing performance*  
21 *feedback and dialogue among supervisors, managers,*  
22 *and employees throughout the appraisal period and*  
23 *setting timetables for review.*

24       “(2)(A) *The Secretary may establish a fund to be*  
25 *known as the ‘Department of Defense Civilian Workforce*

1 *Incentive Fund*’ (in this paragraph referred to as the  
2 *Fund*’).

3 “(B) *The Fund shall consist of the following:*

4 “(i) *Amounts appropriated to the Fund.*

5 “(ii) *Amounts available for compensation of em-*  
6 *ployees that are transferred to the Fund.*

7 “(C) *Amounts in the Fund shall be available as fol-*  
8 *lows:*

9 “(i) *For incentive payments to employees based*  
10 *on individual or team performance.*

11 “(ii) *For incentive payments to employees for*  
12 *purposes of the employment and retention as employ-*  
13 *ees of qualified individuals with particular com-*  
14 *petencies or qualifications.*

15 “(3) *Any action taken by the Secretary under this sub-*  
16 *section, or to implement this subsection, shall be subject to*  
17 *the requirements of subsection (c) and chapter 71.*

18 “(c) *CRITERIA FOR USE OF NEW PERSONNEL AU-*  
19 *THORITIES.—In establishing any new personnel manage-*  
20 *ment system under subsection (a) or new performance man-*  
21 *agement and workforce incentive system under subsection*  
22 *(b), the Secretary shall—*

23 “(1) *adhere to merit principles set forth in sec-*  
24 *tion 2301;*

1           “(2) include a means for ensuring employee in-  
2           volvement in the design and implementation of such  
3           system;

4           “(3) provide for adequate training and retrain-  
5           ing for supervisors, managers, and employees in the  
6           implementation and operation of such system;

7           “(4) include effective transparency and account-  
8           ability measures and safeguards to ensure that the  
9           management of such system is fair, credible, and eq-  
10          uitable, including appropriate independent reason-  
11          ableness reviews, internal assessments, and employee  
12          surveys; and

13          “(5) ensure that adequate agency resources are  
14          allocated for the design, implementation, and admin-  
15          istration of such system.”.

16          (d) *CONFORMING CLERICAL AMENDMENTS.*—

17                 (1) *HEADING AMENDMENT.*—*The heading of such*  
18                 *section is amended to read as follows:*

19                 “**§9902. Department of Defense personnel authori-**  
20                 **ties”.**

21                 (2) *CLERICAL AMENDMENT.*—*The table of sec-*  
22                 *tions at the beginning of chapter 99 of such title is*  
23                 *amended by striking the item relating to section 9902*  
24                 *and inserting the following new item:*

                  “9902. *Department of Defense personnel authorities.*”.

1       (e) *MODIFICATION OF IMPLEMENTATION AUTHORITIES*  
2 *AND LIMITATIONS.*—*Section 1106 of the National Defense*  
3 *Authorization Act for Fiscal Year 2008 (Public Law 110–*  
4 *181; 122 Stat. 349) is amended—*

5           (1) *by striking subsection (b);*

6           (2) *by redesignating subsection (c) as subsection*  
7 *(b); and*

8           (3) *in subsection (b), as redesignated by para-*  
9 *graph (2)—*

10           (A) *by striking paragraph (1) and inserting*  
11 *the following new paragraph (1):*

12           “(1) *The Comptroller General shall conduct an-*  
13 *ual reviews in calendar years 2010, 2011, and 2012*  
14 *of—*

15           “(A) *employee satisfaction with any proc-*  
16 *esses established pursuant to regulations promul-*  
17 *gated by the Secretary of Defense pursuant to*  
18 *section 9902 of title 5, United States Code; and*

19           “(B) *the extent to which any processes so es-*  
20 *tablished are fair, credible, and transparent, as*  
21 *required by such section 9902.”; and*

22           (B) *in paragraph (2), by striking “the Na-*  
23 *tional Security Personnel System” and inserting*  
24 *“any processes established pursuant to such regu-*  
25 *lations”.*

1       (f) *ADDITIONAL CONFORMING AMENDMENT.*—Section  
2 *1108(b) of the Duncan Hunter National Defense Authoriza-*  
3 *tion Act for Fiscal Year 2009 (Public Law 110–417; 122*  
4 *Stat. 4618; 10 U.S.C. 1580 note) is amended by striking*  
5 *“identified in section 9902(c)(2) of title 5, United States*  
6 *Code.” and inserting “as follows:*

7           “(1) *The Aviation and Missile Research Develop-*  
8 *ment and Engineering Center.*

9           “(2) *The Army Research Laboratory.*

10          “(3) *The Medical Research and Materiel Com-*  
11 *mand.*

12          “(4) *The Engineer Research and Development*  
13 *Command.*

14          “(5) *The Communications–Electronics Com-*  
15 *mand.*

16          “(6) *The Soldier and Biological Chemical Com-*  
17 *mand.*

18          “(7) *The Naval Sea Systems Command Centers.*

19          “(8) *The Naval Research Laboratory.*

20          “(9) *The Office of Naval Research.*

21          “(10) *The Air Force Research Laboratory.”.*

22       (g) *WAIVER.*—Subsection (a) through (f) of this section  
23 *and the amendments made by such subsections shall not*  
24 *take effect if, not later than 60 days after the date of the*  
25 *enactment of this Act, the Secretary of Defense submits to*



1 *the Committees on Armed Services of the Senate and the*  
2 *House of Representatives, the Committee on Homeland Se-*  
3 *curity and Governmental Affairs of the Senate, and the*  
4 *Committee on Oversight and Government Reform of the*  
5 *House of Representatives a report that includes—*

6 (1) *a certification that—*

7 (A) *the termination of the National Secu-*  
8 *rity Personnel System would not be in the best*  
9 *interest of the Department of Defense;*

10 (B) *the Secretary intends to implement*  
11 *changes during fiscal year 2010 to improve the*  
12 *fairness, credibility, and transparency of the Na-*  
13 *tional Security Personnel System; and*

14 (C) *the Secretary has determined that the*  
15 *changes to be made pursuant to subparagraph*  
16 *(B) will result in improved employee acceptance*  
17 *of the National Security Personnel System; and*

18 (2) *a description of the changes that the Sec-*  
19 *retary intends to implement and the schedule for im-*  
20 *plementing such changes.*

21 (h) *EXPANSION PROHIBITED.—If the Secretary of De-*  
22 *fense submits a report and certification under subsection*  
23 *(g) and the National Security Personnel System is not ter-*  
24 *minated, the National Security Personnel System may not*  
25 *be extended to organizational and functional units of the*

1 *Department of Defense not included in such system as of*  
2 *June 1, 2009, unless specifically authorized by statute en-*  
3 *acted after the date of the enactment of this Act.*

4 **SEC. 1102. EXTENSION AND MODIFICATION OF EXPERI-**  
5 **MENTAL PERSONNEL MANAGEMENT PRO-**  
6 **GRAM FOR SCIENTIFIC AND TECHNICAL PER-**  
7 **SONNEL.**

8 (a) *THREE-YEAR EXTENSION.*—*Subsection (e)(1) of*  
9 *section 1101 of the Strom Thurmond National Defense Au-*  
10 *thorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note)*  
11 *is amended by striking “September 30, 2011” and inserting*  
12 *“September 30, 2014”.*

13 (b) *LIMITATIONS ON ADDITIONAL PAYMENTS.*—*Such*  
14 *section is further amended—*

15 (1) *in subsection (b)(3), by striking “under sub-*  
16 *section (d)(1)” and inserting “under subsection (d)”;*  
17 *and*

18 (2) *by striking subsection (d) and inserting the*  
19 *following new subsection (d):*

20 “(d) *LIMITATIONS ON ADDITIONAL PAYMENTS.*—(1)  
21 *Subject to paragraph (3), the total amount of additional*  
22 *payments paid to an employee under subsection (b)(3) for*  
23 *any 12-month period may not exceed the lesser of the*  
24 *amounts as follows:*

1           “(A) \$50,000 in fiscal year 2010, which may be  
2           adjusted annually thereafter by the Secretary, with a  
3           percentage increase equal to one-half of 1 percentage  
4           point less than the percentage by which the Employ-  
5           ment Cost Index, published quarterly by the Bureau  
6           of Labor Statistics, for the base quarter of the year  
7           before the preceding calendar year exceeds the Em-  
8           ployment Cost Index for the base quarter of the second  
9           year before the preceding calendar year.

10           “(B) The amount equal to 50 percent of the em-  
11           ployee’s annual rate of basic pay.

12           “(2) In paragraph (1), the term ‘base quarter’ has the  
13           meaning given that term in section 5302(3) of title 5,  
14           United States Code.

15           “(3) Notwithstanding any other provision of this sec-  
16           tion or section 5307 of title 5, United States Code, no addi-  
17           tional payments may be paid to an employee under sub-  
18           section (b)(3) in any calendar year if, or to the extent that,  
19           the employee’s total annual compensation in such calendar  
20           year will exceed the maximum amount of total annual com-  
21           pensation payable at the salary set in accordance with sec-  
22           tion 104 of title 3, United States Code.

23           “(4) An employee appointed under the program is not  
24           eligible for any bonus, monetary award, or other monetary

1 *incentive for service under the appointment other than pay-*  
2 *ments authorized by this section.”.*

3       (c) *REPORTING REQUIREMENTS.—Paragraph (1) of*  
4 *subsection (g) of such section is amended to read as follows:*

5       “(1)(A) *Not later than December 31 each year in which*  
6 *the authority under this section is in effect, the Secretary*  
7 *of Defense shall submit to the committees of Congress speci-*  
8 *fied in subparagraph (B) a report on the program. Each*  
9 *report shall cover the 12-month period preceding the date*  
10 *of the submittal of such report.*

11       “(B) *The committees of Congress specified in this sub-*  
12 *paragraph are—*

13               “(i) *the Committee on Armed Services, the Com-*  
14 *mittee on Homeland Security and Governmental Af-*  
15 *airs, and the Committee on Appropriations of the*  
16 *Senate; and*

17               “(ii) *the Committee on Armed Services, the Com-*  
18 *mittee on Oversight and Government Reform, and the*  
19 *Committee on Appropriations of the House of Rep-*  
20 *resentatives”.*

1 **SEC. 1103. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**  
2 **ANNUAL LIMITATION ON PREMIUM PAY AND**  
3 **AGGREGATE LIMITATION ON PAY FOR FED-**  
4 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**  
5 **SEAS.**

6 (a) *EXTENSION OF AUTHORITY.*—Subsection (a) of sec-  
7 tion 1101 of the Duncan Hunter National Defense Author-  
8 ization Act for Fiscal Year 2009 (Public Law 110–417; 122  
9 Stat. 4615) is amended by striking “calendar year 2009”  
10 and inserting “calendar years 2009 and 2010”.

11 (b) *CLARIFICATION OF EXEMPTION FROM AGGREGATE*  
12 *LIMITATIONS ON PAY.*—Subsection (b) of such section is  
13 amended by striking “Section 5307 of title 5, United States  
14 Code” and inserting “Aggregate limitations on pay, wheth-  
15 er established by law or regulation”.

16 **SEC. 1104. AVAILABILITY OF FUNDS FOR COMPENSATION**  
17 **OF CERTAIN CIVILIAN EMPLOYEES OF THE**  
18 **DEPARTMENT OF DEFENSE.**

19 (a) *AVAILABILITY OF FUNDS.*—Notwithstanding any  
20 other provision of law, funds authorized to be appropriated  
21 for the Department of Defense that are available for the pur-  
22 chase of contract services to meet a requirement that is an-  
23 ticipated to continue for five years or more shall be avail-  
24 able to provide compensation for civilian employees of the  
25 Department to meet the same requirement.

1       (b) *REGULATIONS.*—Not later than 120 days after the  
2 date of the enactment of this Act, the Secretary shall pre-  
3 scribe regulations implementing the authority in subsection  
4 (a). Such regulations—

5           (1) shall ensure that the authority in subsection  
6 (a) is utilized to build government capabilities that  
7 are needed to perform inherently governmental func-  
8 tions, functions closely associated with inherently gov-  
9 ernmental functions, and other critical functions;

10          (2) shall include a mechanism to ensure that fol-  
11 low-on funding to provide compensation for civilian  
12 employees of the Department to perform functions de-  
13 scribed in paragraph (1) is provided from appro-  
14 priate accounts; and

15          (3) may establish additional criteria and levels  
16 of approval within the Department for the utilization  
17 of funds to provide compensation for civilian employ-  
18 ees of the Department pursuant to subsection (a).

19       (c) *ANNUAL REPORT.*—Not later than 60 days after  
20 the end of each fiscal year for which the authority in sub-  
21 section (a) is in effect, the Secretary shall submit to the  
22 congressional defense committees a report on the use of such  
23 authority. Each report shall cover the preceding fiscal year  
24 and shall identify, at a minimum, the following:

1           (1) *The amount of funds used under the author-*  
2 *ity in subsection (a) to provide compensation for ci-*  
3 *vilian employees.*

4           (2) *The source or sources of the funds so used.*

5           (3) *The number of civilian employees employed*  
6 *through the use of such funds.*

7           (4) *The actions taken by the Secretary to ensure*  
8 *that follow-on funding for such civilian employees is*  
9 *provided through appropriate accounts.*

10       (d) *TEMPORARY AUTHORITY.—The authority in sub-*  
11 *section (a) shall apply to funds authorized to be appro-*  
12 *riated for the Department of Defense fiscal years 2010*  
13 *through 2019.*

14 **SEC. 1105. DEPARTMENT OF DEFENSE CIVILIAN LEADER-**  
15 **SHIP PROGRAM.**

16       (a) *LEADERSHIP PROGRAM REQUIRED.—*

17           (1) *IN GENERAL.—Not later than 180 days after*  
18 *the date of the enactment of this Act, the Secretary of*  
19 *Defense shall establish a program of leadership re-*  
20 *ruitment and development for civilian employees of*  
21 *the Department of Defense, to be known as the “De-*  
22 *partment of Defense Civilian Leadership Program”*  
23 *(in this section referred to as the “program”).*

24           (2) *OBJECTIVES.—The objectives of the program*  
25 *shall be as follows:*

1           (A) *To develop a new generation of civilian*  
2           *leaders for the Department of Defense.*

3           (B) *To recruit individuals with the aca-*  
4           *demeric merit, work experience, and demonstrated*  
5           *leadership skills to meet the future needs of the*  
6           *Department.*

7           (C) *To offer rapid advancement, competitive*  
8           *compensation, and leadership opportunities to*  
9           *highly-qualified civilian employees of the De-*  
10          *partment.*

11          (3) *AVAILABLE AUTHORITIES.—In carrying out*  
12          *the program, the Secretary may exercise any author-*  
13          *ity available to the Office of Personnel Management*  
14          *under section 4703 of title 5, United States Code, ex-*  
15          *cept that the Secretary shall not be bound by the limi-*  
16          *tations in subsection (d) of such section. Nothing in*  
17          *this section shall be construed to authorize the waiver*  
18          *of any part of chapter 71 of title 5, United States*  
19          *Code, or any regulation implementing such chapter,*  
20          *in the carrying out of the program.*

21          (b) *ELIGIBLE INDIVIDUALS.—*

22                 (1) *IN GENERAL.—The following individuals*  
23                 *shall be eligible to participate in the program:*

24                         (A) *Current employees of the Department of*  
25                         *Defense.*



1                   (B) *Appropriate individuals in the private*  
2                   *sector.*

3                   (2) *LIMITATION ON NUMBER OF ENTRANTS INTO*  
4                   *PROGRAM.—The total number of individuals who may*  
5                   *enter into the program in any fiscal year may not ex-*  
6                   *ceed 5,000.*

7                   (c) *ELEMENTS OF PROGRAM.—*

8                   (1) *COMPETITIVE ENTRY.—The selection of indi-*  
9                   *viduals for entry into the program shall be made on*  
10                  *the basis of a competition conducted at least twice*  
11                  *each year. In each competition, participants in the*  
12                  *program shall be selected from among applicants de-*  
13                  *termined by the Secretary to be the most highly quali-*  
14                  *fied in terms of academic merit, work experience, and*  
15                  *demonstrated leadership skills. Each competition shall*  
16                  *provide for entry-level participants and midcareer*  
17                  *participants in the program.*

18                  (2) *ALLOCATION OF POSITIONS.—The Secretary*  
19                  *shall allocate positions in the program among the*  
20                  *components of the Department of Defense that—*

21                         (A) *offer the most challenging assignments;*

22                         (B) *provide the greatest level of responsi-*  
23                         *bility; and*

24                         (C) *demonstrate the greatest need for par-*  
25                         *ticipants in the program.*

1           (3) *ASSIGNMENTS TO POSITIONS.*—*Participants*  
2 *in the program shall be assigned to components of the*  
3 *Department that best match their skills and qualifica-*  
4 *tions. Participants in the program may be rotated*  
5 *among components of the Department of Defense at*  
6 *the discretion of the Secretary.*

7           (4) *INITIAL COMPENSATION.*—*The initial com-*  
8 *ensation of participants in the program shall be de-*  
9 *termined by the Secretary based on the qualifications*  
10 *of such participants and applicable market condi-*  
11 *tions.*

12           (5) *EDUCATION AND TRAINING.*—*The Secretary*  
13 *shall provide participants in the program with train-*  
14 *ing, mentoring, and educational opportunities that*  
15 *are appropriate to facilitate the development of such*  
16 *participants into effective civilian leaders for the De-*  
17 *partment of Defense.*

18           (6) *OBJECTIVE, MERIT-BASED PRINCIPLES FOR*  
19 *PERSONNEL DECISIONS.*—*The Secretary shall make*  
20 *personnel decisions under the program in accordance*  
21 *with such objective, merit-based criteria as the Sec-*  
22 *retary shall prescribe in regulations for purposes of*  
23 *the program. Such criteria shall include, but not be*  
24 *limited to, criteria applicable to the following:*

1           (A) *The selection of individuals for entry*  
2           *into the program.*

3           (B) *The assignment of participants in the*  
4           *program to positions in the Department of De-*  
5           *fense.*

6           (C) *The initial compensation of partici-*  
7           *pants in the program.*

8           (D) *The access of participants in the pro-*  
9           *gram to training, mentoring, and educational*  
10          *opportunities under the program.*

11          (E) *The consideration of participants in the*  
12          *program for selection into the senior manage-*  
13          *ment, functional, and technical workforce of the*  
14          *Department.*

15          (7) *CONSIDERATION FOR SENIOR MANAGEMENT,*  
16          *FUNCTIONAL, AND TECHNICAL WORKFORCE.—Any*  
17          *participant in the program who, as determined by the*  
18          *Secretary, demonstrates outstanding performance*  
19          *shall be afforded priority in consideration for selec-*  
20          *tion into the appropriate element of the senior man-*  
21          *agement, functional, and technical workforce of the*  
22          *Department of Defense (as set forth in section 1102(b)*  
23          *of the John Warner National Defense Authorization*  
24          *Act for Fiscal Year 2007 (Public Law 109–364; 120*  
25          *Stat. 2407)).*

1 **SEC. 1106. REVIEW OF DEFENSE LABORATORIES FOR PAR-**  
2 **TICIPATION IN DEFENSE LABORATORY PER-**  
3 **SONNEL DEMONSTRATION PROJECTS.**

4 (a) *REVIEW REQUIRED.*—*The Secretary of Defense*  
5 *shall undertake a review of defense laboratories not cur-*  
6 *rently included in personnel demonstration projects author-*  
7 *ized by section 342(b) of the National Defense Authorization*  
8 *Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat.*  
9 *2721), as amended by section 1114 of the Floyd D. Spence*  
10 *National Defense Authorization Act for Fiscal Year 2001*  
11 *(as enacted into law by Public Law 106–398; 114 Stat.*  
12 *1654A–315), to determine whether or not any laboratory*  
13 *so reviewed would benefit from the extension to such labora-*  
14 *tory of the personnel management flexibilities available*  
15 *under such section 342(b), as so amended.*

16 (b) *COVERED LABORATORIES.*—*The laboratories cov-*  
17 *ered by the review required by subsection (a) shall include,*  
18 *but not be limited to, the following:*

19 (1) *Laboratories within the Army Research, De-*  
20 *velopment, and Engineering Command.*

21 (2) *Army Tank and Automotive Research, Devel-*  
22 *opment, and Engineering Center.*

23 (3) *Army Armament Research, Development,*  
24 *and Engineering Center.*

25 (4) *Naval Air Warfare Center, Weapons Divi-*  
26 *sion.*

1           (5) *Naval Air Warfare Center, Aircraft Division.*

2           (6) *Space and Naval Warfare Systems Center,*  
3 *Pacific.*

4           (7) *Space and Naval Warfare Systems Center,*  
5 *Atlantic.*

6           (c) *REPORT.*—

7           (1) *IN GENERAL.*—*Not later than 90 days after*  
8 *the date of the enactment of this Act, the Secretary*  
9 *shall submit to the appropriate committees of Con-*  
10 *gress a report setting forth the results of the review*  
11 *required by subsection (a).*

12           (2) *APPROPRIATE COMMITTEES OF CONGRESS*  
13 *DEFINED.*—*In this subsection, the term “appropriate*  
14 *committees of Congress” means—*

15           (A) *the Committee on Armed Services, the*  
16 *Committee on Homeland Security and Govern-*  
17 *mental Affairs, and the Committee on Appro-*  
18 *priations of the Senate; and*

19           (B) *the Committee on Armed Services, the*  
20 *Committee on Oversight and Government Re-*  
21 *form, and the Committee on Appropriations of*  
22 *the House of Representatives.*

1                   **Subtitle B—Part-Time**  
2                   **Reemployment of Annuitants**

3 **SEC. 1161. SHORT TITLE.**

4           *This subtitle may be cited as the “Part-Time Reem-*  
5 *ployment of Annuitants Act of 2009”.*

6 **SEC. 1162. PART-TIME REEMPLOYMENT.**

7           *(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section*  
8 *8344 of title 5, United States Code, is amended—*

9                   *(1) by redesignating subsection (l) as subsection*  
10 *(m);*

11                   *(2) by inserting after subsection (k) the fol-*  
12 *lowing:*

13           *“(l)(1) For purposes of this subsection—*

14                   *“(A) the term ‘head of an agency’ means—*

15                           *“(i) the head of an Executive agency, other*  
16 *than the Department of Defense or the Govern-*  
17 *ment Accountability Office;*

18                           *“(ii) the head of the United States Postal*  
19 *Service;*

20                           *“(iii) the Director of the Administrative Of-*  
21 *fice of the United States Courts, with respect to*  
22 *employees of the judicial branch; and*

23                           *“(iv) any employing authority described*  
24 *under subsection (k)(2), other than the Govern-*  
25 *ment Accountability Office; and*

1           “(B) the term ‘limited time appointee’ means an  
2           annuitant appointed under a temporary appointment  
3           limited to 1 year or less.

4           “(2) The head of an agency may waive the application  
5           of subsection (a) or (b) with respect to any annuitant who  
6           is employed in such agency as a limited time appointee,  
7           if the head of the agency determines that the employment  
8           of the annuitant is necessary to—

9           “(A) fulfill functions critical to the mission of  
10          the agency, or any component of that agency;

11          “(B) assist in the implementation or oversight of  
12          the American Recovery and Reinvestment Act of 2009  
13          (Public Law 111–5) or the Troubled Asset Relief Pro-  
14          gram under title I of the Emergency Economic Sta-  
15          bilization Act of 2008 (12 U.S.C. 5201 et seq.);

16          “(C) assist in the development, management, or  
17          oversight of agency procurement actions;

18          “(D) assist the Inspector General for that agency  
19          in the performance of the mission of that Inspector  
20          General;

21          “(E) promote appropriate training or mentoring  
22          programs of employees;

23          “(F) assist in the recruitment or retention of em-  
24          ployees; or

1           “(G) respond to an emergency involving a direct  
2           threat to life of property or other unusual cir-  
3           cumstances.

4           “(3) The head of an agency may not waive the applica-  
5           tion of subsection (a) or (b) with respect to an annuitant—

6           “(A) for more than 520 hours of service per-  
7           formed by that annuitant during the period ending 6  
8           months following the individual’s annuity com-  
9           mencing date;

10           “(B) for more than 1040 hours of service per-  
11           formed by that annuitant during any 12-month pe-  
12           riod; or

13           “(C) for more than a total of 3120 hours of serv-  
14           ice performed by that annuitant.

15           “(4)(A) The total number of annuitants to whom a  
16           waiver by the head of an agency under this subsection or  
17           section 8468(i) applies may not exceed 2.5 percent of the  
18           total number of full-time employees of that agency.

19           “(B) If the total number of annuitants to whom a  
20           waiver by the head of an agency under this subsection or  
21           section 8468(i) applies exceeds 1 percent of the total number  
22           of full-time employees of that agency, the head of that agen-  
23           cy shall submit to the Committee on Homeland Security  
24           and Governmental Affairs of the Senate, the Committee on



1 *Oversight and Government Reform of the House of Rep-*  
2 *resentatives, and the Office of Personnel Management—*

3           “(i) a report with an explanation that justifies  
4           the need for the waivers in excess of that percentage;  
5           and

6           “(ii) not later than 180 days after submitting  
7           the report under clause (i), a succession plan.

8           “(5)(A) *The Director of the Office of Personnel Man-*  
9 *agement may promulgate regulations providing for the ad-*  
10 *ministration of this subsection.*

11           “(B) *Any regulations promulgated under subpara-*  
12 *graph (A) may—*

13                   “(i) provide standards for the maintenance  
14                   and form of necessary records of employment  
15                   under this subsection;

16                   “(ii) to the extent not otherwise expressly  
17                   prohibited by law, require employing agencies to  
18                   provide records of such employment to the Office  
19                   of Personnel Management or other employing  
20                   agencies as necessary to ensure compliance with  
21                   paragraph (3);

22                   “(iii) authorize other administratively con-  
23                   venient periods substantially equivalent to 12  
24                   months, such as 26 pay periods, to be used in de-  
25                   termining compliance with paragraph (3)(B);

1           “(iv) include such other administrative re-  
2           quirements as the Director of the Office of Per-  
3           sonnel Management may find appropriate to  
4           provide for the effective operation of, or to ensure  
5           compliance with, this subsection; and

6           “(v) encourage the training and mentoring  
7           of employees by any limited time appointee em-  
8           ployed under this subsection.

9           “(6)(A) Any hours of training or mentoring of employ-  
10          ees by any limited time appointee employed under this sub-  
11          section shall not be included in the hours of service per-  
12          formed for purposes of paragraph (3), but those hours of  
13          training or mentoring may not exceed 520 hours.

14          “(B) If the primary service performed by any limited  
15          time appointee employed under this subsection is training  
16          or mentoring of employees, the hours of that service shall  
17          be included in the hours of service performed for purposes  
18          of paragraph (3).

19          “(7) The authority of the head of an agency under this  
20          subsection to waive the application of subsection (a) or (b)  
21          shall terminate 5 years after the date of enactment of the  
22          Part-Time Reemployment of Annuitants Act of 2009.”; and

23                 (3) in subsection (m) (as so redesignated)—

24                         (A) in paragraph (1), by striking “(k)” and  
25                         inserting “(l)”; and

1                   (B) in paragraph (2), by striking “or (k)”  
2                   and inserting “(k), or (l)”.

3           (b) *FEDERAL EMPLOYEE RETIREMENT SYSTEM*.—Sec-  
4   tion 8468 of title 5, United States Code, is amended—

5           (1) by redesignating subsection (i) as subsection  
6   (j);

7           (2) by inserting after subsection (h) the fol-  
8   lowing:

9   “(i)(1) For purposes of this subsection—

10           “(A) the term ‘head of an agency’ means—

11                   “(i) the head of an Executive agency, other  
12                   than the Department of Defense or the Govern-  
13                   ment Accountability Office;

14                   “(ii) the head of the United States Postal  
15                   Service;

16                   “(iii) the Director of the Administrative Of-  
17                   fice of the United States Courts, with respect to  
18                   employees of the judicial branch; and

19                   “(iv) any employing authority described  
20                   under subsection (h)(2), other than the Govern-  
21                   ment Accountability Office; and

22           “(B) the term ‘limited time appointee’ means an  
23   annuitant appointed under a temporary appointment  
24   limited to 1 year or less.

1       “(2) *The head of an agency may waive the application*  
2 *of subsection (a) with respect to any annuitant who is em-*  
3 *ployed in such agency as a limited time appointee, if the*  
4 *head of the agency determines that the employment of the*  
5 *annuitant is necessary to—*

6           “(A) *fulfill functions critical to the mission of*  
7 *the agency, or any component of that agency;*

8           “(B) *assist in the implementation or oversight of*  
9 *the American Recovery and Reinvestment Act of 2009*  
10 *(Public Law 111–5) or the Troubled Asset Relief Pro-*  
11 *gram under title I of the Emergency Economic Sta-*  
12 *bilization Act of 2008 (12 U.S.C. 5201 et seq.);*

13           “(C) *assist in the development, management, or*  
14 *oversight of agency procurement actions;*

15           “(D) *assist the Inspector General for that agency*  
16 *in the performance of the mission of that Inspector*  
17 *General;*

18           “(E) *promote appropriate training or mentoring*  
19 *programs of employees;*

20           “(F) *assist in the recruitment or retention of em-*  
21 *ployees; or*

22           “(G) *respond to an emergency involving a direct*  
23 *threat to life of property or other unusual cir-*  
24 *cumstances.*

1       “(3) *The head of an agency may not waive the applica-*  
2 *tion of subsection (a) with respect to an annuitant—*

3               “(A) *for more than 520 hours of service per-*  
4 *formed by that annuitant during the period ending 6*  
5 *months following the individual’s annuity com-*  
6 *mencing date;*

7               “(B) *for more than 1040 hours of service per-*  
8 *formed by that annuitant during any 12-month pe-*  
9 *riod; or*

10              “(C) *for more than a total of 3120 hours of serv-*  
11 *ice performed by that annuitant.*

12       “(4)(A) *The total number of annuitants to whom a*  
13 *waiver by the head of an agency under this subsection or*  
14 *section 8344(l) applies may not exceed 2.5 percent of the*  
15 *total number of full-time employees of that agency.*

16       “(B) *If the total number of annuitants to whom a*  
17 *waiver by the head of an agency under this subsection or*  
18 *section 8344(l) applies exceeds 1 percent of the total number*  
19 *of full-time employees of that agency, the head of that agen-*  
20 *cy shall submit to the Committee on Homeland Security*  
21 *and Governmental Affairs of the Senate, the Committee on*  
22 *Oversight and Government Reform of the House of Rep-*  
23 *resentatives, and the Office of Personnel Management—*

1           “(i) a report with an explanation that justifies  
2     the need for the waivers in excess of that percentage;  
3     and

4           “(ii) not later than 180 days after submitting  
5     the report under clause (i), a succession plan.

6           “(5)(A) The Director of the Office of Personnel Man-  
7     agement may promulgate regulations providing for the ad-  
8     ministration of this subsection.

9           “(B) Any regulations promulgated under subpara-  
10    graph (A) may—

11           “(i) provide standards for the maintenance and  
12    form of necessary records of employment under this  
13    subsection;

14           “(ii) to the extent not otherwise expressly prohib-  
15    ited by law, require employing agencies to provide  
16    records of such employment to the Office or other em-  
17    ploying agencies as necessary to ensure compliance  
18    with paragraph (3);

19           “(iii) authorize other administratively conven-  
20    ient periods substantially equivalent to 12 months,  
21    such as 26 pay periods, to be used in determining  
22    compliance with paragraph (3)(B);

23           “(iv) include such other administrative require-  
24    ments as the Director of the Office of Personnel Man-  
25    agement may find appropriate to provide for effective

1       operation of, or to ensure compliance with, this sub-  
2       section; and

3               “(v) encourage the training and mentoring of  
4       employees by any limited time appointee employed  
5       under this subsection.

6               “(6)(A) Any hours of training or mentoring of employ-  
7       ees by any limited time appointee employed under this sub-  
8       section shall not be included in the hours of service per-  
9       formed for purposes of paragraph (3), but those hours of  
10      training or mentoring may not exceed 520 hours.

11              “(B) If the primary service performed by any limited  
12      time appointee employed under this subsection is training  
13      or mentoring of employees, the hours of that service shall  
14      be included in the hours of service performed for purposes  
15      of paragraph (3).

16              “(7) The authority of the head of an agency under this  
17      subsection to waive the application of subsection (a) shall  
18      terminate 5 years after the date of enactment of the Part-  
19      Time Reemployment of Annuitants Act of 2009.”; and

20              (3) in subsection (j) (as so redesignated)—

21                      (A) in paragraph (1), by striking “(h)” and  
22                      inserting “(i)”; and

23                      (B) in paragraph (2), by striking “or (h)”  
24                      and inserting “(h), or (i)”.

1       (c) *RULE OF CONSTRUCTION.*—*Nothing in the amend-*  
2 *ments made by this section may be construed to authorize*  
3 *the waiver of the hiring preferences under chapter 33 of title*  
4 *5, United States Code in selecting annuitants to employ*  
5 *in an appointive or elective position.*

6       (d) *TECHNICAL AND CONFORMING AMENDMENTS.*—  
7 *Section 1005(d)(2) of title 39, United States Code, is*  
8 *amended—*

9           (1) *by striking “(l)(2)” and inserting “(m)(2)”;*  
10       *and*

11           (2) *by striking “(i)(2)” and inserting “(j)(2)”.*

12 **SEC. 1163. GENERAL ACCOUNTABILITY OFFICE REPORT.**

13       (a) *IN GENERAL.*—*Not later than 3 years after the*  
14 *date of enactment of this Act, the Comptroller General of*  
15 *the United States shall submit to the Committee on Home-*  
16 *land Security and Governmental Affairs of the Senate and*  
17 *the Committee on Oversight and Government Reform of the*  
18 *House of Representatives a report regarding the use of the*  
19 *authority under the amendments made by section 1162.*

20       (b) *CONTENTS.*—*The report submitted under sub-*  
21 *section (a) shall—*

22           (1) *include the number of annuitants for whom*  
23 *a waiver was made under subsection (l) of section*  
24 *8344 of title 5, United States Code, as amended by*  
25 *this subtitle, or subsection (i) of section 8468 of title*



1     5, *United States Code*, as amended by this subtitle;  
2     and

3             (2) *identify each agency that used the authority*  
4     *described in paragraph (1).*

5     (c) *AGENCY DATA.*—*Each head of an agency (as de-*  
6     *fin ed under sections 8344(l)(1) and 8468(i)(1)(A) of title*  
7     *5, United States Code, as added by section 1162 of this sub-*  
8     *title) shall—*

9             (1) *collect and maintain data necessary for pur-*  
10     *poses of the Comptroller General report submitted*  
11     *under subsection (a); and*

12             (2) *submit to the Comptroller General that data*  
13     *as the Comptroller General requires in a timely fash-*  
14     *ion.*

15     ***TITLE XII—MATTERS RELATING***  
16             ***TO FOREIGN NATIONS***  
17             ***Subtitle A—Assistance and***  
18             ***Training***

19     ***SEC. 1201. INCREASE IN UNIT COST THRESHOLD FOR PUR-***  
20             ***CHASES USING CERTAIN FUNDS UNDER THE***  
21             ***COMBATANT COMMANDER INITIATIVE FUND.***

22     (a) *INCREASE.*—

23             (1) *IN GENERAL.*—*Subsection (e)(1)(A) of section*  
24     *166a of title 10, United States Code, is amended by*  
25     *striking “\$15,000” and inserting “the investment*

1     *unit threshold in effect under section 2245a of this*  
2     *title”.*

3             (2) *EFFECTIVE DATE.*—*The amendment made by*  
4     *paragraph (1) shall take effect on October 1, 2009,*  
5     *and shall apply with respect to funds available under*  
6     *the Combatant Commander Initiative Fund for fiscal*  
7     *years that being on or after that date.*

8     (b) *CLARIFYING AMENDMENTS.*—

9             (1) *CLERICAL AMENDMENT.*—*The section head-*  
10    *ing of such section is amended to read as follows:*

11    **“§166a. Combatant commands: funding through the**  
12                 **Chairman of the Joint Chiefs of Staff**  
13                 **from Combatant Commander Initiative**  
14                 **Fund”.**

15             (2) *TABLE OF SECTIONS.*—*The table of sections*  
16    *at the beginning of chapter 6 of such title is amended*  
17    *by striking the item relating to section 166a and in-*  
18    *serting the following new item:*

    “166a. *Combatant commands: funding through the Chairman of the Joint Chiefs*  
      *of Staff from Combatant Commander Initiative Fund.”.*

1 **SEC. 1202. AUTHORITY TO PROVIDE ADMINISTRATIVE SERV-**  
2 **ICES AND SUPPORT TO COALITION LIAISON**  
3 **OFFICERS OF CERTAIN FOREIGN NATIONS AS-**  
4 **SIGNED TO UNITED STATES JOINT FORCES**  
5 **COMMAND.**

6 (a) *EXTENSION OF AUTHORITY.*—Subsection (a) of sec-  
7 tion 1051a of title 10, United States Code, is amended—

8 (1) by striking “assigned temporarily” and in-  
9 serting “assigned temporarily as follows:”;

10 (2) by designating the remainder of the text of  
11 that subsection as paragraph (1) and indenting that  
12 text two ems from the left margin;

13 (3) in paragraph (1), as so designated, by strik-  
14 ing “to the headquarters” and inserting “To the head-  
15 quarters”; and

16 (4) by adding at the end the following new para-  
17 graph:

18 “(2) To the headquarters of the combatant com-  
19 mand assigned by the Secretary of Defense the mis-  
20 sion of joint warfighting experimentation and joint  
21 forces training.”.

22 (b) *EFFECTIVE DATE.*—Paragraph (2) of section  
23 1051a(a) of title 10, United States Code (as added by sub-  
24 section (a)), shall take effect on October 1, 2009, or the date  
25 of the enactment of this Act, whichever is later.

1 **SEC. 1203. MODIFICATION OF AUTHORITIES RELATING TO**  
2 **PROGRAM TO BUILD THE CAPACITY OF FOR-**  
3 **EIGN MILITARY FORCES.**

4 (a) *TEMPORARY LIMITATION ON AMOUNT FOR BUILD-*  
5 *ING CAPACITY FOR MILITARY AND STABILITY OPER-*  
6 *ATIONS.—Section 1206(c) of the National Defense Author-*  
7 *ization Act for Fiscal Year 2006 (Public Law 109–163; 119*  
8 *Stat. 3456), as amended by section 1206 of the John War-*  
9 *ner National Defense Authorization Act for Fiscal Year*  
10 *2007 (Public Law 109–364; 120 Stat. 2418) and section*  
11 *1206 of the Duncan Hunter National Defense Authorization*  
12 *Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.*  
13 *4625), is further amended by adding at the end the fol-*  
14 *lowing new paragraph:*

15 “(5) *TEMPORARY LIMITATION ON AMOUNT FOR*  
16 *BUILDING CAPACITY TO PARTICIPATE IN OR SUPPORT*  
17 *MILITARY AND STABILITY OPERATIONS.—Of the funds*  
18 *used to carry out a program under subsection (a), not*  
19 *more than \$75,000,000 may be used during fiscal*  
20 *year 2010, and not more than \$75,000,000 may be*  
21 *used during fiscal year 2011, for purposes described*  
22 *in subsection (a)(1)(B).”*

23 (b) *EFFECTIVE DATE.—The amendment made by sub-*  
24 *section (a) shall take effect on October 1, 2009, and shall*  
25 *apply with respect to programs under section 1206(a) of*

1 *the National Defense Authorization Act for Fiscal Year*  
2 *2006 that begin on or after that date.*

3 **SEC. 1204. MODIFICATION OF NOTIFICATION AND REPORT-**  
4 **ING REQUIREMENTS FOR USE OF AUTHORITY**  
5 **FOR SUPPORT OF SPECIAL OPERATIONS TO**  
6 **COMBAT TERRORISM.**

7 (a) *NOTIFICATION.—Section 1208(c) of the Ronald W.*  
8 *Reagan National Defense Authorization Act for Fiscal Year*  
9 *2005 (Public Law 108–375; 118 Stat. 2086), as amended*  
10 *by section 1208(b) of the Duncan Hunter National Defense*  
11 *Authorization Act for Fiscal Year 2009 (Public Law 110–*  
12 *417; 122 Stat. 4626), is further amended to read as follows:*

13 “(c) *NOTIFICATION.—*

14 “(1) *SUPPORT FOR FOREIGN FORCES.—The Sec-*  
15 *retary of Defense shall notify the congressional defense*  
16 *committees expeditiously, and in any event not later*  
17 *than 48 hours, after—*

18 “(A) *using the authority provided in sub-*  
19 *section (a) to make funds available for foreign*  
20 *forces in support of an approved military oper-*  
21 *ation; or*

22 “(B) *changing the scope or funding level of*  
23 *any such support.*

24 “(2) *SUPPORT FOR IRREGULAR FORCES, GROUPS,*  
25 *OR INDIVIDUALS.—The Secretary of Defense may not*

1     *exercise the authority provided in subsection (a) to*  
2     *make funds available for irregular forces or a group*  
3     *(other than foreign forces) or individual in support of*  
4     *an approved military operation, or change the scope*  
5     *or funding level of such support, until 72 hours after*  
6     *notifying the congressional defense committees of the*  
7     *use of such authority with respect to that operation*  
8     *or such change in scope or funding level.*

9             “(3) *CONTENT.—Notifications required under*  
10     *this subsection shall include the following informa-*  
11     *tion:*

12                 “(A) *The type of support provided or to be*  
13                 *provided to United States special operations*  
14                 *forces.*

15                 “(B) *The type of support provided or to be*  
16                 *provided to the recipient of the funds.*

17                 “(C) *The intended duration of the support.*

18                 “(D) *The amount obligated under the au-*  
19                 *thority to provide support.”.*

20     (b) *ANNUAL REPORT.—Section 1208(f) of the Ronald*  
21     *W. Reagan National Defense Authorization Act for Fiscal*  
22     *Year 2005 (Public Law 108–375; 118 Stat. 2086) is amend-*  
23     *ed in the second sentence by striking “shall describe the sup-*  
24     *port” and all that follows through the period at the end*  
25     *and inserting “shall include the following information:*

1           “(1) *A description of supported operations.*

2           “(2) *A summary of operations.*

3           “(3) *The type of recipients that received support,*  
4 *identified by authorized category (foreign forces, ir-*  
5 *regular forces, groups, or individuals).*

6           “(4) *The total amount obligated in the previous*  
7 *fiscal year, including budget details.*

8           “(5) *The total amount obligated in prior fiscal*  
9 *years.*

10          “(6) *The intended duration of support.*

11          “(7) *A description of support or training pro-*  
12 *vided to the recipients of support.*

13          “(8) *A value assessment of the operational sup-*  
14 *port provided.”.*

15 **SEC. 1205. MODIFICATION OF AUTHORITY FOR REIMBURSE-**  
16 **MENT OF CERTAIN COALITION NATIONS FOR**  
17 **SUPPORT PROVIDED TO UNITED STATES**  
18 **MILITARY OPERATIONS.**

19          (a) *EXPANSION OF AUTHORITY.*—*Section 1233 of the*  
20 *National Defense Authorization Act for Fiscal Year 2008*  
21 *(Public Law 110–181; 122 Stat. 393) is amended—*

22           (1) *by redesignating subsections (b), (c), and (d)*  
23 *as subsections (c), (d), and (e), respectively; and*

24           (2) *by striking subsection (a) and inserting the*  
25 *following new subsections:*

1       “(a) *REIMBURSEMENT.*—

2               “(1) *IN GENERAL.*—Using applicable funds re-  
3       ferred to in paragraph (2), the Secretary of Defense  
4       may reimburse any key cooperating nation for the fol-  
5       lowing:

6               “(A) During fiscal year 2008, logistical and  
7       military support provided by that nation to or  
8       in connection with United States military oper-  
9       ations in Operation Iraqi Freedom or Operation  
10       Enduring Freedom.

11              “(B) During fiscal year 2010, logistical,  
12       military, and other support, including access,  
13       provided by that nation to or in connection with  
14       United States military operations described in  
15       subparagraph (A).

16              “(2) *COVERED FUNDS.*—The funds referred to in  
17       this subsection are the following:

18              “(A) For purposes of paragraph (1)(A),  
19       amounts authorized to be appropriated for fiscal  
20       year 2008 by section 1508 for operation and  
21       maintenance.

22              “(B) For purposes of paragraph (1)(B),  
23       amounts authorized to be appropriated for fiscal  
24       year 2010 by section 1507(5) for operation and  
25       maintenance, Defense-wide activities.



1       “(b) *OTHER SUPPORT.*—Using funds described in sub-  
2 section (a)(2)(B), the Secretary of Defense may also assist  
3 any key cooperating nation supporting United States mili-  
4 tary operations in Operation Iraqi Freedom or Operation  
5 Enduring Freedom in Afghanistan through the following:

6           “(1) *The provision of specializing training to*  
7 *personnel of that nation in connection with such op-*  
8 *erations, including training of such personnel before*  
9 *deployment in connection with such operations.*

10          “(2) *The procurement and provision of supplies*  
11 *to that nation in connection with such operations.*

12          “(3) *The procurement of specialized equipment*  
13 *and the loaning of such specialized equipment to that*  
14 *nation on a non-reimbursable basis in connection*  
15 *with such operations.”.*

16       (b) *AMOUNTS OF SUPPORT.*—Paragraph (2) of sub-  
17 section (c) of such section, as redesignated by subsection  
18 (a)(1) of this section, is amended to read as follows:

19           “(2) *SUPPORT.*—Support authorized by sub-  
20 section (b) may be provided in such amounts as the  
21 Secretary of Defense, with the concurrence of the Sec-  
22 retary of State and in consultation with the Director  
23 of the Office of Management and Budget, considers  
24 appropriate.”.

1       (c) *LIMITATIONS ON AMOUNTS DURING FISCAL YEAR*  
2 *2010.—Paragraph (1) of subsection (d) of such section, as*  
3 *so redesignated, is amended to read as follows:*

4           “(1) *LIMITATIONS ON AMOUNTS.—(A) The total*  
5 *amount of reimbursements made under the authority*  
6 *in subsection (a) during fiscal year 2008 may not ex-*  
7 *ceed \$1,200,000,000.*”

8           “(B) *The aggregate amount of reimbursements*  
9 *made under subsection (a) and support provided*  
10 *under subsection (b) during fiscal year 2010 may not*  
11 *exceed \$1,600,000,000.*”

12       (d) *NOTICE TO CONGRESS.—Subsection (e) of such sec-*  
13 *tion, as so redesignated, is amended by striking “shall—*  
14 *” and all that follows and inserting “shall notify the con-*  
15 *gressional defense committees not later than 15 days before*  
16 *making any reimbursement under the authority in sub-*  
17 *section (a) or providing any support under the authority*  
18 *in subsection (b).”.*

19       (e) *REPORTS.—Such section is further amended by*  
20 *adding at the end the following new subsection:*

21           “(f) *REPORTS.—The Secretary of Defense shall submit*  
22 *to the congressional defense committees on a quarterly basis*  
23 *a report on any reimbursements made under the authority*  
24 *in subsection (a), and any support provided under the au-*  
25 *thority in subsection (b), during such quarter.*”



1 *whenever possible coordinate the funding of projects*  
2 *with local councils, particularly Community Develop-*  
3 *ment Councils established under the Afghanistan Na-*  
4 *tional Solidarity Program, and take actions that pro-*  
5 *mote the importance and effectiveness of local and na-*  
6 *tional government entities.*

7 *(b) ONE-YEAR EXTENSION OF AUTHORITY.—*

8 *(1) AUTHORITY FOR FISCAL YEAR 2010.—Sub-*  
9 *section (a) of section 1202 of the National Defense*  
10 *Authorization Act for Fiscal Year 2006 (Public Law*  
11 *109–163; 119 Stat. 3455), as amended by section*  
12 *1205 of the National Defense Authorization Act for*  
13 *Fiscal Year 2008 (Public Law 110–181; 122 Stat.*  
14 *366) and section 1214 of the Duncan Hunter Na-*  
15 *tional Defense Authorization Act for Fiscal Year 2009*  
16 *(Public Law 110–417; 122 Stat. 4630), is further*  
17 *amended—*

18 *(A) in the subsection heading, by striking*  
19 *“FISCAL YEARS 2008 AND 2009” and inserting*  
20 *“FISCAL YEAR 2010”;*

21 *(B) by striking “each of fiscal years 2008*  
22 *and 2009” and inserting “fiscal year 2010”;*

23 *(C) by striking “for such fiscal year”; and*

1           (D) by striking “\$1,700,000,000 in fiscal  
2           year 2008 and \$1,500,000,000 in fiscal year  
3           2009” and inserting “\$1,400,000,000”.

4           (2) *EFFECTIVE DATE.*—The amendments made  
5           by paragraph (1) shall take effect on October 1, 2009.

6           (c) *EXTENSION OF DUE DATE FOR QUARTERLY RE-*  
7           *PORTS.*—Subsection (b)(1) of such section is amended—

8           (1) by striking “15 days” and inserting “30  
9           days”; and

10          (2) by striking “fiscal years 2008 and 2009” and  
11          inserting “any fiscal year during which the authority  
12          under subsection (a) is in effect”.

13          (d) *AUTHORITY TO TRANSFER FUNDS FOR SUPPORT*  
14          *OF AFGHANISTAN NATIONAL SOLIDARITY PROGRAM.*—Such  
15          section is further amended—

16          (1) by redesignating subsection (g) as subsection  
17          (h); and

18          (2) by inserting after subsection (f) the following  
19          new subsection (g):

20          “(g) *AUTHORITY TO TRANSFER FUNDS FOR SUPPORT*  
21          *OF AFGHANISTAN NATIONAL SOLIDARITY PROGRAM.*—

22                 “(1) *AUTHORITY.*—If the Secretary of Defense  
23                 determines that the use of Commanders’ Emergency  
24                 Response Program funds to support the Afghanistan  
25                 National Solidarity Program would enhance counter-

1 *insurgency operations or stability operations in Af-*  
2 *ghanistan, the Secretary of Defense may transfer*  
3 *funds, from amounts available for the Commanders’*  
4 *Emergency Response Program for fiscal year 2010, to*  
5 *the Secretary of State for purposes of supporting the*  
6 *Afghanistan National Solidarity Program.*

7 “(2) *LIMITATION.*—*The amount of funds*  
8 *transferrable under paragraph (1) may not exceed*  
9 *\$100,000,000.*

10 “(3) *CONGRESSIONAL NOTIFICATION.*—*Not later*  
11 *than 15 days before transferring funds under para-*  
12 *graph (1), the Secretary of Defense shall submit to the*  
13 *congressional defense committees a report setting forth*  
14 *the Secretary’s determination pursuant to paragraph*  
15 *(1) and a description of the amount of funds to be*  
16 *transferred under that paragraph.”.*

17 (e) *TECHNICAL AMENDMENTS.*—*Subsections (e)(1) and*  
18 *(f)(1) of such section are amended by striking “the date of*  
19 *the enactment of the Duncan Hunter National Defense Au-*  
20 *thorization Act for Fiscal Year 2009” and inserting “Octo-*  
21 *ber 14, 2008,”.*

22 **SEC. 1207. ONE-YEAR EXTENSION OF AUTHORITY FOR SECU-**  
23 **RITY AND STABILIZATION ASSISTANCE.**

24 *Section 1207(g) of the National Defense Authorization*  
25 *Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat.*

1 3458), as amended by section 1210 of the National Defense  
2 Authorization Act for Fiscal Year 2008 (Public Law 110–  
3 181; 122 Stat. 369) and section 1207 of the Duncan Hunter  
4 National Defense Authorization Act for Fiscal Year 2009  
5 (Public Law 110–417; 122 Stat. 4625), is further amended  
6 by striking “September 30, 2009” and inserting “September  
7 30, 2010”.

8 **SEC. 1208. AUTHORITY FOR NON-RECIPROCAL EXCHANGES**  
9 **OF DEFENSE PERSONNEL BETWEEN THE**  
10 **UNITED STATES AND FOREIGN COUNTRIES.**

11 (a) *AUTHORITY TO ENTER INTO NON-RECIPROCAL*  
12 *INTERNATIONAL EXCHANGE AGREEMENTS.*—

13 (1) *IN GENERAL.*—*The Secretary of Defense may*  
14 *enter into non-reciprocal international defense per-*  
15 *sonnel exchange agreements.*

16 (2) *INTERNATIONAL DEFENSE PERSONNEL EX-*  
17 *CHANGE AGREEMENTS DEFINED.*—*For purposes of*  
18 *this section, an international defense personnel ex-*  
19 *change agreement is an agreement with the govern-*  
20 *ment of an ally of the United States or another*  
21 *friendly foreign country for the exchange of military*  
22 *and civilian personnel of the defense ministry of that*  
23 *foreign government.*

24 (b) *ASSIGNMENT OF PERSONNEL.*—

1           (1) *IN GENERAL.*—Pursuant to a non-reciprocal  
2           international defense personnel exchange agreement,  
3           personnel of the defense ministry of a foreign govern-  
4           ment may be assigned to positions in the Department  
5           of Defense.

6           (2) *MUTUAL AGREEMENT REQUIRED.*—An indi-  
7           vidual may not be assigned to a position pursuant to  
8           a non-reciprocal international defense personnel ex-  
9           change agreement unless the assignment is acceptable  
10          to both governments.

11          (c) *PAYMENT OF PERSONNEL COSTS.*—

12           (1) *IN GENERAL.*—The foreign government with  
13           which the United States has entered into a non-recip-  
14           rocal international defense personnel exchange agree-  
15           ment shall pay the salary, per diem, cost of living,  
16           travel costs, cost of language or other training, and  
17           other costs for its personnel in accordance with the  
18           applicable laws and regulations of such government.

19           (2) *EXCLUDED COSTS.*—Paragraph (1) does not  
20           apply to the following costs:

21                   (A) The cost of training programs con-  
22                   ducted to familiarize, orient, or certify exchanged  
23                   personnel regarding unique aspects of the assign-  
24                   ments 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 this*  
6           *section may take or be required to take an oath of allegiance*  
7           *or to hold an official capacity in the government.*

8           (e) *DURATION OF AUTHORITY.—The authority under*  
9           *this section shall expire on December 31, 2011.*

10 **SEC. 1209. DEFENSE COOPERATION BETWEEN THE UNITED**  
11 **STATES AND IRAQ.**

12           (a) *FINDINGS.—The Senate makes the following find-*  
13 *ings:*

14           (1) *As United States forces continue their rede-*  
15 *ployment from Iraq, the quality of the Iraqi Security*  
16 *Forces and the nature of their training and equip-*  
17 *ment will play an increasingly important role.*

18           (2) *Despite the decrease in violence in Iraq, Iraq*  
19 *continues to face formidable threats to its national se-*  
20 *curity.*

21           (3) *There are many benefits to the United States*  
22 *and Iraq resulting from the strategic relationship that*  
23 *exists between the two nations.*

24           (4) *Enhancing the capabilities of the Iraqi Secu-*  
25 *rity Forces and strengthening the defense cooperation*

1       *between the United States and Iraq will help ensure*  
2       *that Iraq has the military strength and political sup-*  
3       *port necessary to enhance its internal and regional*  
4       *security.*

5       **(b) AVAILABILITY OF PROFESSIONAL MILITARY EDU-**  
6       **CATION FOR IRAQ SECURITY FORCES.**—*The Secretary of*  
7       *Defense shall endeavor to increase the number of positions*  
8       *in professional military education courses, including*  
9       *courses at command and general staff colleges, war colleges,*  
10       *and the service academies, that are made available annu-*  
11       *ally to personnel of the security forces of the Government*  
12       *of Iraq.*

13       **SEC. 1210. REPORT ON ALTERNATIVES TO USE OF ACQUISI-**  
14                        **TION AND CROSS-SERVICING AGREEMENTS**  
15                        **TO LEND MILITARY EQUIPMENT FOR PER-**  
16                        **SONNEL PROTECTION AND SURVIVABILITY.**

17       **(a) REPORT REQUIRED.**—*Not later than 90 days after*  
18       *the date of the enactment of this Act, the Secretary of De-*  
19       *fense shall submit to the congressional defense committees*  
20       *a report setting forth and assessing various alternatives to*  
21       *the use of acquisition and cross-servicing agreements pursu-*  
22       *ant to the temporary authority in section 1202 of the John*  
23       *Warner National Defense Authorization Act for Fiscal Year*  
24       *2007 (Public Law 109–364; 120 Stat. 2412), as amended*  
25       *by section 1252 of the National Defense Authorization Act*

1 *for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 402),*  
2 *for purposes of lending covered military equipment to mili-*  
3 *tary forces of nations as follows:*

4           (1) *A nation participating in combined oper-*  
5 *ations with the United States in Iraq and Afghani-*  
6 *stan.*

7           (2) *A nation participating in combined oper-*  
8 *ations with the United States as part of a peace-*  
9 *keeping operation under the Charter of the United*  
10 *Nations or another international agreement.*

11       (b) *COVERED MILITARY EQUIPMENT DEFINED.—In*  
12 *this section, the term “covered military equipment” has the*  
13 *meaning given that term in section 1202(d)(1) of the John*  
14 *Warner National Defense Authorization Act for Fiscal Year*  
15 *2007.*

16 **SEC. 1211. ENSURING IRAQI SECURITY THROUGH DEFENSE**  
17 **COOPERATION BETWEEN THE UNITED**  
18 **STATES AND IRAQ.**

19       *The President may treat an undertaking by the Gov-*  
20 *ernment of Iraq that is made between the date of the enact-*  
21 *ment of this Act and December 31, 2011, as a dependable*  
22 *undertaking described in section 22(a) of the Arms Export*  
23 *Control Act (22 U.S.C. 2762(a)) for purposes of entering*  
24 *into contracts for the procurement of defense articles and*  
25 *defense services as provided for in that section.*

1 **SEC. 1212. AVAILABILITY OF APPROPRIATED FUNDS FOR**  
2 **THE STATE PARTNERSHIP PROGRAM.**

3 (a) *AVAILABILITY OF APPROPRIATED FUNDS.*—*The*  
4 *Secretary of Defense may, under regulations prescribed by*  
5 *the Secretary, use funds appropriated to the Department*  
6 *of Defense for fiscal year 2010 to pay the costs incurred*  
7 *by the National Guard (including the costs of pay and al-*  
8 *lowances of members of the National Guard) in conducting*  
9 *activities under the State Partnership Program—*

10 (1) *to support the objectives of the commander of*  
11 *the combatant command for the theater of operations*  
12 *in which such activities are conducted; or*

13 (2) *to build international civil-military partner-*  
14 *ships and capacity on matters relating to defense and*  
15 *security.*

16 (b) *LIMITATIONS.*—

17 (1) *APPROVAL BY COMMANDER OF COMBATANT*  
18 *COMMAND AND CHIEF OF MISSION.*—*Funds shall not*  
19 *be available under subsection (a) for activities con-*  
20 *ducted under the State Partnership Program in a for-*  
21 *foreign country unless such activities are jointly ap-*  
22 *proved by the commander of the combatant command*  
23 *concerned and the chief of mission concerned.*

24 (2) *PARTICIPATION BY MEMBERS.*—*Funds shall*  
25 *not be available under subsection (a) for the partici-*  
26 *ipation of a member of the National Guard in activi-*

1        *ties conducted under the State Partnership Program*  
2        *in a foreign country unless the member is on active*  
3        *duty in the Armed Forces at the time of such partici-*  
4        *pation.*

5        *(c) REIMBURSEMENT.—In the event of the participa-*  
6        *tion of personnel of a department or agency of the United*  
7        *States Government (other than the Department of Defense)*  
8        *in activities for which payment is made under subsection*  
9        *(a), the head of such department or agency shall reimburse*  
10       *the Secretary of Defense for the costs associated with the*  
11       *participation of such personnel in such activities. Amounts*  
12       *reimbursed the Department of Defense under this subsection*  
13       *shall be deposited in the appropriation or account from*  
14       *which amounts for the payment concerned were derived.*  
15       *Any amounts so deposited shall be merged with amounts*  
16       *in such appropriation or account, and shall be available*  
17       *for the same purposes, and subject to the same conditions*  
18       *and limitations, as amounts in such appropriation or ac-*  
19       *count.*

20       **SEC. 1213. AUTHORITY TO TRANSFER DEFENSE ARTICLES**  
21                                **AND PROVIDE DEFENSE SERVICES TO THE**  
22                                **MILITARY AND SECURITY FORCES OF IRAQ**  
23                                **AND AFGHANISTAN.**

24        *(a) AUTHORITY.—The President is authorized to*  
25        *transfer defense articles from the stocks of the Department*

1 *of Defense, and to provide defense services in connection*  
2 *with the transfer of such defense articles, to—*

3           (1) *the military and security forces of Iraq to*  
4 *support the efforts of those forces to restore and main-*  
5 *tain peace and security in that country; and*

6           (2) *the military and security forces of Afghani-*  
7 *stan to support the efforts of those forces to restore*  
8 *and maintain peace and security in that country.*

9 (b) *LIMITATIONS.—*

10           (1) *VALUE.—The aggregate replacement value of*  
11 *all defense articles transferred and defense services*  
12 *provided under subsection (a) may not exceed*  
13 *\$500,000,000.*

14           (2) *SOURCE OF TRANSFERRED DEFENSE ARTI-*  
15 *CLES.—The authority under subsection (a) may only*  
16 *be used for defense articles that—*

17                   (A) *immediately before the transfer were in*  
18 *use to support operations in Iraq;*

19                   (B) *were present in Iraq as of the date of*  
20 *enactment of this Act; and*

21                   (C) *are no longer required by United States*  
22 *forces in Iraq.*

23 (c) *APPLICABLE LAW.—Any defense articles trans-*  
24 *ferred or defense services provided to Iraq or Afghanistan*  
25 *under the authority of subsection (a) shall be subject to the*

1 *authorities and limitations applicable to excess defense arti-*  
2 *cles under section 516 of the Foreign Assistance Act of 1961*  
3 *(22 U.S.C. 2321j), other than the authorities and limita-*  
4 *tions contained in subsections (b)(1)(B), (e), (f), and (g)*  
5 *of such section.*

6 *(d) REPORT.—*

7 *(1) IN GENERAL.—The President may not exer-*  
8 *cise the authority under subsection (a) until 30 days*  
9 *after the Secretary of Defense, with the concurrence of*  
10 *the Secretary of State, provides the appropriate con-*  
11 *gressional committees a report on the plan for the dis-*  
12 *position of equipment and other property of the De-*  
13 *partment of Defense in Iraq.*

14 *(2) ELEMENTS OF REPORT.—The report required*  
15 *under paragraph (1) shall include the following ele-*  
16 *ments:*

17 *(A) An assessment of—*

18 *(i) the types and quantities of defense*  
19 *articles required by the military and secu-*  
20 *rity forces of Iraq to support the efforts of*  
21 *those military and security forces to restore*  
22 *and maintain peace and security in Iraq;*  
23 *and*

24 *(ii) the types and quantities of defense*  
25 *articles required by the military and secu-*

1                    *urity forces of Afghanistan to support the ef-*  
2                    *forts of those military and security forces to*  
3                    *restore and maintain peace and security in*  
4                    *Afghanistan.*

5                    *(B) A description of the authorities avail-*  
6                    *able for addressing the requirements identified in*  
7                    *subparagraph (A).*

8                    *(C) A description of the process for*  
9                    *inventorying equipment and property, including*  
10                   *defense articles, in Iraq owned by the Depart-*  
11                   *ment of Defense, including equipment and prop-*  
12                   *erty owned by the Department of Defense and*  
13                   *under the control of contractors in Iraq.*

14                   *(D) A description of the types of defense ar-*  
15                   *ticles that the Department of Defense intends to*  
16                   *transfer to the military and security forces of*  
17                   *Iraq and an estimate of the quantity of such de-*  
18                   *fense articles to be transferred.*

19                   *(E) A description of the process by which*  
20                   *potential requirements for defense articles to be*  
21                   *transferred under the authority provided in sub-*  
22                   *section (a), other than the requirements of the se-*  
23                   *curity forces of Iraq or Afghanistan, are identi-*  
24                   *fied and the mechanism for resolving any poten-*



1            *tial conflicting requirements for such defense ar-*  
2            *ticles.*

3            *(F) A description of the plan, if any, for re-*  
4            *imbursing military departments from which*  
5            *non-excess defense articles are transferred under*  
6            *the authority provided in subsection (a).*

7            *(G) An assessment of the efforts by the Gov-*  
8            *ernment of Iraq to identify the requirements of*  
9            *the military and security forces of Iraq for de-*  
10           *fense articles to support the efforts of those forces*  
11           *to restore and maintain peace and security in*  
12           *that country.*

13           *(H) An assessment of the ability of the Gov-*  
14           *ernments of Iraq and Afghanistan to absorb the*  
15           *costs associated with possessing and using the de-*  
16           *fense articles to be transferred.*

17           *(I) A description of the steps taken by the*  
18           *Government of Iraq to procure or acquire defense*  
19           *articles to meet the requirements of the military*  
20           *and security forces of Iraq, including through*  
21           *military sales from the United States.*

22           *(e) NOTIFICATION.—*

23           *(1) IN GENERAL.—The President may not trans-*  
24           *fer defense articles or provide defense services under*  
25           *subsection (a) until 15 days after the date on which*

1 *the President has provided notice of the proposed*  
2 *transfer of defense articles or provision of defense*  
3 *services to the appropriate congressional committees.*

4 (2) *CONTENTS.—Such notification shall in-*  
5 *clude—*

6 (A) *a description of the amount and type of*  
7 *each defense article to be transferred or defense*  
8 *services to be provided;*

9 (B) *a statement describing the current value*  
10 *of such article and the estimated replacement*  
11 *value of such article;*

12 (C) *an identification of the military depart-*  
13 *ment from which the defense articles being trans-*  
14 *ferred are drawn;*

15 (D) *an identification of the element of the*  
16 *military or security force that is the proposed re-*  
17 *cipient of each defense article to be transferred or*  
18 *defense service to be provided;*

19 (E) *an assessment of the impact of the*  
20 *transfer on the national technology and indus-*  
21 *trial base and, particularly, the impact on op-*  
22 *portunities of entities in the national technology*  
23 *and industrial base to sell new or used equip-*  
24 *ment to the countries to which such articles are*  
25 *to be transferred; and*

1           (F) a certification by the President that—

2                 (i) the Secretary of Defense has deter-  
3                 mined that—

4                         (I) the defense articles to be trans-  
5                         ferred are no longer required by United  
6                         States forces in Iraq;

7                         (II) the proposed transfer of such  
8                         defense articles will not adversely im-  
9                         pact the military preparedness of the  
10                        United States;

11                        (III) immediately before the  
12                        transfer, the defense articles to be  
13                        transferred were being used to support  
14                        operations in Iraq;

15                        (IV) the defense articles to be  
16                        transferred were present in Iraq as of  
17                        the date of enactment of this Act; and

18                        (V) the defense articles to be  
19                        transferred are required by the mili-  
20                        tary and security forces of Iraq or the  
21                        military and security forces of Afghan-  
22                        istan, as applicable, to build their ca-  
23                        pacity to restore and maintain peace  
24                        and security in their country;

1                   (ii) the government of the recipient  
2                   country has agreed to accept and take pos-  
3                   session of the defense articles to be trans-  
4                   ferred and to receive the defense services in  
5                   connection with that transfer; and

6                   (iii) the proposed transfer of such de-  
7                   fense articles and the provision of defense  
8                   services in connection with such transfer is  
9                   in the national interest of the United  
10                  States.

11           (f) *QUARTERLY REPORT.*—Not later than 90 days  
12 after the date of the report provided under subsection (d),  
13 and every 90 days thereafter during fiscal year 2010, the  
14 Secretary of Defense shall report to the appropriate congres-  
15 sional committees on the implementation of the authority  
16 under subsection (a). The report shall include the replace-  
17 ment value of defense articles transferred pursuant to sub-  
18 section (a), both in the aggregate and by military depart-  
19 ment, and services provided to Iraq and Afghanistan dur-  
20 ing the previous 90 days.

21           (g) *DEFINITIONS.*—In this section:

22                   (1) *APPROPRIATE CONGRESSIONAL COMMIT-*  
23                   *TEES.*—The term “appropriate congressional commit-  
24                   *tees” means—*

1           (A) *the Committee on Appropriations, the*  
2           *Committee on Armed Services, and the Com-*  
3           *mittee on Foreign Affairs of the House of Rep-*  
4           *resentatives; and*

5           (B) *the Committee on Appropriations, the*  
6           *Committee on Armed Services, and the Com-*  
7           *mittee on Foreign Relations of the Senate.*

8           (2) *DEFENSE ARTICLES.*—*The term “defense ar-*  
9           *ticles” has the meaning given the term in section*  
10          *644(d) of the Foreign Assistance Act of 1961 (22*  
11          *U.S.C. 2403(d)).*

12          (3) *DEFENSE SERVICES.*—*The term “defense*  
13          *services” has the meaning given the term in section*  
14          *644(f) of such Act (22 U.S.C. 2403(f)).*

15          (4) *MILITARY AND SECURITY FORCES.*—*The term*  
16          *“military and security forces” means national ar-*  
17          *mies, national air forces, national navies, national*  
18          *guard forces, police forces and border security forces,*  
19          *but does not include non-governmental or irregular*  
20          *forces (such as private militias).*

21          (h) *EXPIRATION.*—*The authority provided under sub-*  
22          *section (a) may not be exercised after September 30, 2010.*

23          (i) *EXCESS DEFENSE ARTICLES.*—

24                 (1) *ADDITIONAL AUTHORITY.*—*The authority*  
25                 *provided by subsection (a) is in addition to the au-*

1 *thority provided by Section 516 of the Foreign Assist-*  
2 *ance Act of 1961.*

3 (2) *AGGREGATE VALUE.*—*The value of excess de-*  
4 *fense articles transferred to Iraq during fiscal year*  
5 *2010 pursuant to Section 516 of the Foreign Assist-*  
6 *ance Act of 1961 shall not be counted against the lim-*  
7 *itation on the aggregate value of excess defense arti-*  
8 *cles transferred contained in subsection (g) of such*  
9 *Act.*

10 **SEC. 1214. CERTIFICATION REQUIREMENT FOR COALITION**  
11 **SUPPORT FUND REIMBURSEMENTS.**

12 *Section 1232(b) of the National Defense Authorization*  
13 *Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.*  
14 *392), as amended by section 1217 of the Duncan Hunter*  
15 *National Defense Authorization Act for Fiscal Year 2009*  
16 *(Public Law 110–417; 122 Stat. 4634), is amended—*

17 (1) *in paragraph (1)(A), by striking “the Sec-*  
18 *retary of Defense shall submit” and inserting “the*  
19 *Secretary of Defense, after consultation with the Sec-*  
20 *retary of State, shall submit”;* and

21 (2) *in paragraph (2)—*

22 (A) *by redesignating subparagraphs (A),*  
23 *(B), and (C) as clauses (i), (ii), and (iii), respec-*  
24 *tively, and indenting each clause, as so redesign-*  
25 *ated, 6 ems from the left margin;*

1           (B) by striking “shall include an itemized  
2           description” and inserting the following: “shall  
3           include the following:

4                   “(A) An itemized description”; and

5           (C) by adding at the end the following new  
6           subparagraph:

7                   “(B) A certification that the reimburse-  
8           ment—

9                           “(i) is consistent with the national se-  
10                           curity interests of the United States; and

11                           “(ii) will not adversely impact the bal-  
12                           ance of power in the region.”.

### 13           ***Subtitle B—Reports***

#### 14   ***SEC. 1221. REPORT ON UNITED STATES ENGAGEMENT WITH*** 15           ***IRAN.***

16           (a) *IN GENERAL.*—Not later than January 31, 2010,  
17           the President shall submit to Congress a report on United  
18           States engagement with Iran.

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

21                   (1) *DIPLOMATIC ENGAGEMENT.*—With respect to  
22           diplomatic engagement, the following:

23                           (A) A description of areas of mutual inter-  
24                           est to the Government of the United States and  
25                           the Government of the Islamic Republic of Iraq

1           *in which cooperation and discussion could be of*  
2           *mutual interest.*

3           *(B) A discussion and assessment of the com-*  
4           *mitment of the Government of the Islamic Re-*  
5           *public of Iran to engage in good-faith discussions*  
6           *with the United States to resolve matters of con-*  
7           *cern through negotiation.*

8           (2) *SUPPORT FOR TERRORISM AND EXTRE-*  
9           *MISM.—With respect to support for terrorism and ex-*  
10          *tremism, an assessment of the extent to which the*  
11          *Government of the Islamic Republic of Iran has sup-*  
12          *ported or provided weapons, training, funding, or*  
13          *any other type of support or assistance for any des-*  
14          *ignated Foreign Terrorist Organization as well as re-*  
15          *gional militant groups, and specific assessments of the*  
16          *support provided by the Government of the Islamic*  
17          *Republic of Iran, or agencies under that government,*  
18          *for insurgents or other militant groups in Iraq and*  
19          *Afghanistan.*

20          (3) *NUCLEAR ACTIVITIES.—With respect to nu-*  
21          *clear activities, an assessment of the extent to which*  
22          *the Government of the Islamic Republic of Iran has—*

23                  *(A) complied with United Nations Security*  
24                  *Council Resolutions 1696 (2006), 1737 (2006),*  
25                  *1747 (2007), 1803 (2008), and 1835 (2008), and*



1           *with any other applicable Resolutions adopted*  
2           *by the United Nations Security Council as of the*  
3           *date of the report;*

4           *(B) cooperated with the International*  
5           *Atomic Energy Agency (IAEA), including ful-*  
6           *filling all requests of that Agency for access to*  
7           *information, documentation, locations, and indi-*  
8           *viduals;*

9           *(C) ratified and implemented the Addi-*  
10          *tional Protocol to Iran's Safeguards Agreement*  
11          *with the International Atomic Energy Agency,*  
12          *as requested by the Board of Governors of the*  
13          *International Atomic Energy Agency and the*  
14          *United Nations Security Council; and*

15          *(D) committed to stop uranium enrichment*  
16          *activities and forego the reprocessing of spent*  
17          *fuel, the production of heavy water, and the*  
18          *weaponization of fissile materials on a perma-*  
19          *nent basis.*

20          (4) *MISSILE ACTIVITIES.*—*With respect to mis-*  
21          *sile activities, an assessment of the extent to which the*  
22          *Government of the Islamic Republic of Iran has con-*  
23          *tinued development of its ballistic missile program,*  
24          *including participation in any imports or exports of*  
25          *any items, materials, goods, and technologies related*

1 *to that program and has complied with United Na-*  
2 *tions Security Council Resolutions 1696, 1737, 1747,*  
3 *1803, and 1835, as required by the United Nations*  
4 *Security Council.*

5 (5) *SUPPORT TO ILLEGAL NARCOTICS NETWORK*  
6 *IN AFGHANISTAN.*—*With respect to support to the ille-*  
7 *gal narcotics network in Afghanistan, an assessment*  
8 *of the extent to which the Government of the Islamic*  
9 *Republic of Iran, or agencies under that government,*  
10 *has or have supported or facilitated the illegal nar-*  
11 *cotics trade in Afghanistan.*

12 (6) *SANCTIONS AGAINST IRAN.*—*With regard to*  
13 *sanctions against Iran—*

14 (A) *a list of all current United States bilat-*  
15 *eral and multilateral sanctions against Iran;*

16 (B) *a description and discussion of United*  
17 *States diplomatic efforts to enforce bilateral and*  
18 *multilateral sanctions against Iran and to*  
19 *strengthen international efforts to enforce such*  
20 *sanctions;*

21 (C) *an assessment of the impact and effec-*  
22 *tiveness of existing bilateral and multilateral*  
23 *sanctions against Iran in achieving United*  
24 *States goals;*

1           (D) a list of all United States and foreign  
2 registered entities which the Secretary of State  
3 has determined to be in violation of existing  
4 United States bilateral or multilateral sanctions  
5 against Iran;

6           (E) a detailed description of United States  
7 efforts to enforce sanctions against Iran, includ-  
8 ing—

9                 (i) a list of all investigations initiated  
10 in the 18-month period ending on the date  
11 of the enactment of this Act that have re-  
12 sulted in a determination that a violation  
13 of sanctions against Iran has occurred; and

14                 (ii) a description of the actions taken  
15 by the United States Government pursuant  
16 to each such determination; and

17           (F) a description of bilateral and multilat-  
18 eral sanctions against Iran that are under con-  
19 sideration, an assessment whether such addi-  
20 tional sanctions against Iran would be effective,  
21 and, if so, a description of the actions being un-  
22 dertaken to pursue such additional sanctions.

23           (c) *SUBMITTAL IN CLASSIFIED FORM.*—The report re-  
24 quired by subsection (a), or any part of such report, may

1 *be submitted in classified form if the President considers*  
2 *it appropriate.*

3 **SEC. 1222. REPORT ON CUBA AND CUBA'S RELATIONS WITH**  
4 **OTHER COUNTRIES.**

5 *Not later than 180 days after the date of the enactment*  
6 *of this Act, the Director of National Intelligence shall pro-*  
7 *vide to the defense and intelligence committees of the Con-*  
8 *gress a report addressing the following:*

9 (1) *The cooperative agreements and relationships*  
10 *that Cuba has with Iran, North Korea, and other*  
11 *states suspected of nuclear proliferation.*

12 (2) *A detailed account of the economic support*  
13 *provided by Venezuela to Cuba and the intelligence*  
14 *and other support that Cuba provides to the govern-*  
15 *ment of Hugo Chavez.*

16 (3) *A review of the evidence of relationships be-*  
17 *tween the Cuban government or any of its components*  
18 *with drug cartels or involvement in other drug traf-*  
19 *ficking activities.*

20 (4) *The status and extent of Cuba's clandestine*  
21 *activities in the United States.*

22 (5) *The extent and activities of Cuban support*  
23 *for governments in Venezuela, Bolivia, Ecuador, Cen-*  
24 *tral America, and the Caribbean.*

1           (6) *The status and extent of Cuba's research and*  
2 *development program for biological weapons produc-*  
3 *tion.*

4           (7) *The status and extent of Cuba's cyberwarfare*  
5 *program.*

6 **SEC. 1223. REPORT ON VENEZUELA.**

7           *Not later than 180 days after the date of the enactment*  
8 *of this Act, the Director of National Intelligence shall pro-*  
9 *vide to the defense and intelligence committees of the Con-*  
10 *gress a report addressing the following:*

11           (1) *An inventory of all weapons purchases by,*  
12 *and transfers to, the government of Venezuela and*  
13 *Venezuela's transfers to other countries since 1998,*  
14 *particularly purchases and transfers of missiles,*  
15 *ships, submarines, and any other advanced systems.*  
16 *The report shall include an assessment of whether*  
17 *there is accountability of the purchases and transfers*  
18 *with respect to the end-use and diversion of such ma-*  
19 *teriel to popular militias, other governments, or irreg-*  
20 *ular armed forces.*

21           (2) *The mining and shipping of Venezuelan ura-*  
22 *nium to Iran, North Korea, and other states suspected*  
23 *of nuclear proliferation.*

24           (3) *The extent to which Hugo Chavez and other*  
25 *Venezuelan officials and supporters of the Venezuelan*

1     *government provide political counsel, collaboration,*  
2     *financial ties, refuge, and other forms of support, in-*  
3     *cluding military materiel, to the Revolutionary*  
4     *Armed Forces of Colombia (FARC).*

5             *(4) The extent to which Hugo Chavez and other*  
6     *Venezuelan officials provide funding, logistical and*  
7     *political support to the Islamist terrorist organization*  
8     *Hezbollah.*

9             *(5) Deployment of Venezuelan security or intel-*  
10    *ligence personnel to Bolivia, including any role such*  
11    *personnel have in suppressing opponents of the gov-*  
12    *ernment of Bolivia.*

13            *(6) Venezuela's clandestine material support for*  
14    *political movements and individuals throughout the*  
15    *Western Hemisphere with the objective of influencing*  
16    *the internal affairs of nations in the Western Hemi-*  
17    *sphere.*

18            *(7) Efforts by Hugo Chavez and other officials or*  
19    *supporters of the Venezuelan government to convert or*  
20    *launder funds that are the property of Venezuelan*  
21    *government agencies, instrumentalities, parastatals,*  
22    *including Petroleos de Venezuela, SA (PDVSA).*

23            *(8) Covert payments by Hugo Chavez or officials*  
24    *or supporters of the Venezuelan government to foreign*  
25    *political candidates, government officials, or officials*

1       *of international organizations for the purpose of in-*  
2       *fluencing the performance of their official duties.*

3       **SEC. 1224. REPORT ON MILITARY POWER OF IRAN.**

4       *(a) BIENNIAL REPORT.—Not later than March 31,*  
5       *2010, and in each even-numbered year thereafter until*  
6       *2020, the Secretary of Defense shall submit to Congress a*  
7       *report, in both classified and unclassified form, on the cur-*  
8       *rent and future military strategy of the Islamic Republic*  
9       *of Iran. The report shall address the current and probable*  
10       *future course of military developments on the Army, Air*  
11       *Force, Navy, and Revolutionary Guard Corps of the Islamic*  
12       *Republic of Iran.*

13       *(b) MATTERS TO BE INCLUDED.—The report required*  
14       *under subsection (a) shall include the following elements:*

15               *(1) As assessment of the grand strategy, security*  
16       *strategy, and military strategy of the Government of*  
17       *the Islamic Republic of Iran, including the following:*

18                       *(A) The goals of the grand strategy, security*  
19       *strategy, and military strategy.*

20                       *(B) Aspects of the strategies that would be*  
21       *designed to establish Iran as the leading power*  
22       *in the Middle East and to enhance the influence*  
23       *of Iran in other regions of the world.*

24                       *(C) The security situation in the Persian*  
25       *Gulf and the Levant.*

1                   (D) Iranian strategy regarding other coun-  
2                   tries in the Middle East region.

3                   (2) An assessment of the capabilities of the con-  
4                   ventional forces of the Government of the Islamic Re-  
5                   public of Iran, including the following:

6                   (A) The size, location, and capabilities of  
7                   the conventional forces.

8                   (B) A detailed analysis of the conventional  
9                   forces of the Government of the Islamic Republic  
10                  of Iran facing United States forces in the region  
11                  and other countries in the Middle East region.

12                  (C) An estimate of the funding provided for  
13                  each branch of the conventional forces of the Gov-  
14                  ernment of the Islamic Republic of Iran.

15                  (3) An assessment of the unconventional forces of  
16                  the Government of the Islamic Republic of Iran, in-  
17                  cluding the following:

18                  (A) The size and capability of special oper-  
19                  ations units, including the Iranian Revolu-  
20                  tionary Guard Corps-Quds Force.

21                  (B) The types and amount of support pro-  
22                  vided to groups designated by the United States  
23                  as terrorist organizations in particular those  
24                  forces that have been assessed as willing to carry



1            *out terrorist operations on behalf of the Islamic*  
2            *Republic of Iran.*

3            *(C) A detailed analysis of the unconven-*  
4            *tional forces of the Government of the Islamic*  
5            *Republic of Iran and their implications for the*  
6            *United States and other countries in the Middle*  
7            *East region.*

8            *(D) An estimate of the amount of funds*  
9            *spent by the Government of the Islamic Republic*  
10           *of Iran to develop and support special operations*  
11           *forces and terrorist groups.*

12           *(c) DEFINITIONS.—In this section:*

13           *(1) CONVENTIONAL FORCES OF THE GOVERN-*  
14           *MENT OF IRAN.—The term “conventional forces of the*  
15           *Government of the Islamic Republic of Iran”—*

16           *(A) means military forces of the Islamic Re-*  
17           *public of Iran designed to conduct operations on*  
18           *sea, air, or land, other than Iran’s unconven-*  
19           *tional forces and Iran’s strategic missile forces;*  
20           *and*

21           *(B) includes Iran’s Army, Iran’s Air Force,*  
22           *Iran’s Navy, and elements of the Iranian Revo-*  
23           *lutionary Guard Corps, other than the Iranian*  
24           *Revolutionary Guard Corps-Quds Force.*

1           (2) *MIDDLE EAST REGION.*—The term “Middle  
2 *East region*” means—

3           (A) *the countries within the area of respon-*  
4 *sibility of United States Central Command; and*

5           (B) *the countries within the area covered by*  
6 *the Bureau of Near Eastern Affairs of the De-*  
7 *partment of State.*

8           (3) *UNCONVENTIONAL FORCES OF THE GOVERN-*  
9 *MENT OF IRAN.*—The term “unconventional forces of  
10 *the Government of the Islamic Republic of Iran*”—

11           (A) *means forces of the Islamic Republic of*  
12 *Iran that carry out missions typically associated*  
13 *with special operations forces; and*

14           (B) *includes—*

15           (i) *the Iranian Revolutionary Guard*  
16 *Corps-Quds Force; and*

17           (ii) *any organization that—*

18           (I) *has been designated a terrorist*  
19 *organization by the United States;*

20           (II) *receives assistance from the*  
21 *Government of Iran; and*

22           (III)(aa) *is assessed as being will-*  
23 *ing in some or all cases of carrying out*  
24 *attacks on behalf of the Government of*  
25 *the Islamic Republic of Iran; or*

1                    *(bb) is assessed as likely to carry*  
2                    *out attacks in response to a military*  
3                    *attack by another country on the Is-*  
4                    *lamic Republic of Iran.*

5 **SEC. 1225. ANNUAL COUNTERTERRORISM STATUS RE-**  
6                    **PORTS.**

7            *(a) SHORT TITLE.—This section may be cited as the*  
8            *“Success in Countering Al Qaeda Reporting Requirements*  
9            *Act of 2009”.*

10           *(b) ANNUAL COUNTERTERRORISM STATUS RE-*  
11           *PORTS.—*

12                    *(1) IN GENERAL.—Not later than July 31, 2010,*  
13                    *and every July 31 thereafter, the President shall sub-*  
14                    *mit a report, to the Committee on Foreign Relations*  
15                    *of the Senate, the Committee on Foreign Affairs of the*  
16                    *House of Representatives, the Committee on Armed*  
17                    *Services of the Senate, the Committee on Armed Serv-*  
18                    *ices of the House of Representatives, the Committee on*  
19                    *Appropriations of the Senate, the Committee on Ap-*  
20                    *propriations of the House of Representatives, the Se-*  
21                    *lect Committee on Intelligence of the Senate, and the*  
22                    *Permanent Select Committee on Intelligence of the*  
23                    *House of Representatives, which contains, for the most*  
24                    *recent 12-month period, a review of the counterter-*

1 *rorism strategy of the United States Government, in-*  
2 *cluding—*

3 *(A) a detailed assessment of the scope, sta-*  
4 *tus, and progress of United States counterter-*  
5 *rorism efforts in fighting Al Qaeda and its re-*  
6 *lated affiliates and undermining long-term sup-*  
7 *port for violent extremism;*

8 *(B) a judgment on the geographical region*  
9 *in which Al Qaeda and its related affiliates pose*  
10 *the greatest threat to the national security of the*  
11 *United States;*

12 *(C) a judgment on the adequacy of inter-*  
13 *agency integration of the counterterrorism pro-*  
14 *grams and activities of the Department of De-*  
15 *fense, the United States Special Operations Com-*  
16 *mand, the Central Intelligence Agency, the De-*  
17 *partment of State, the Department of the Treas-*  
18 *ury, the Department of Homeland Security, the*  
19 *Department of Justice, and other Federal depart-*  
20 *ments and agencies;*

21 *(D) an evaluation of the extent to which the*  
22 *counterterrorism efforts of the United States cor-*  
23 *respond to the plans developed by the National*  
24 *Counterterrorism Center and the goals estab-*

1 *lished in overarching public statements of strat-*  
2 *egy issued by the executive branch;*

3 *(E) a determination of whether the Na-*  
4 *tional Counterterrorism Center exercises the au-*  
5 *thority and has the resources and expertise re-*  
6 *quired to fulfill the interagency strategic and*  
7 *operational planning role described in section*  
8 *119(j) of the National Security Act of 1947 (50*  
9 *U.S.C. 4040), as added by section 1012 of the*  
10 *National Security Intelligence Reform Act of*  
11 *2004 (title I of Public Law 108–458);*

12 *(F) a description of the efforts of the United*  
13 *States Government to combat Al Qaeda and its*  
14 *related affiliates and undermine violent extrem-*  
15 *ist ideology, which shall include—*

16 *(i) a specific list of the President’s*  
17 *highest global counterterrorism priorities;*

18 *(ii) the degree of success achieved by*  
19 *the United States, and remaining areas for*  
20 *progress, in meeting the priorities described*  
21 *in clause (i); and*

22 *(iii) efforts in those countries in which*  
23 *the President determines that—*

24 *(I) Al Qaeda and its related affili-*  
25 *ates have a presence; or*

1                   (II) acts of international ter-  
2                   rorism have been perpetrated by Al  
3                   Qaeda and its related affiliates;

4                   (G) a specific list of United States counter-  
5                   terrorism efforts, and the specific status and  
6                   achievements of such efforts, through military, fi-  
7                   nancial, political, intelligence, paramilitary,  
8                   and law enforcement elements, relating to—

9                   (i) bilateral security and training pro-  
10                  grams;

11                  (ii) law enforcement and border secu-  
12                  rity;

13                  (iii) the disruption of terrorist net-  
14                  works; and

15                  (iv) the denial of terrorist safe havens  
16                  and sanctuaries;

17                  (H) a description of United States Govern-  
18                  ment activities to counter terrorist recruitment  
19                  and radicalization, including—

20                  (i) strategic communications;

21                  (ii) public diplomacy;

22                  (iii) support for economic development  
23                  and political reform; and

24                  (iv) other efforts aimed at influencing  
25                  public opinion;

1           (I) *United States Government initiatives to*  
2 *eliminate direct and indirect international fi-*  
3 *nancial support for the activities of terrorist*  
4 *groups;*

5           (J) *a cross-cutting analysis of the budgets of*  
6 *all Federal Government agencies as they relate to*  
7 *counterterrorism funding to battle Al Qaeda and*  
8 *its related affiliates abroad, including—*

9                 (i) *the source of such funds; and*

10               (ii) *the allocation and use of such*  
11 *funds;*

12           (K) *an analysis of the extent to which spe-*  
13 *cific Federal appropriations—*

14                 (i) *have produced tangible, calculable*  
15 *results in efforts to combat and defeat Al*  
16 *Qaeda, its related affiliates, and its violent*  
17 *ideology; or*

18                 (ii) *contribute to investments that have*  
19 *expected payoffs in the medium- to long-*  
20 *term;*

21           (L) *statistical assessments, including those*  
22 *developed by the National Counterterrorism Cen-*  
23 *ter, on the number of individuals belonging to Al*  
24 *Qaeda and its related affiliates that have been*

1           *killed, injured, or taken into custody as a result*  
2           *of United States counterterrorism efforts; and*

3                   *(M) a concise summary of the methods used*  
4           *by National Counterterrorism Center and other*  
5           *elements of the United States Government to as-*  
6           *sess and evaluate progress in its overall counter-*  
7           *terrorism efforts, including the use of specific*  
8           *measures, metrics, and indices.*

9           (2) *INTERAGENCY COOPERATION.*—*In preparing*  
10          *a report under this subsection, the President shall in-*  
11          *clude relevant information maintained by—*

12                   *(A) the National Counterterrorism Center*  
13           *and the National Counterproliferation Center;*

14                   *(B) Department of Justice, including the*  
15           *Federal Bureau of Investigation;*

16                   *(C) the Department of State;*

17                   *(D) the Department of Defense;*

18                   *(E) the Department of Homeland Security;*

19                   *(F) the Department of the Treasury;*

20                   *(G) the Office of the Director of National*  
21          *Intelligence,*

22                   *(H) the Central Intelligence Agency;*

23                   *(I) the Office of Management and Budget;*

24                   *(J) the United States Agency for Inter-*  
25          *national Development; and*



1           (K) any other Federal department that  
2           maintains relevant information.

3           (3) *REPORT CLASSIFICATION.*—Each report re-  
4           quired under this subsection shall be—

5                   (A) submitted in an unclassified form, to  
6                   the maximum extent practicable; and

7                   (B) accompanied by a classified appendix,  
8                   as appropriate.

9   **SEC. 1226. REPORT ON TAIWAN'S AIR FORCE.**

10          (a) *FINDINGS.*—Congress makes the following findings:

11                   (1) According to the Department of Defense's  
12                   (DoD) 2009 Annual Report on Military Power of the  
13                   People's Republic of China, the military balance in  
14                   the Taiwan Strait has been shifting in China's favor  
15                   since 2000, marked by the sustained deployment of  
16                   advanced military equipment to the Chinese military  
17                   regions opposite Taiwan.

18                   (2) Although the DoD's 2002 Report concluded  
19                   that Taiwan "has enjoyed dominance of the airspace  
20                   over the Taiwan Strait for many years," the DoD's  
21                   2009 Report states this conclusion no longer holds  
22                   true.

23                   (3) China has based 490 combat aircraft (330  
24                   fighters and 160 bombers) within unrefueled oper-  
25                   ational range of Taiwan, and has the airfield capac-

1     *ity to expand that number by hundreds. In contrast,*  
2     *Taiwan has 390 combat aircraft (all of which are*  
3     *fighters).*

4             (4) *Also according to the DoD's 2009 Report,*  
5     *China has continued its build-up of conventional bal-*  
6     *listic missiles since 2000, "building a nascent capac-*  
7     *ity for conventional short-range ballistic missile*  
8     *(SRBM) strikes against Taiwan into what has be-*  
9     *come one of China's primary instruments of coer-*  
10    *cion." At this time, China has expanded its SRBM*  
11    *force opposite Taiwan to seven brigades with a total*  
12    *of 1,050 through 1,150 missiles, and is augmenting*  
13    *these forces with conventional medium-range ballistic*  
14    *missiles systems and at least 2 land attack cruise*  
15    *missile variants capable of ground or air launch. Ad-*  
16    *vanced fighters and bombers, combined with enhanced*  
17    *training for nighttime and overwater flights, provide*  
18    *China's People's Liberation Army (PLA) with addi-*  
19    *tional capabilities for regional strike or maritime*  
20    *interdiction operations.*

21             (5) *Furthermore, the Report maintains, "the se-*  
22    *curity situation in the Taiwan Strait is largely a*  
23    *function of dynamic interactions among Mainland*  
24    *China, Taiwan, and the United States. The PLA has*  
25    *developed and deployed military capability to coerce*

1 *Taiwan or attempt an invasion if necessary. PLA*  
2 *improvements pose new challenges to Taiwan’s secu-*  
3 *rity, which has historically been based upon the*  
4 *PLA’s inability to project power across the 100 nau-*  
5 *tical-mile Taiwan Strait, natural geographic advan-*  
6 *tages of island defense, Taiwan’s armed forces’ techno-*  
7 *logical superiority, and the possibility of U.S. inter-*  
8 *vention”.*

9 (6) *The Taiwan Relations Act of 1979 requires*  
10 *that, in furtherance of the principle of maintaining*  
11 *peace and stability in the Western Pacific region, the*  
12 *United States shall make available to Taiwan such*  
13 *defense articles and defense services in such quantity*  
14 *“as may be necessary to enable Taiwan to maintain*  
15 *a sufficient self-defense capability,” allowing that “the*  
16 *President and the Congress shall determine the nature*  
17 *and quantity of such defense articles and services*  
18 *based solely upon their judgment of the needs of Tai-*  
19 *wan . . .”.*

20 (b) *REPORT TO CONGRESS ON TAIWAN’S CURRENT AIR*  
21 *FORCE AND FUTURE SELF-DEFENSE REQUIREMENTS.—*

22 *Not later than 90 days after the date of the enactment of*  
23 *this Act, the President shall submit to Congress a report,*  
24 *in both classified and unclassified form, containing the fol-*  
25 *lowing:*

1           (1) *A thorough and complete assessment of the*  
2 *current state of Taiwan’s Air Force, including—*

3                   (A) *the number and type of aircraft;*

4                   (B) *the age of aircraft; and*

5                   (C) *the capability of those aircraft.*

6           (2) *An assessment of the effectiveness of the air-*  
7 *craft in the face of a full-scale concerted missile and*  
8 *air campaign by China, in which China uses its most*  
9 *modern surface-to-air missiles currently deployed*  
10 *along its seacoast.*

11           (3) *An analysis of the specific weapons systems*  
12 *and platforms that Taiwan would need to provide for*  
13 *it’s self-defense and maintain control of its own air*  
14 *space.*

15           (4) *Options for the United States to assist Tai-*  
16 *wan in achieving those capabilities.*

17           (5) *A 5-year plan for fulfilling the obligations of*  
18 *the United States under the Taiwan Relations Act to*  
19 *provide for Taiwan’s self-defense and aid Taiwan in*  
20 *maintaining control of its own air space.*

21 **SEC. 1227. REPORT ON UNITED STATES CONTRIBUTIONS TO**  
22 **THE UNITED NATIONS.**

23           *Section 1225 of the John Warner National Defense Au-*  
24 *thorization Act for Fiscal Year 2007 (Public Law 109–364;*  
25 *120 Stat. 2424) is amended—*

1           (1) *in subsection (a), by striking “until Decem-*  
2 *ber 31, 2010, the President shall submit” and insert-*  
3 *ing “(but not later than the first of each May), the*  
4 *Director of the Office of Management and Budget*  
5 *shall submit”;* and

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

7           “(c) *PUBLIC AVAILABILITY OF INFORMATION.—The*  
8 *Director of the Office of Management and Budget shall post*  
9 *a public version of each report submitted under subsection*  
10 *(a) on a text-based searchable and publicly available Inter-*  
11 *net Web site.”.*

## 12           ***Subtitle C—Other Matters***

### 13           ***SEC. 1231. SENSE OF CONGRESS ON ESTABLISHMENT OF*** 14           ***MEASURES OF PROGRESS TO EVALUATE*** 15           ***UNITED STATES STRATEGIC OBJECTIVES IN*** 16           ***AFGHANISTAN AND PAKISTAN.***

17           (a) *FINDINGS.—Congress makes the following findings:*

18           (1) *The President announced a new strategy for*  
19 *Afghanistan and Pakistan on March 27, 2009, that*  
20 *calls for a commitment of more resources and a sig-*  
21 *nificant increase in the number of United States*  
22 *Armed Forces deployed to the region.*

23           (2) *It is the obligation of the United States Gov-*  
24 *ernment to the members of the Armed Forces, and to*  
25 *all Americans, that their sacrifices be met by a clear*

1     *method for evaluating the progress toward achieving*  
2     *the objectives in the new strategy of the Administra-*  
3     *tion.*

4             (3) *The President stated, with reference to the*  
5     *strategy for Afghanistan and Pakistan, that “going*  
6     *forward, we will not blindly stay the course. Instead,*  
7     *we will set clear metrics to measure progress and hold*  
8     *ourselves accountable. We’ll consistently assess our ef-*  
9     *forts to train Afghan security forces and our progress*  
10    *in combating insurgents. We will measure the growth*  
11    *of Afghanistan’s economy, and its illicit narcotics*  
12    *production. And we will review whether we are using*  
13    *the right tools and tactics to make progress towards*  
14    *accomplishing our goals”.*

15            (4) *Since the announcement of the new strategy*  
16    *of the Administration on March 27, 2009, key leaders*  
17    *in the Administration, including in the Department*  
18    *of Defense and Department of State, have testified be-*  
19    *fore Congress that progress measures were needed to*  
20    *evaluate performance toward achieving the strategic*  
21    *objectives of the United States in Afghanistan and*  
22    *Pakistan and that the Administration was under-*  
23    *taking the process of reviewing and developing meas-*  
24    *ures of progress.*

1           (5) *Key leaders in the Administration further as-*  
2 *sured Congress that the Administration would not*  
3 *only share the measures of progress with Congress, but*  
4 *would also invite review and comment by Congress on*  
5 *proposed measures of progress.*

6           (6) *The establishment of both clear objectives and*  
7 *a means to impartially measure success toward those*  
8 *objectives will expound to the American people what*  
9 *the United States and its partners intend to accom-*  
10 *plish in and for Afghanistan and Pakistan.*

11       (b) *SENSE OF CONGRESS.—It is the sense of Congress*  
12 *that—*

13           (1) *the Administration should, through the co-*  
14 *ordination of the Departments of Defense and State,*  
15 *expeditiously submit to Congress a comprehensive list*  
16 *of measures of progress with regard to United States*  
17 *strategic objectives in Afghanistan and Pakistan;*

18           (2) *the comprehensive list under paragraph (1)*  
19 *should include newly-established measures of progress*  
20 *as well as such measures of progress previously estab-*  
21 *lished pursuant to section 1230(d) of the National De-*  
22 *fense Authorization Act for Fiscal Year 2008 (Public*  
23 *Law 110–181; 122 Stat. 385) that continue to be rel-*  
24 *evant to the current United States strategy for Af-*  
25 *ghanistan and Pakistan;*

1           (3) *the Administration should incorporate the*  
2 *comprehensive list under paragraph (1) with each re-*  
3 *port submitted under sections 1230 and 1232 of the*  
4 *National Defense Authorization Act for Fiscal Year*  
5 *2008 (122 Stat. 385, 392) and should review, and if*  
6 *necessary modify, the comprehensive list for each such*  
7 *report; and*

8           (4) *upon submittal to Congress of the reports re-*  
9 *quired by sections 1230 and 1232 of the National De-*  
10 *fense Authorization Act for Fiscal Year 2008, the Ad-*  
11 *ministration 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 measure*  
21 *of progress hinders or enhances the overall per-*  
22 *formance toward achieving strategic objectives of*  
23 *the United States in Afghanistan and 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 find-*  
5 *ings:*

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 the*  
11 *United States and United States allies in Europe, the*  
12 *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 would*  
20 *be profoundly destabilizing in the international com-*  
21 *munity as a whole and could set off a nuclear arms*  
22 *race in the Middle East that would be extraordinarily*  
23 *dangerous for all concerned, including for Iran.”.*

24 (4) *The International Atomic Energy Agency has*  
25 *repeatedly called attention to the illicit nuclear ac-*  
26 *tivities of the Islamic Republic of Iran, and, as a re-*

1 *sult, the United Nations Security Council has adopted*  
2 *a range of sanctions designed to encourage the Gov-*  
3 *ernment of the Islamic Republic of Iran to cease those*  
4 *activities and comply with its obligations under the*  
5 *Treaty on Non-Proliferation of Nuclear Weapons,*  
6 *done at Washington, London, and Moscow July 1,*  
7 *1968, and entered into force March 5, 1970 (com-*  
8 *monly known as the “Nuclear Non-Proliferation Trea-*  
9 *ty”).*

10 *(5) The Department of the Treasury has imposed*  
11 *sanctions on several Iranian banks, including Bank*  
12 *Melli, Bank Saderat, Bank Sepah, and Bank Mellat,*  
13 *for their involvement in proliferation activities or*  
14 *support for terrorist groups.*

15 *(6) The Central Bank of Iran, the keystone of*  
16 *Iran’s financial system and its principal remaining*  
17 *lifeline to the international banking system, has en-*  
18 *gaged in deceptive financial practices and facilitated*  
19 *such practices among banks involved in proliferation*  
20 *activities or support for terrorist groups, including*  
21 *Bank Sepah and Bank Melli, in order to evade sanc-*  
22 *tions imposed by the United States and the United*  
23 *Nations.*

24 *(7) On April 8, 2009, the United States formally*  
25 *extended an offer to engage in direct diplomacy with*

1 *the Government of the Islamic Republic of Iran*  
2 *through negotiations with the five permanent mem-*  
3 *bers of the United States Security Council and Ger-*  
4 *many (commonly referred to as the “P5-plus-1 proc-*  
5 *ess”), in the hope of resolving all outstanding disputes*  
6 *between the Islamic Republic of Iran and the United*  
7 *States.*

8 (8) *The Government of the Islamic Republic of*  
9 *Iran has yet to make a formal reply to the April 8,*  
10 *2009, offer of direct diplomacy by the United States*  
11 *or to engage in direct diplomacy with the United*  
12 *States through the P5-plus-1 process.*

13 (9) *On July 8, 2009, President Nicolas Sarkozy*  
14 *of France warned that the Group of Eight major pow-*  
15 *ers will give the Islamic Republic of Iran until Sep-*  
16 *tember 2009 to accept negotiations with respect to its*  
17 *nuclear activities or face tougher sanctions.*

18 (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*  
19 *ate that—*

20 (1) *the Government of the Islamic Republic of*  
21 *Iran should—*

22 (A) *seize the historic offer put forward by*  
23 *President Barack Obama to engage in direct di-*  
24 *plomacy with the United States;*

1           (B) suspend all enrichment-related and re-  
2           processing activities, including research and de-  
3           velopment, and work on all heavy-water related  
4           projects, including the construction of a research  
5           reactor moderated by heavy water, as demanded  
6           by multiple resolutions of the United Nations Se-  
7           curity Council; and

8           (C) come into full compliance with the Nu-  
9           clear Non-Proliferation Treaty, including the ad-  
10          ditional protocol to the Treaty; and

11          (2) the President should impose sanctions on the  
12          Central Bank of Iran and any other Iranian bank en-  
13          gaged in proliferation activities or support for ter-  
14          rorist groups, as well as any other sanctions the  
15          President determines appropriate, if—

16               (A) the Government of the Islamic Republic  
17          of Iran—

18                   (i) has not accepted the offer by the  
19                   United States to engage in direct diplomacy  
20                   through the P5-plus-1 process before the  
21                   Summit of the Group of 20 (G-20) in Pitts-  
22                   burgh, Pennsylvania, in September 2009; or

23                   (ii) has not suspended all enrichment-  
24                   related and reprocessing activities and work  
25                   on all heavy-water related projects within

1           60 days of the conclusion of that Summit;  
2           and

3           (B) the United Nations Security Council  
4           has failed to adopt significant and meaningful  
5           additional sanctions on the Government of the  
6           Islamic Republic of Iran.

7   **SEC. 1233. SENSE OF THE SENATE ON ENFORCEMENT AND**  
8           **IMPOSITION OF SANCTIONS WITH RESPECT**  
9           **TO NORTH KOREA; REVIEW TO DETERMINE**  
10          **WHETHER NORTH KOREA SHOULD BE RE-**  
11          **LISTED AS A STATE SPONSOR OF TERRORISM.**

12        (a) *FINDINGS.*—*The Senate makes the following find-*  
13        *ings:*

14           (1) *On April 5, 2009, the Government of North*  
15        *Korea tested an intermediate range ballistic missile*  
16        *in violation of United Nations Security Council Reso-*  
17        *lutions 1695 (2006) and 1718 (2006).*

18           (2) *On April 5, 2009, President Barack Obama*  
19        *issued a statement on North Korea, stating that “Pre-*  
20        *venting the proliferation of weapons of mass destruc-*  
21        *tion and their means of delivery is a high priority for*  
22        *my administration”, and adding, “North Korea has*  
23        *ignored its international obligations, rejected un-*  
24        *equivocal calls for restraint, and further isolated itself*  
25        *from the community of nations”.*

1           (3) *On April 15, 2009, the Government of North*  
2 *Korea announced it was expelling international in-*  
3 *spectors from its Yongbyon nuclear facility and end-*  
4 *ing its participation in the Six Party Talks for the*  
5 *Denuclearization of the Korean Peninsula.*

6           (4) *On May 25, 2009, the Government of North*  
7 *Korea conducted a second nuclear test, in disregard*  
8 *of United Nations Security Council Resolution 1718,*  
9 *which was issued in 2006 following the first such test*  
10 *and which demanded that North Korea not conduct*  
11 *any further nuclear tests or launches of a ballistic*  
12 *missile.*

13           (5) *The State Department's 2008 Human Rights*  
14 *Report on North Korea, issued on February 25, 2009,*  
15 *found that human rights conditions inside North*  
16 *Korea remained poor, prison conditions are harsh*  
17 *and life-threatening, and citizens were denied basic*  
18 *freedoms such as freedom of speech, press, assembly,*  
19 *religion, and association.*

20           (6) *Pursuant to section 102(b)(2)(E) of the Arms*  
21 *Export Control Act (22 U.S.C. 2799aa-1(b)(2)(E)),*  
22 *President George W. Bush, on February 7, 2007, noti-*  
23 *fied Congress that the United States Government*  
24 *would oppose the extension of any loan or financial*  
25 *or technical assistance to North Korea by any inter-*

1     *national financial institution and the prohibition on*  
2     *support for the extension of such loans or assistance*  
3     *remains in effect.*

4             *(7) On June 12, 2009, the United Nations Secu-*  
5     *rity Council passed Resolution 1874, condemning*  
6     *North Korea’s nuclear test, imposing a sweeping em-*  
7     *bargo on all arms trade with North Korea, and re-*  
8     *quiring member states not to provide financial sup-*  
9     *port or other financial services that could contribute*  
10    *to North Korea’s nuclear-related or missile-related ac-*  
11    *tivities or other activities related to weapons of mass*  
12    *destruction.*

13            *(8) On July 15, 2009, the Sanctions Committee*  
14    *of the United Nations Security Council, pursuant to*  
15    *United Nations Security Council Resolution 1874,*  
16    *imposed a travel ban on five North Korean individ-*  
17    *uals and asset freezes on five more North Korean enti-*  
18    *ties for their involvement in nuclear weapons and*  
19    *ballistic missile development programs, marking the*  
20    *first time the United Nations has imposed a travel*  
21    *ban on North Koreans.*

22            *(9) On June 10, 2008, the Government of North*  
23    *Korea issued a statement, subsequently conveyed di-*  
24    *rectly to the United States Government, affirming*  
25    *that North Korea, “will firmly maintain its con-*

1     *sistent stand of opposing all forms of terrorism and*  
2     *any support to it and will fulfill its responsibility*  
3     *and duty in the struggle against terrorism.”.*

4             (10) *The June 10, 2008, statement by the Gov-*  
5     *ernment of North Korea also pledged that North*  
6     *Korea would take “active part in the international ef-*  
7     *forts to prevent substance, equipment and technology*  
8     *to be used for the production of nukes and biochemical*  
9     *and radioactive weapons from finding their ways to*  
10    *the terrorists and the organizations that support*  
11    *them”.*

12            (11) *On June 26, 2008, President George W.*  
13    *Bush certified that—*

14                    (A) *the Government of North Korea had not*  
15    *provided any support for international terrorism*  
16    *during the preceding 6-month period; and*

17                    (B) *the Government of North Korea had*  
18    *provided assurances that it will not support acts*  
19    *of international terrorism in the future.*

20            (12) *The President’s June 26 certification con-*  
21    *cluded, based on all available information, that there*  
22    *was “no credible evidence at this time of ongoing sup-*  
23    *port by the DPRK for international terrorism” and*  
24    *that “there is no credible or sustained reporting at*  
25    *this time that supports allegations (including as cited*



1 *in recent reports by the Congressional Research Serv-*  
2 *ice) that the DPRK has provided direct or witting*  
3 *support for Hezbollah, Tamil Tigers, or the Iranian*  
4 *Revolutionary Guard”.*

5 (13) *The State Department’s Country Reports on*  
6 *Terrorism 2008, in a section on North Korea, state,*  
7 *“The Democratic People’s Republic of Korea (DPRK)*  
8 *was not known to have sponsored any terrorist acts*  
9 *since the bombing of a Korean Airlines flight in*  
10 *1987.”.*

11 (14) *The Country Reports on Terrorism 2008*  
12 *also state, “A state that directs WMD resources to ter-*  
13 *rorists, or one from which enabling resources are*  
14 *clandestinely diverted, poses a grave WMD terrorism*  
15 *threat. Although terrorist organizations will continue*  
16 *to seek a WMD capability independent of state pro-*  
17 *grams, the sophisticated WMD knowledge and re-*  
18 *sources of a state could enable a terrorist capability.*  
19 *State sponsors of terrorism and all nations that fail*  
20 *to live up to their international counterterrorism and*  
21 *nonproliferation obligations deserve greater scrutiny*  
22 *as potential facilitators of WMD terrorism.”.*

23 (15) *On October 11, 2008, the Secretary of State,*  
24 *pursuant to the President’s certification, removed*  
25 *North Korea from its list of state sponsors of ter-*

1        *rorism, on which North Korea had been placed in*  
2        *1988.*

3        *(b) REPORT ON CONDUCT OF NORTH KOREA.—Not*  
4        *later than 30 days after the date of the enactment of this*  
5        *Act, the President shall submit to Congress a detailed report*  
6        *examining the conduct of the Government of North Korea*  
7        *since June 26, 2008, based on all available information,*  
8        *to determine whether North Korea meets the statutory cri-*  
9        *teria for listing as a state sponsor of terrorism. The report*  
10       *shall—*

11            *(1) present any credible evidence of support by*  
12        *the Government of North Korea for acts of terrorism,*  
13        *terrorists, or terrorist organizations;*

14            *(2) examine what steps the Government of North*  
15        *Korea has taken to fulfill its June 10, 2008, pledge*  
16        *to prevent weapons of mass destruction from falling*  
17        *into the hands of terrorists; and*

18            *(3) assess the effectiveness of re-listing North*  
19        *Korea as a state sponsor of terrorism as a tool to ac-*  
20        *complish the objectives of the United States with re-*  
21        *spect to North Korea, including completely elimi-*  
22        *nating North Korea's nuclear weapons programs, pre-*  
23        *venting North Korean proliferation of weapons of*  
24        *mass destruction, and encouraging North Korea to*

1 *abide by international norms with respect to human*  
2 *rights.*

3 *(c) SENSE OF THE SENATE.—It is the sense of the Sen-*  
4 *ate that—*

5 *(1) the United States should—*

6 *(A) vigorously enforce United Nations Secu-*  
7 *rity Council Resolutions 1718 (2006) and 1874*  
8 *(2009) and other sanctions in place with respect*  
9 *to North Korea under United States law;*

10 *(B) urge all member states of the United*  
11 *Nations to fully implement the sanctions im-*  
12 *posed by United Nations Security Council Reso-*  
13 *lutions 1718 and 1874; and*

14 *(C) explore the imposition of additional*  
15 *unilateral and multilateral sanctions against*  
16 *North Korea in furtherance of United States na-*  
17 *tional security;*

18 *(2) the conduct of North Korea constitutes a*  
19 *threat to the northeast Asian region and to inter-*  
20 *national peace and security;*

21 *(3) if the United States determines that the Gov-*  
22 *ernment of North Korea has provided assistance to*  
23 *terrorists or engaged in state sponsored acts of ter-*  
24 *rorism, the Secretary of State should immediately list*  
25 *North Korea as a state sponsor of terrorism; and*

1           (4) *if the United States determines that the Gov-*  
 2           *ernment of North Korea has failed to fulfill its June*  
 3           *10, 2008, pledges, the Secretary of State should imme-*  
 4           *diately list North Korea as a state sponsor of ter-*  
 5           *rorism.*

6           (d) *STATE SPONSOR OF TERRORISM DEFINED.—For*  
 7           *purposes of this section, the term “state sponsor of ter-*  
 8           *rorism” means a country that has repeatedly provided sup-*  
 9           *port for acts of international terrorism for purposes of—*

10           (1) *section 6(j) of the Export Administration Act*  
 11           *of 1979 (50 U.S.C. App. 2405(j)) (as continued in ef-*  
 12           *fect pursuant to the International Emergency Eco-*  
 13           *nomics Powers Act (50 U.S.C. 1701 et seq.));*

14           (2) *section 40 of the Arms Export Control Act*  
 15           *(22 U.S.C. 2780); or*

16           (3) *section 620A of the Foreign Assistance Act of*  
 17           *1961 (22 U.S.C. 2371).*

18 **SEC. 1234. REPORT ON THE PLAN FOR THE UNITED STATES**

19           **NUCLEAR WEAPONS STOCKPILE, NUCLEAR**  
 20           **WEAPONS COMPLEX, AND DELIVERY PLAT-**  
 21           **FORMS AND SENSE OF THE SENATE ON FOL-**  
 22           **LOW-ON NEGOTIATIONS TO START TREATY.**

23           (a) *REPORT ON THE PLAN FOR THE UNITED STATES*  
 24           *NUCLEAR WEAPONS STOCKPILE, NUCLEAR WEAPONS COM-*  
 25           *PLEX, AND DELIVERY PLATFORMS.—*

1           (1) *REPORT REQUIRED.*—Not later than 30 days  
2 after the date of the enactment of this Act or at the  
3 time a follow-on treaty to the Strategic Arms Reduc-  
4 tion Treaty (START Treaty) is submitted by the  
5 President to the Senate for its advice and consent,  
6 whichever is earlier, the President shall submit to the  
7 congressional defense and foreign relations committees  
8 a report on the plan to enhance the safety, security,  
9 and reliability of the United States nuclear weapons  
10 stockpile, modernize the nuclear weapons complex,  
11 and maintain the delivery platforms for nuclear  
12 weapons.

13           (2) *COORDINATION.*—The President shall prepare  
14 the report required under paragraph (1) in coordina-  
15 tion with the Secretary of Defense, the directors of  
16 Sandia National Laboratory, Los Alamos National  
17 Laboratory, and Lawrence Livermore National Lab-  
18 oratory, the Administrator for the National Nuclear  
19 Security Administration, and the Commander of the  
20 United States Strategic Command.

21           (3) *ELEMENTS.*—The report required under  
22 paragraph (1) shall include the following:

23                   (A) A description of the plan to enhance the  
24 safety, security, and reliability of the United  
25 States nuclear weapons stockpile.



1        *Republic of Iraq have done so with the utmost brav-*  
2        *ery and courage and deserve the respect and gratitude*  
3        *of the people of the United States and the people of*  
4        *Iraq.*

5            *(2) The leadership of Generals David Petraeus*  
6        *and Raymond Odierno, as the Commanders of the*  
7        *Multi-National Force Iraq, as well as Ambassador*  
8        *Ryan Crocker, was instrumental in bringing stability*  
9        *and success to Iraq.*

10           *(3) The strategy known as the surge was a crit-*  
11        *ical factor contributing to significant security gains*  
12        *and facilitated the economic, political, and social*  
13        *gains that have occurred in Iraq since 2007.*

14           *(4) The people of Iraq have begun to develop a*  
15        *stable government and stable society because of the se-*  
16        *curity gains following the surge and the willingness*  
17        *of the people of Iraq to accept the ideals of a free and*  
18        *fair democratic society over the tyranny espoused by*  
19        *Al Qaeda and other terrorist organizations.*

20           *(5) The security gains in Iraq must be carefully*  
21        *maintained so that those fragile gains can be solidi-*  
22        *fied and expanded upon, primarily by citizens of Iraq*  
23        *in service to their country, with the support of the*  
24        *United States as appropriate.*

1       (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*  
2 *that—*

3           (1) *a stable and democratic Republic of Iraq is*  
4 *in the long-term national security interest of the*  
5 *United States;*

6           (2) *the people and the Government of the United*  
7 *States should help the people of Iraq promote the sta-*  
8 *bility of their country and peace in the region; and*

9           (3) *the United States should be a long-term stra-*  
10 *tegic partner with the Government and the people of*  
11 *Iraq in support of their efforts to build democracy,*  
12 *good governance, and peace and stability in the re-*  
13 *gion.*

14 **SEC. 1236. REPORT ON FEASIBILITY AND DESIRABILITY OF**  
15 **ESTABLISHING GENERAL UNIFORM PROCE-**  
16 **DURES AND GUIDELINES FOR THE PROVI-**  
17 **SION OF MONETARY ASSISTANCE BY THE**  
18 **UNITED STATES TO CIVILIAN FOREIGN NA-**  
19 **TIONALS FOR LOSSES INCIDENT TO COMBAT**  
20 **ACTIVITIES OF THE ARMED FORCES.**

21       (a) *REPORT.*—*The Secretary of Defense shall submit*  
22 *to Congress a report on the feasibility and the desirability*  
23 *of establishing general uniform procedures and guidelines*  
24 *for the provision by the United States of monetary assist-*  
25 *ance to civilian foreign nationals for losses, injuries, or*



1 *death (hereafter “harm”) incident to combat activities of*  
2 *the United States Armed Forces during contingency oper-*  
3 *ations.*

4 (b) *MATTERS TO BE INCLUDED IN REPORT.*—*The Sec-*  
5 *retary shall include in the report the following:*

6 (1) *A description of the authorities under laws*  
7 *in effect as of the date of the enactment of this Act*  
8 *for the United States to provide compensation, mone-*  
9 *tary payments, or other assistance to civilians who*  
10 *incur harm due directly or indirectly to the combat*  
11 *activities of the United States Armed Forces.*

12 (2) *A description of the practices in effect as of*  
13 *the date of enactment of this Act for the United States*  
14 *to provide ex gratia, solatia, or other types of condo-*  
15 *lence payments to civilians who incur harm due di-*  
16 *rectly or indirectly to the combat activities of the*  
17 *United States Armed Forces.*

18 (3) *A discussion of the historic practice of the*  
19 *United States to provide compensation, other mone-*  
20 *tary payments, or other assistance to civilian foreign*  
21 *nationals who incur harm due directly or indirectly*  
22 *to combat activities of the United States Armed*  
23 *Forces.*

24 (4) *A discussion of the practice of the United*  
25 *States in Operation Enduring Freedom and Oper-*

1     *ation Iraqi Freedom to provide compensation, other*  
2     *monetary payments, or other assistance to civilian*  
3     *foreign nationals who incur harm due directly or in-*  
4     *directly to the combat activities of the United States*  
5     *Armed Forces, including the procedures and guide-*  
6     *lines used and an assessment of its effectiveness. This*  
7     *discussion will also include estimates of the total*  
8     *amount of funds disbursed to civilian foreign nation-*  
9     *als who have incurred harm since the inception of*  
10    *Operation Iraqi Freedom and Operation Enduring*  
11    *Freedom. This discussion will also include how such*  
12    *procedures and guidelines compare to the processing*  
13    *of claims filed under the Foreign Claims Act.*

14           (5) *A discussion of the positive and negative ef-*  
15    *fects of using different authorities, procedure, and*  
16    *guidelines to provide monetary assistance to civilian*  
17    *foreign nationals, based upon the culture and eco-*  
18    *nomie circumstances of the local populace and the*  
19    *operational impact on the military mission. This dis-*  
20    *ussion will also include whether the use of different*  
21    *authorities, procedures, and guidelines has resulted in*  
22    *disparate monetary assistance to civilian foreign na-*  
23    *tionals who have incurred substantially similar harm,*  
24    *and if so, the frequency and effect of such results.*

1           (6) *A discussion of the positive and negative ef-*  
2 *fects of establishing general uniform procedures and*  
3 *guidelines for the provision of such assistance, based*  
4 *upon the goals of timely commencement of a program*  
5 *of monetary assistance, efficient and effective imple-*  
6 *mentation of such program, and consistency in the*  
7 *amount of assistance in relation to the harm in-*  
8 *curring. This discussion will also include whether the*  
9 *implementation of general procedures and guidelines*  
10 *would create a legally enforceable entitlement to*  
11 *“compensation” and, if so, any potential significant*  
12 *operational impact arising from such an entitlement.*

13           (7) *Assuming general uniform procedures and*  
14 *guidelines were to be established, a discussion of the*  
15 *following:*

16                   (A) *Whether such assistance should be lim-*  
17 *ited to specified types of combat activities or op-*  
18 *erations, e.g., such as during counterinsurgency*  
19 *operations.*

20                   (B) *Whether such assistance should be con-*  
21 *tingent upon a formal determination that a par-*  
22 *ticular combat activity/operation is a qualifying*  
23 *activity, and the criteria, if any, for such a de-*  
24 *termination.*

1           (C) Whether a time limit from the date of  
2 loss for providing such assistance should be pre-  
3 scribed.

4           (D) Whether only monetary or other types  
5 of assistance should be authorized, and what  
6 types of nonmonetary assistance, if any, should  
7 be authorized.

8           (E) Whether monetary value limits should  
9 be placed on the assistance that may be provided,  
10 or whether the determination to provide assist-  
11 ance and, if so, the monetary value of such as-  
12 sistance, should be based, in whole or in part, on  
13 a legal advisor's assessment of the facts.

14           (F) Whether a written record of the deter-  
15 mination to provide or to not provide such as-  
16 sistance should be maintained and a copy made  
17 available to the civilian foreign national.

18           (G) Whether in the event of a determination  
19 to not provide such assistance the civilian for-  
20 eign national should be afforded the option of a  
21 review of the determination by a higher ranking  
22 authority.

23           (c) *RECOMMENDATIONS.*—The Secretary shall include  
24 in the report such recommendations as the Secretary con-

1 *siders appropriate for legislative or administrative action*  
2 *with respect to the matters discussed in the report.*

3 (d) *SUBMISSION OF REPORT.*—*The report shall be sub-*  
4 *mitted not later than 180 days after the date of the enact-*  
5 *ment of this Act. The report shall be submitted in unclassi-*  
6 *fied form, but may include a classified annex.*

## 7 ***Subtitle D—VOICE Act***

### 8 ***SEC. 1241. SHORT TITLE.***

9 *This subtitle may be cited as the “Victims of Iranian*  
10 *Censorship Act” or the “VOICE Act”.*

### 11 ***SEC. 1242. SENSE OF CONGRESS.***

12 *It is the sense of Congress that the United States—*

13 (1) *respects the sovereignty, proud history, and*  
14 *rich culture of the Iranian people;*

15 (2) *respects the universal values of freedom of*  
16 *speech and freedom of the press in Iran and through-*  
17 *out the world;*

18 (3) *supports the Iranian people as they take*  
19 *steps to peacefully express their voices, opinions, and*  
20 *aspirations;*

21 (4) *supports the Iranian people seeking access to*  
22 *news and other forms of information;*

23 (5) *condemns the detainment, imprisonment,*  
24 *and intimidation of all journalists, in Iran and else-*  
25 *where throughout the world;*

1           (6) *supports journalists who take great risk to*  
2 *report on political events in Iran, including those*  
3 *surrounding the presidential election;*

4           (7) *supports the efforts the Voice of America's*  
5 *(VOA) 24-hour television station Persian News Net-*  
6 *work, and Radio Free Europe / Radio Liberty's*  
7 *(RFE/RL) Radio Farda 24-hour radio station; Brit-*  
8 *ish Broadcasting Corporation (BBC) Farsi language*  
9 *programming; Radio Zamaneh; and other inde-*  
10 *pendent news outlets to provide information to Iran;*

11           (8) *condemns acts of censorship, intimidation,*  
12 *and other restrictions on freedom of the press, freedom*  
13 *of speech, and freedom of expression in Iran and*  
14 *throughout the world;*

15           (9) *commends companies which have facilitated*  
16 *the ability of the Iranian people to access and share*  
17 *information, and exercise freedom of speech, freedom*  
18 *of expression, and freedom of assembly through alter-*  
19 *native technologies; and*

20           (10) *condemns companies which have knowingly*  
21 *impeded the ability of the Iranian people to access*  
22 *and share information and exercise freedom of speech,*  
23 *freedom of expression, and freedom of assembly*  
24 *through electronic media, including through the sale*  
25 *of technology that allows for deep packet inspection or*

1        *provides the capability to monitor or block Internet*  
2        *access, and gather information about individuals.*

3        **SEC. 1243. STATEMENT OF POLICY.**

4        *It shall be the policy of the United States—*

5                *(1) to support freedom of the press, freedom of*  
6        *speech, freedom of expression, and freedom of assem-*  
7        *bly in Iran;*

8                *(2) to support the Iranian people as they seek,*  
9        *receive, and impart information and promote ideas*  
10        *in writing, in print, or through any media without*  
11        *interference;*

12                *(3) to discourage businesses from aiding efforts*  
13        *to interfere with the ability of the people of Iran to*  
14        *freely access or share information or otherwise in-*  
15        *fringe upon freedom of speech, freedom of expression,*  
16        *freedom of assembly, and freedom of the press through*  
17        *the Internet or other electronic media, including*  
18        *through the sale of deep packet inspection or other*  
19        *technology to the Government of Iran that provides*  
20        *the capability to monitor or block Internet access, and*  
21        *gather information about individuals; and*

22                *(4) to encourage the development of technologies,*  
23        *including Internet Web sites that facilitate the efforts*  
24        *of the Iranian people—*

1           (A) to gain access to and share accurate in-  
2           formation and exercise freedom of speech, free-  
3           dom of expression, freedom of assembly, and free-  
4           dom of the press, through the Internet or other  
5           electronic media; and

6           (B) engage in Internet-based education pro-  
7           grams and other exchanges between United  
8           States citizens and Iranians.

9 **SEC. 1244. AUTHORIZATION OF APPROPRIATIONS.**

10       (a) *INTERNATIONAL BROADCASTING OPERATIONS*  
11 *FUND.*—In addition to amounts otherwise authorized for  
12 the Broadcasting Board of Governors' International Broad-  
13 casting Operations Fund, there is authorized to be appro-  
14 priated \$15,000,000 to expand Farsi language program-  
15 ming and to provide for the dissemination of accurate and  
16 independent information to the Iranian people through  
17 radio, television, Internet, cellular telephone, short message  
18 service, and other communications.

19       (b) *BROADCASTING CAPITAL IMPROVEMENTS FUND.*—  
20 In addition to amounts otherwise authorized for the Broad-  
21 casting Board of Governors' Broadcasting Capital Improve-  
22 ments Fund, there is authorized to be appropriated  
23 \$15,000,000 to expand transmissions of Farsi language pro-  
24 grams to Iran.



1       (c) *USE OF AMOUNTS.*—*In pursuit of the objectives de-*  
2 *scribed in subsections (a) and (b), amounts in the Inter-*  
3 *national Broadcasting Operations Fund and the Capital*  
4 *Improvements Fund may be used to—*

5           (1) *develop additional transmission capability*  
6 *for Radio Farda and the Persian News Network to*  
7 *counter ongoing efforts to jam transmissions, includ-*  
8 *ing through additional shortwave and medium wave*  
9 *transmissions, satellite, and Internet mechanisms;*

10          (2) *develop additional proxy server capability*  
11 *and anti-censorship software to counter efforts to*  
12 *block Radio Farda and Persian News Network Web*  
13 *sites;*

14          (3) *develop technologies to counter efforts to block*  
15 *SMS text message exchange over cellular phone net-*  
16 *works;*

17          (4) *expand program coverage and analysis by*  
18 *Radio Farda and the Persian News Network, includ-*  
19 *ing the development of broadcast platforms and pro-*  
20 *grams, on the television, radio and Internet, for en-*  
21 *hanced interactivity with and among the people of*  
22 *Iran;*

23          (5) *hire, on a permanent or short-term basis, ad-*  
24 *ditional staff for Radio Farda and the Persian News*  
25 *Network; and*

1           (6) *develop additional Internet-based, Farsi-lan-*  
2           *guage television programming, including a Farsi-lan-*  
3           *guage, Internet-based news channel.*

4 **SEC. 1245. IRANIAN ELECTRONIC EDUCATION, EXCHANGE,**  
5           **AND MEDIA FUND.**

6           (a) *ESTABLISHMENT.*—*There is established in the*  
7           *Treasury of the United States the Iranian Electronic Edu-*  
8           *cation, Exchange, and Media Fund (referred to in this sec-*  
9           *tion as the “Fund”), consisting of amounts appropriated*  
10          *to the Fund pursuant to subsection (f).*

11          (b) *ADMINISTRATION.*—*The Fund shall be adminis-*  
12          *tered by the Secretary of State.*

13          (c) *OBJECTIVE.*—*The objective of the Fund shall be to*  
14          *support the development of technologies, including Internet*  
15          *Web sites, that will aid the ability of the Iranian people*  
16          *to—*

17                  (1) *gain access to and share information;*

18                  (2) *exercise freedom of speech, freedom of expres-*  
19                  *sion, and freedom of assembly through the Internet*  
20                  *and other electronic media;*

21                  (3) *engage in Internet-based education programs*  
22                  *and other exchanges between Americans and Iranians;*  
23                  *and*

24                  (4) *counter efforts—*

1                   (A) to block, censor, and monitor the Inter-  
2                   net; and

3                   (B) to disrupt or monitor cellular phone  
4                   networks or SMS text exchanges.

5           (d) *USE OF AMOUNTS.*—In pursuit of the objective de-  
6           scribed in subsection (c), amounts in the Fund may be used  
7           for grants to United States or foreign universities, nonprofit  
8           organizations, or companies for targeted projects that ad-  
9           vance the purpose of the Fund, including projects that—

10           (1) develop Farsi-language versions of existing  
11           social-networking Web sites;

12           (2) develop technologies, including Internet-based  
13           applications, to counter efforts—

14                   (A) to block, censor, and monitor the Inter-  
15                   net; and

16                   (B) to disrupt or monitor cellular phone  
17                   networks or SMS text message exchanges;

18           (3) develop Internet-based, distance learning pro-  
19           grams for Iranian students at United States univer-  
20           sities; and

21           (4) promote Internet-based, people-to-people edu-  
22           cational, professional, religious, or cultural exchanges  
23           and dialogues between United States citizens and Ira-  
24           nians.

1       (e) *TRANSFERS*.—Amounts in the Fund may be trans-  
2 ferred to the United States Agency for International Devel-  
3 opment, the Broadcasting Board of Governors, or any other  
4 agency of the Federal Government to the extent that such  
5 amounts are used to carry out activities that will further  
6 the objective described in subsection (c).

7       (f) *AUTHORIZATION OF APPROPRIATIONS*.—There is  
8 authorized to be appropriated \$20,000,000 to the Fund.

9 **SEC. 1246. ANNUAL REPORT.**

10       (a) *IN GENERAL*.—Not later than 90 days after the  
11 date of the enactment of this Act, and annually thereafter  
12 for 5 years, the President shall submit a report to Congress  
13 that provides a detailed description of—

14               (1) *United States-funded international broad-*  
15 *casting efforts in Iran;*

16               (2) *efforts by the Government of Iran to block*  
17 *broadcasts sponsored by the United States or other*  
18 *non-Iranian entities;*

19               (3) *efforts by the Government of Iran to monitor*  
20 *or block Internet access, and gather information about*  
21 *individuals;*

22               (4) *plans by the Broadcasting Board of Gov-*  
23 *ernors for the use of the amounts appropriated pursu-*  
24 *ant to section 1244, including—*

1           (A) the identification of specific programs  
2           and platforms to be expanded or created; and

3           (B) satellite, radio, or Internet-based trans-  
4           mission capacity to be expanded or created;

5           (5) plans for the use of the Iranian Electronic  
6           Education, Exchange, and Media Fund;

7           (6) a detailed breakdown of amounts obligated  
8           and disbursed from the Iranian Electronic Media  
9           Fund and an assessment of the impact of such  
10          amounts;

11          (7) the percentage of the Iranian population and  
12          of Iranian territory reached by shortwave and me-  
13          dium-wave radio broadcasts by Radio Farda and  
14          Voice of America;

15          (8) the Internet traffic from Iran to Radio  
16          Farda and Voice of America Web sites; and

17          (9) the Internet traffic to proxy servers sponsored  
18          by the Broadcasting Board of Governors, and the pro-  
19          visioning of surge capacity.

20          (b) *CLASSIFIED ANNEX*.—The report submitted under  
21          subsection (a) may include a classified annex.

22       **SEC. 1247. REPORT ON ACTIONS BY NON-IRANIAN COMPA-**  
23       **NIES.**

24          (a) *STUDY*.—The President shall direct the appro-  
25          priate officials to examine claims that non-Iranian compa-

1 *nies, including corporations with United States subsidi-*  
2 *aries, have provided hardware, software, or other forms of*  
3 *assistance to the Government of Iran that has furthered its*  
4 *efforts to—*

5 *(1) filter online political content;*

6 *(2) disrupt cell phone and Internet communica-*  
7 *tions; and*

8 *(3) monitor the online activities of Iranian citi-*  
9 *zens.*

10 *(b) REPORT.—Not later than 180 days after the date*  
11 *of the enactment of this Act, the President shall submit a*  
12 *report to Congress that contains the results of the study con-*  
13 *ducted under subsection (a). The report submitted under*  
14 *this subsection shall be submitted in unclassified form, but*  
15 *may include a classified annex.*

16 **SEC. 1248. HUMAN RIGHTS DOCUMENTATION.**

17 *There are authorized to be appropriated \$5,000,000 to*  
18 *the Secretary of State to document, collect, and disseminate*  
19 *information about human rights in Iran, including abuses*  
20 *of human rights that have taken place since the Iranian*  
21 *presidential election conducted on June 12, 2009.*

1           **TITLE XIII—COOPERATIVE**  
2                   **THREAT REDUCTION**

3   **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**  
4                   **DUCTION PROGRAMS AND FUNDS.**

5           (a) *SPECIFICATION OF COOPERATIVE THREAT REDUC-*  
6   *TION PROGRAMS.*—For purposes of section 301 and other  
7   provisions of this Act, Cooperative Threat Reduction pro-  
8   grams are the programs specified in section 1501 of the Na-  
9   tional Defense Authorization Act for Fiscal Year 1997 (50  
10   U.S.C. 2362 note).

11          (b) *FISCAL YEAR 2010 COOPERATIVE THREAT REDUC-*  
12   *TION FUNDS DEFINED.*—As used in this title, the term “fis-  
13   cal year 2010 Cooperative Threat Reduction funds” means  
14   the funds appropriated pursuant to the authorization of ap-  
15   propriations in section 301 for Cooperative Threat Reduc-  
16   tion programs.

17          (c) *AVAILABILITY OF FUNDS.*—Funds appropriated  
18   pursuant to the authorization of appropriations in section  
19   301 for Cooperative Threat Reduction programs shall be  
20   available for obligation for fiscal years 2010, 2011, and  
21   2012.

22   **SEC. 1302. FUNDING ALLOCATIONS.**

23          (a) *FUNDING FOR SPECIFIC PURPOSES.*—Of the  
24   \$424,093,000 authorized to be appropriated to the Depart-  
25   ment of Defense for fiscal year 2010 in section 301(a)(20)

1 *for Cooperative Threat Reduction programs, the following*  
2 *amounts may be obligated for the purposes specified:*

3 (1) *For strategic offensive arms elimination in*  
4 *Russia, \$73,385,000.*

5 (2) *For strategic nuclear arms elimination in*  
6 *Ukraine, \$6,800,000.*

7 (3) *For nuclear weapons storage security in Rus-*  
8 *sia, \$15,090,000.*

9 (4) *For nuclear weapons transportation security*  
10 *in Russia, \$46,400,000.*

11 (5) *For weapons of mass destruction prolifera-*  
12 *tion prevention in the states of the former Soviet*  
13 *Union, \$90,886,000.*

14 (6) *For biological threat reduction in the states*  
15 *of the former Soviet Union, \$152,132,000.*

16 (7) *For chemical weapons destruction,*  
17 *\$3,000,000.*

18 (8) *For defense and military contacts,*  
19 *\$5,000,000.*

20 (9) *For new Cooperative Threat Reduction ini-*  
21 *tiatives, \$10,000,000.*

22 (10) *For activities designated as Other Assess-*  
23 *ments/Administrative Costs, \$21,400,000.*

24 (b) *REPORT ON OBLIGATION OR EXPENDITURE OF*  
25 *FUNDS FOR OTHER PURPOSES.—No fiscal year 2010 Coop-*



1 *erative Threat Reduction funds may be obligated or ex-*  
2 *pended for a purpose other than a purpose listed in para-*  
3 *graphs (1) through (10) of subsection (a) until 15 days after*  
4 *the date that the Secretary of Defense submits to Congress*  
5 *a report on the purpose for which the funds will be obligated*  
6 *or expended and the amount of funds to be obligated or ex-*  
7 *pended. Nothing in the preceding sentence shall be construed*  
8 *as authorizing the obligation or expenditure of fiscal year*  
9 *2010 Cooperative Threat Reduction funds for a purpose for*  
10 *which the obligation or expenditure of such funds is specifi-*  
11 *cally prohibited under this title or any other provision of*  
12 *law.*

13 (c) *LIMITED AUTHORITY TO VARY INDIVIDUAL*  
14 *AMOUNTS.—*

15 (1) *IN GENERAL.—Subject to paragraph (2), in*  
16 *any case in which the Secretary of Defense determines*  
17 *that it is necessary to do so in the national interest,*  
18 *the Secretary may obligate amounts appropriated for*  
19 *fiscal year 2010 for a purpose listed in paragraphs*  
20 *(1) through (10) of subsection (a) in excess of the spe-*  
21 *cific amount authorized for that purpose.*

22 (2) *NOTICE-AND-WAIT REQUIRED.—An obligation*  
23 *of funds for a purpose stated in paragraphs (1)*  
24 *through (10) of subsection (a) in excess of the specific*  
25 *amount authorized for such purpose may be made*

1       *using the authority provided in paragraph (1) only*  
2       *after—*

3               *(A) the Secretary submits to Congress noti-*  
4       *fication of the intent to do so together with a*  
5       *complete discussion of the justification for doing*  
6       *so; and*

7               *(B) 15 days have elapsed following the date*  
8       *of the notification.*

9       **SEC. 1303. AUTHORITY TO ENTER INTO AGREEMENTS TO**  
10               **RECEIVE CONTRIBUTIONS FOR BIOLOGICAL**  
11               **THREAT REDUCTION PROGRAM.**

12       *(a) IN GENERAL.—The Secretary of Defense may, with*  
13       *the concurrence of the Secretary of State, enter into one or*  
14       *more agreements with any person (including a foreign gov-*  
15       *ernment, international organization, multinational entity,*  
16       *or any other entity) that the Secretary of Defense considers*  
17       *appropriate under which the person contributes funds for*  
18       *purposes of the Biological Threat Reduction Program of the*  
19       *Department of Defense.*

20       *(b) RETENTION AND USE OF AMOUNTS.—Notwith-*  
21       *standing section 3302 of title 31, United States Code, and*  
22       *subject to subsections (c) and (d), the Secretary of Defense*  
23       *may retain and obligate or expend amounts contributed*  
24       *pursuant to subsection (a) for purposes of the Biological*  
25       *Threat Reduction Program. Amounts so contributed shall*

1 *be retained in a separate fund established in the Treasury*  
2 *for that purpose and shall be available to be obligated or*  
3 *expended without further appropriation.*

4 (c) *RETURN OF AMOUNTS NOT OBLIGATED OR EX-*  
5 *PENDED WITHIN THREE YEARS.—If the Secretary of De-*  
6 *fense does not obligate or expend an amount contributed*  
7 *pursuant to subsection (a) by the date that is three years*  
8 *after the date on which the contribution was made, the Sec-*  
9 *retary shall return the amount to the person who made the*  
10 *contribution.*

11 (d) *NOTICE TO CONGRESSIONAL DEFENSE COMMIT-*  
12 *TEES.—*

13 (1) *IN GENERAL.—Not later than 30 days after*  
14 *receiving an amount contributed pursuant to sub-*  
15 *section (a), the Secretary shall submit to the congres-*  
16 *sional defense committees a notice—*

17 (A) *specifying the value of the contribution*  
18 *and the purpose for which the contribution was*  
19 *made; and*

20 (B) *identifying the person who made the*  
21 *contribution.*

22 (2) *LIMITATION ON USE OF AMOUNTS.—The Sec-*  
23 *retary may not obligate or expend an amount con-*  
24 *tributed pursuant to subsection (a) until the date that*

1        *is 15 days after the date on which the Secretary sub-*  
2        *mits the notice required by paragraph (1).*

3        *(e) ANNUAL REPORT.—Not later than October 31 each*  
4        *year, the Secretary of Defense shall submit to the congres-*  
5        *sional defense committees a report on amounts contributed*  
6        *pursuant to subsection (a) during the preceding fiscal year.*  
7        *Each such report shall include, for the fiscal year covered*  
8        *by the report, the following:*

9            *(1) A statement of any amounts contributed pur-*  
10          *suant to subsection (a), including, for each such*  
11          *amount, the value of the contribution and the identity*  
12          *of the person who made the contribution.*

13          *(2) A statement of any amounts so contributed*  
14          *that were obligated or expended by the Secretary, in-*  
15          *cluding, for each such amount, the purposes for which*  
16          *the amount was obligated or expended.*

17          *(3) A statement of any amounts so contributed*  
18          *that were retained but not obligated or expended, in-*  
19          *cluding, for each such amount, the purposes (if*  
20          *known) for which the Secretary intends to obligate or*  
21          *expend the amount.*

22          *(f) TERMINATION.—The authority provided under this*  
23          *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 of  
8 Defense may obligate or expend not more than 10 percent  
9 of the funds authorized to be appropriated or otherwise  
10 made available for Cooperative Threat Reduction programs  
11 in a fiscal year to provide assistance for or to otherwise  
12 carry out bilateral or multilateral activities relating to  
13 nonproliferation or disarmament.

14 (b) *NOTIFICATION OF CONGRESSIONAL DEFENSE COM-*  
15 *MITTEES.*—The Secretary may obligate or expend funds  
16 pursuant to subsection (a) if, not less than 15 days before  
17 obligating or expending such funds—

18 (1) *the Secretary notifies the congressional de-*  
19 *fense committees of the intent of the Secretary to obli-*  
20 *gate or expend such funds; and*

21 (2) *the President certifies to the congressional de-*  
22 *fense committees that obligating or expending such*  
23 *funds is necessary to support the national security ob-*  
24 *jectives 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 fis-*  
6   *cal 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, De-*  
13           *fense Commissary, \$1,313,616,000.*

14   **SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

15           *Funds are hereby authorized to be appropriated for fis-*  
16   *cal year 2010 for the National Defense Sealift Fund in the*  
17   *amount of \$1,242,758,000.*

18   **SEC. 1403. DEFENSE HEALTH PROGRAM.**

19           *Funds are hereby authorized to be appropriated for the*  
20   *Department of Defense for fiscal year 2010 for expenses, not*  
21   *otherwise provided for, for the Defense Health Program, in*  
22   *the amount of \$27,913,863,000, of which—*

23           (1) *\$26,993,919,000 is for Operation and Main-*  
24           *tenance;*

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 are  
7 hereby authorized to be appropriated for the Department  
8 of Defense for fiscal year 2010 for expenses, not otherwise  
9 provided for, for Chemical Agents and Munitions Destruc-  
10 tion, Defense, in the amount of \$1,560,760,000, of which—

11           (1) \$1,146,802,000 is for Operation and Mainte-  
12 nance;

13           (2) \$401,269,000 is for Research, Development,  
14 Test, and Evaluation; and

15           (3) \$12,689,000 is for Procurement.

16           (b) *USE.*—Amounts authorized to be appropriated  
17 under subsection (a) are authorized for—

18           (1) the destruction of lethal chemical agents and  
19 munitions in accordance with section 1412 of the De-  
20 partment of Defense Authorization Act, 1986 (50  
21 U.S.C. 1521); and

22           (2) the destruction of chemical warfare materiel  
23 of the United States that is not covered by section  
24 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 the*  
4 *Department of Defense for fiscal year 2010 for expenses, not*  
5 *otherwise provided for, for Drug Interdiction and Counter-*  
6 *Drug Activities, Defense-wide, in the amount of*  
7 *\$1,077,784,000.*

8 **SEC. 1406. DEFENSE INSPECTOR GENERAL.**

9 *Funds are hereby authorized to be appropriated for the*  
10 *Department of Defense for fiscal year 2010 for expenses, not*  
11 *otherwise provided for, for the Office of the Inspector Gen-*  
12 *eral of the Department of Defense, in the amount of*  
13 *\$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 sections*  
19 *1401, 1402, 1403, 1404, 1405, and 1406 shall be available,*  
20 *in accordance with the requirements of section 4001, for*  
21 *projects, programs, and activities, and in the amounts,*  
22 *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 DEFENSE**  
5                           **STOCKPILE.**

6           *Section 3305(a)(5) of the National Defense Authoriza-*  
7   *tion 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 Authoriza-*  
10   *tion Act for Fiscal Year 2009 (Public Law 110–417; 122*  
11   *Stat. 4648), is further amended by striking “during fiscal*  
12   *year 2009” and inserting “by the end of fiscal year 2011”.*

13   **SEC. 1412. AUTHORIZATION FOR ACTIONS TO CORRECT THE**  
14                           **INDUSTRIAL RESOURCE SHORTFALL FOR**  
15                           **HIGH-PURITY BERYLLIUM METAL IN**  
16                           **AMOUNTS NOT IN EXCESS OF \$80,000,000.**

17           *With respect to any action taken by the President*  
18   *under section 303 of the Defense Production Act of 1950*  
19   *(50 U.S.C. App. 2093) to correct the industrial resource*  
20   *shortfall for high-purity beryllium metal, the limitation in*  
21   *subsection (a)(6)(C) of such section shall be applied by sub-*  
22   *stituting “\$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 Fund*  
7 *the sum of \$134,000,000 for the operation of the Armed*  
8 *Forces Retirement Home.*

9                   **TITLE XV—OVERSEAS**  
10                  **CONTINGENCY OPERATIONS**

11 **SEC. 1501. PURPOSE.**

12           *The purpose of this title is to authorize appropriations*  
13 *for the Department of Defense for fiscal year 2010 to pro-*  
14 *vide additional funding for overseas contingency operations*  
15 *of the Department of Defense in that fiscal year.*

16 **SEC. 1502. ARMY PROCUREMENT.**

17           *Funds are hereby authorized to be appropriated for fis-*  
18 *cal year 2010 for procurement accounts for the Army in*  
19 *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, \$370,635,000.*
- 25                   (5) *For other procurement, \$6,329,966,000.*

1           (6) *For the Joint Improvised Explosive Device*  
2           *Defeat Fund, \$2,099,850,000.*

3 **SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.**

4           (a) *NAVY.—Funds are hereby authorized to be appro-*  
5           *priated for fiscal year 2010 for procurement accounts for*  
6           *the Navy in amounts as follows:*

7                   (1) *For aircraft procurement, \$916,553,000.*

8                   (2) *For weapons procurement, \$73,700,000.*

9                   (3) *For other procurement, \$318,018,000.*

10           (b) *MARINE CORPS.—Funds are hereby authorized to*  
11           *be appropriated for fiscal year 2010 for the procurement*  
12           *account for the Marine Corps in the amount of*  
13           *\$1,164,445,000.*

14           (c) *NAVY AND MARINE CORPS AMMUNITION.—Funds*  
15           *are hereby authorized to be appropriated for fiscal year*  
16           *2010 for the procurement account for ammunition for the*  
17           *Navy and the Marine Corps in the amount of \$710,780,000.*

18 **SEC. 1504. AIR FORCE PROCUREMENT.**

19           *Funds are hereby authorized to be appropriated for fis-*  
20           *cal year 2010 for procurement accounts for the Air Force*  
21           *in amounts as follows:*

22                   (1) *For aircraft procurement, \$896,441,000.*

23                   (2) *For missile procurement, \$36,625,000.*

24                   (3) *For ammunition procurement, \$256,819,000.*

25                   (4) *For other procurement, \$2,321,549,000.*

1 **SEC. 1505. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

2 *Funds are hereby authorized to be appropriated for fis-*  
3 *cal year 2010 for the procurement account for Defense-wide*  
4 *activities as follows:*

5 (1) *For Defense-wide procurement, \$491,430,000.*

6 (2) *For the Mine Resistant Ambush Protected*  
7 *Vehicle Fund, \$5,456,000,000.*

8 **SEC. 1506. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**  
9 **TION.**

10 *Funds are hereby authorized to be appropriated for fis-*  
11 *cal year 2010 for the use of the Department of Defense for*  
12 *research, development, test, and evaluation as follows:*

13 (1) *For the Army, \$57,962,000.*

14 (2) *For the Navy, \$107,180,000.*

15 (3) *For the Air Force, \$29,286,000.*

16 (4) *For Defense-wide activities, \$115,826,000.*

17 **SEC. 1507. OPERATION AND MAINTENANCE.**

18 *Funds are hereby authorized to be appropriated for fis-*  
19 *cal year 2010 for the use of the Armed Forces for expenses,*  
20 *not otherwise provided for, for operation and maintenance,*  
21 *in amounts as follows:*

22 (1) *For the Army, \$52,070,661,000.*

23 (2) *For the Navy, \$5,650,733,000.*

24 (3) *For the Marine Corps, \$3,701,600,000.*

25 (4) *For the Air Force, \$10,026,868,000.*

26 (5) *For Defense-wide activities, \$7,578,300,000*

1           (6) *For the Army Reserve, \$204,326,000.*

2           (7) *For the Navy Reserve, \$68,059,000.*

3           (8) *For the Marine Corps Reserve, \$86,667,000.*

4           (9) *For the Air Force Reserve, \$125,925,000.*

5           (10) *For the Army National Guard,*  
6           *\$321,646,000.*

7           (11) *For the Air National Guard, \$289,862,000.*

8           (12) *For the Afghanistan Security Forces Fund,*  
9           *\$7,462,769,000.*

10          (13) *For the Iraq Freedom Fund, \$115,300,000.*

11 **SEC. 1508. MILITARY PERSONNEL.**

12          *There is hereby authorized to be appropriated for fiscal*  
13 *year 2010 for the Department of Defense for military per-*  
14 *sonnel in the amount of \$13,586,341,000.*

15 **SEC. 1509. WORKING CAPITAL FUNDS.**

16          *Funds are hereby authorized to be appropriated for fis-*  
17 *cal year 2010 for the use of the Armed Forces and other*  
18 *activities and agencies of the Department of Defense for*  
19 *providing capital for working capital and revolving funds*  
20 *in the amount of \$396,915,000, for the Defense Working*  
21 *Capital Funds.*

22 **SEC. 1510. DEFENSE HEALTH PROGRAM.**

23          *Funds are hereby authorized to be appropriated for the*  
24 *Department of Defense for fiscal year 2010 for expenses, not*  
25 *otherwise provided for, for the Defense Health Program in*

1 *the amount of \$1,155,235,000 for operation and mainte-*  
2 *nance.*

3 **SEC. 1511. DRUG INTERDICTION AND COUNTER-DRUG AC-**  
4 **TIVITIES, DEFENSE-WIDE.**

5 *Funds are hereby authorized to be appropriated for the*  
6 *Department of Defense for fiscal year 2010 for expenses, not*  
7 *otherwise provided for, for Drug Interdiction and Counter-*  
8 *Drug Activities, Defense-wide in the amount of*  
9 *\$324,603,000.*

10 **SEC. 1512. DEFENSE INSPECTOR GENERAL.**

11 *Funds are hereby authorized to be appropriated for the*  
12 *Department of Defense for fiscal year 2010 for expenses, not*  
13 *otherwise provided for, for the Office of the Inspector Gen-*  
14 *eral of the Department of Defense in the amount of*  
15 *\$8,876,000.*

16 **SEC. 1513. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

17 *The amounts authorized to be appropriated by this*  
18 *title are in addition to amounts otherwise authorized to be*  
19 *appropriated by this Act.*

20 **SEC. 1514. FUNDING TABLES.**

21 *(a) AMOUNTS FOR PROCUREMENT.—The amounts au-*  
22 *thorized to be appropriated by sections 1502, 1503, 1504,*  
23 *and 1505 shall be available, in accordance with the require-*  
24 *ments of section 4001, for projects, programs, and activities,*

1 *and in the amounts, specified in the funding table in section*  
2 *4102.*

3 (b) *AMOUNTS FOR RESEARCH, DEVELOPMENT, TEST,*  
4 *AND EVALUATION.*—*The amounts authorized to be appro-*  
5 *priated by section 1506 shall be available, in accordance*  
6 *with the requirements of section 4001, for projects, pro-*  
7 *grams, and activities, and in the amounts, specified in the*  
8 *funding table in section 4202.*

9 (c) *AMOUNTS FOR OPERATION AND MAINTENANCE.*—  
10 *The amounts authorized to be appropriated by section 1507*  
11 *shall be available, in accordance with the requirements of*  
12 *section 4001, for projects, programs, and activities, and in*  
13 *the amounts, specified in the funding table in section 4302.*

14 (d) *OTHER AMOUNTS.*—*The amounts authorized to be*  
15 *appropriated by sections 1509, 1510, 1511, and 1512 shall*  
16 *be available, in accordance with the requirements of section*  
17 *4001, for projects, programs, and activities, and in the*  
18 *amounts, specified in the funding table in section 4402.*

19 **SEC. 1515. SPECIAL TRANSFER AUTHORITY.**

20 (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.*—

21 (1) *AUTHORITY.*—*Upon determination by the*  
22 *Secretary of Defense that such action is necessary in*  
23 *the national interest, the Secretary may transfer*  
24 *amounts of authorizations made available to the De-*  
25 *partment of Defense in this title for fiscal year 2010*

1       *between any such authorizations for that fiscal year*  
2       *(or any subdivisions thereof). Amounts of authoriza-*  
3       *tions so transferred shall be merged with and be*  
4       *available for the same purposes as the authorization*  
5       *to which transferred.*

6           (2) *LIMITATION.—The total amount of author-*  
7       *izations that the Secretary may transfer under the*  
8       *authority of this subsection may not exceed*  
9       *\$4,500,000,000.*

10       (b) *TERMS AND CONDITIONS.—Transfers under this*  
11       *section shall be subject to the same terms and conditions*  
12       *as transfers under section 1001.*

13       (c) *ADDITIONAL AUTHORITY.—The transfer authority*  
14       *provided by this section is in addition to the transfer au-*  
15       *thority provided under section 1001.*

16       **SEC. 1516. LIMITATIONS ON AVAILABILITY OF FUNDS IN AF-**  
17                               **GHANISTAN SECURITY FORCES FUND.**

18       *Funds appropriated pursuant to the authorization of*  
19       *appropriations for the Afghanistan Security Forces Fund*  
20       *in section 1507(12) shall be subject to the conditions con-*  
21       *tained in subsections (b) through (g) of section 1513 of the*  
22       *National Defense Authorization Act for Fiscal Year 2008*  
23       *(Public Law 110–181; 122 Stat. 428).*



1 **SEC. 1517. AVAILABILITY OF FUNDS IN PAKISTAN COUNTER-**  
2 **INSURGENCY FUND.**

3 (a) *AVAILABILITY.*—

4 (1) *IN GENERAL.*—*Funds authorized to be appro-*  
5 *propriated for the Department of State for fiscal year*  
6 *2010 that are transferred by the Secretary of State to*  
7 *the Secretary of Defense during that fiscal year for*  
8 *the Pakistan Counterinsurgency Fund shall be merged*  
9 *with amounts in the Pakistan Counterinsurgency*  
10 *Fund and available subject to the provisions of this*  
11 *section.*

12 (2) *INITIAL ASSESSMENT REQUIRED BEFORE USE*  
13 *OF FUNDS.*—*Funds available under this section may*  
14 *not be utilized until the Secretary of Defense submits*  
15 *to the appropriate committees of Congress a report*  
16 *setting forth an assessment by the Secretary as to*  
17 *whether the Government of Pakistan is committed to*  
18 *confronting the threat posed by Al Qaeda, the*  
19 *Taliban, and other militant extremists based on a de-*  
20 *termination by the Government of Pakistan that—*

21 (A) *these groups pose a threat to the na-*  
22 *tional interests of Pakistan; and*

23 (B) *confronting the threat posed by these*  
24 *groups is critical to the national interests of*  
25 *Pakistan.*

26 (b) *USE OF FUNDS.*—

1           (1) *IN GENERAL.*—*Funds in the Pakistan Counterinsurgency Fund pursuant to a transfer under subsection (a) shall be available to the Secretary of Defense to provide assistance to the security forces of Pakistan to build the counterinsurgency capability of the Pakistan military forces and the Pakistan Frontier Corps.*

8           (2) *TYPES OF ASSISTANCE.*—*Assistance provided under this subsection may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction and funding.*

13           (3) *URGENT HUMANITARIAN RELIEF AND RECONSTRUCTION.*—*In addition to the assistance referred to in paragraph (2), up to \$4,000,000 of the funds in the Pakistan Counterinsurgency Fund pursuant to a transfer described in subsection (a) may be used for a program to respond to urgent humanitarian relief and reconstruction requirements that will immediately assist Pakistani people affected by military operations.*

22           (c) *AUTHORITY IN ADDITION TO OTHER AUTHORITIES.*—*The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.*

1       (d) *TRANSFERS AUTHORITY.*—

2           (1) *TRANSFERS AUTHORIZED.*—Subject to para-  
3       graph (2), funds in the Pakistan Counterinsurgency  
4       Fund pursuant to a transfer described in subsection  
5       (a) may be transferred by the Secretary of Defense  
6       from the Pakistan Counterinsurgency Fund to any of  
7       the following accounts and funds of the Department  
8       of Defense to accomplish the purposes specified in sub-  
9       section (b):

10                   (A) *Operation and maintenance accounts.*

11                   (B) *Procurement accounts.*

12                   (C) *Research, development, test, and evalua-*  
13       *tion accounts.*

14                   (D) *Defense working capital funds.*

15                   (E) *Overseas Humanitarian, Disaster, and*  
16       *Civic Aid account.*

17           (2) *ADDITIONAL AUTHORITY.*—The transfer au-  
18       thority provided by paragraph (1) is in addition to  
19       any other transfer authority available to the Depart-  
20       ment of Defense.

21           (3) *EFFECT ON AUTHORIZATION AMOUNTS.*—A  
22       transfer of an amount to an account under the au-  
23       thority in paragraph (1) shall be deemed to increase  
24       the amount authorized for such account by an  
25       amount equal to the amount transferred.

1       (e) *PRIOR NOTICE TO CONGRESS OF TRANSFER.*—  
2 *Funds in the Pakistan Counterinsurgency Fund pursuant*  
3 *to a transfer described in subsection (a) may not be trans-*  
4 *ferred under subsection (d)(1) from the Pakistan Counter-*  
5 *insurgency Fund until 15 days after the date on which the*  
6 *Secretary of Defense notifies the appropriate committees of*  
7 *Congress in writing of the details of the proposed transfer.*

8       (f) *QUARTERLY REPORTS.*—*Not later than 30 days*  
9 *after the end of each fiscal-year quarter of fiscal years 2010*  
10 *and 2011, the Secretary of Defense shall submit to the ap-*  
11 *propriate committees of Congress a report summarizing the*  
12 *details of any obligation or transfer of funds from the Paki-*  
13 *stan Counterinsurgency Fund under this section during*  
14 *such fiscal-year quarter.*

15       (g) *DURATION OF AUTHORITY.*—*Amounts transferred*  
16 *to the Pakistan Counterinsurgency Fund as described in*  
17 *subsection (a) are available for obligation or transfer from*  
18 *the Pakistan Counterinsurgency Fund in accordance with*  
19 *this section until September 30, 2011.*

20       (h) *APPROPRIATE COMMITTEES OF CONGRESS DE-*  
21 *FINED.*—*In this section, the term “appropriate committees*  
22 *of Congress” means—*

23               (1) *the Committee on Armed Services, the Com-*  
24 *mittee on Foreign Relations, and the Committee on*  
25 *Appropriations of the Senate; and*

1           (2) *the Committee on Armed Services, the Com-*  
2           *mittee on Foreign Affairs, and the Committee on Ap-*  
3           *propriations of the House of Representatives.*

4 ***DIVISION B—MILITARY CON-***  
5 ***STRUCTION AUTHORIZA-***  
6 ***TIONS***

7 ***SEC. 2001. SHORT TITLE.***

8           *This division may be cited as the “Military Construc-*  
9           *tion Authorization Act for Fiscal Year 2010”.*

10 ***SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND***  
11 ***AMOUNTS REQUIRED TO BE SPECIFIED BY***  
12 ***LAW.***

13           *(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE*  
14 *YEARS.—Except as provided in subsection (b), all author-*  
15 *izations contained in titles XXI through XXVII for military*  
16 *construction projects, land acquisition, family housing*  
17 *projects and facilities, and contributions to the North At-*  
18 *lantic Treaty Organization Security Investment Program*  
19 *(and authorizations of appropriations therefor) shall expire*  
20 *on the later of—*

21           (1) *October 1, 2012; or*

22           (2) *the date of the enactment of an Act author-*  
23 *izing funds for military construction for fiscal year*  
24 *2013.*

1       (b) *EXCEPTION.*—Subsection (a) shall not apply to au-  
2       thorizations for military construction projects, land acqui-  
3       sition, family housing projects and facilities, and contribu-  
4       tions to the North Atlantic Treaty Organization Security  
5       Investment Program (and authorizations of appropriations  
6       therefor), for which appropriated funds have been obligated  
7       before the later of—

8               (1) October 1, 2012; or

9               (2) the date of the enactment of an Act author-  
10       izing funds for fiscal year 2013 for military construc-  
11       tion projects, land acquisition, family housing  
12       projects and facilities, or contributions to the North  
13       Atlantic Treaty Organization Security Investment  
14       Program.

15       **SEC. 2003. EFFECTIVE DATE.**

16       Titles XXI through XXVII shall take effect on the later  
17       of—

18               (1) October 1, 2009; or

19               (2) the date of the enactment of this Act.

20       **SEC. 2004. FUNDING TABLES.**

21       (a) *IN GENERAL.*—The amounts authorized to be ap-  
22       propriated by sections 2104, 2204, 2304, 2404, 2411, 2502,  
23       and 2606 shall be available, in accordance with the require-  
24       ments of section 4001, for projects, programs, and activities,

1 *and in the amounts, specified in the funding table in section*  
2 *4501.*

3 (b) *BASE CLOSURE AND REALIGNMENT ACTIVITIES.*—  
4 *The amounts authorized to be appropriated by section 2703*  
5 *shall be available, in accordance with the requirements of*  
6 *section 4001, for projects, programs, and activities, and in*  
7 *the amounts, specified in the funding table in section 4502.*

8 (c) *PROJECTS FUNDED BY AMERICAN RECOVERY AND*  
9 *REINVESTMENT ACT OF 2009.*—*The amounts authorized by*  
10 *section 2801 shall be available, in accordance with the re-*  
11 *quirements of section 4001, for projects, programs, and ac-*  
12 *tivities, and in the amounts, specified in the funding table*  
13 *in section 4503.*

14 (d) *OVERSEAS CONTINGENCY OPERATIONS.*—*The*  
15 *amounts authorized to be appropriated by sections 2901*  
16 *and 2902 shall be available, in accordance with the require-*  
17 *ments of section 4001, for projects, programs, and activities,*  
18 *and in the amounts, specified in the funding table in section*  
19 *4504.*

20 **SEC. 2005. TECHNICAL CORRECTIONS REGARDING CERTAIN**  
21 **MILITARY CONSTRUCTION PROJECTS, NEW**  
22 **MEXICO.**

23 *Notwithstanding the table in section 4501, the amounts*  
24 *available for the following projects at the following installa-*  
25 *tions shall be as follows:*

***Air Force: Inside the United States***

<b><i>State</i></b>	<b><i>Installation</i></b>	<b><i>Project Title</i></b>	<b><i>Senate Authorized Amount</i></b>
<i>New Mexico ...</i>	<i>Holloman Air Force Base .....</i>	<i>Fire-Crash Rescue Station ...</i>	\$0

***Special Operations Command***

<b><i>State</i></b>	<b><i>Installation</i></b>	<b><i>Project Title</i></b>	<b><i>Senate Authorized Amount</i></b>
<i>New Mexico ...</i>	<i>Cannon Air Force Base .....</i>	<i>SOF AC 130 Loadout Apron Phase 1 .....</i>	\$6,000,000

1 ***TITLE XXI—ARMY***  
2 ***SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND***  
3 ***ACQUISITION PROJECTS.***

4 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-  
5 propriated pursuant to the authorization of appropriations  
6 in section 2104(a)(1), the Secretary of the Army may ac-  
7 quire real property and carry out military construction  
8 projects for the installations or locations inside the United  
9 States, and in the amounts, set forth in the following table:

***Army: Inside the United States***

<b><i>State</i></b>	<b><i>Installation or Location</i></b>	<b><i>Amount</i></b>
<i>Alaska .....</i>	<i>Fort Richardson .....</i>	\$56,050,000
	<i>Fort Wainwright .....</i>	\$198,000,000
<i>Alabama .....</i>	<i>Redstone Arsenal .....</i>	\$3,550,000
<i>Arizona .....</i>	<i>Fort Huachuca .....</i>	\$21,000,000
<i>Arkansas .....</i>	<i>Pine Bluff Arsenal .....</i>	\$25,000,000
<i>California .....</i>	<i>Fort Irwin .....</i>	\$9,500,000
<i>Colorado .....</i>	<i>Fort Carson .....</i>	\$233,400,000
<i>Florida .....</i>	<i>Eglin Air Force Base .....</i>	\$132,800,000
<i>Georgia .....</i>	<i>Fort Benning .....</i>	\$295,300,000
	<i>Fort Gillem .....</i>	\$10,800,000
	<i>Fort Stewart/Hunter Army Air Field .....</i>	\$105,967,000
<i>Hawaii .....</i>	<i>Schofield Barracks .....</i>	\$184,000,000
	<i>Wheeler Army Air Field .....</i>	\$7,500,000
<i>Kansas .....</i>	<i>Fort Riley .....</i>	\$168,500,000
<i>Kentucky .....</i>	<i>Fort Knox .....</i>	\$70,000,000
<i>Louisiana .....</i>	<i>Fort Polk .....</i>	\$49,000,000
<i>Maryland .....</i>	<i>Aberdeen Proving Ground .....</i>	\$15,500,000
	<i>Fort Detrick .....</i>	\$39,000,000
<i>Missouri .....</i>	<i>Fort Leonard Wood .....</i>	\$163,000,000



**Army: Inside the United States—Continued**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
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 .....	\$103,500,00
	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

1           (b) *OUTSIDE THE UNITED STATES.*—Using amounts  
2 appropriated pursuant to the authorization of appropriati-  
3 ons in section 2104(a)(2), the Secretary of the Army may  
4 acquire real property and carry out military construction  
5 projects for the installations or locations outside the United  
6 States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
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

7 **SEC. 2102. FAMILY HOUSING.**

8           (a) *CONSTRUCTION AND ACQUISITION.*—Using  
9 amounts appropriated pursuant to the authorization of ap-  
10 propriations in section 2104(a)(5)(A), the Secretary of the  
11 Army may construct or acquire family housing units (in-  
12 cluding land acquisition and supporting facilities) at the

1 *installations or locations, in the number of units, and in*  
 2 *the amounts set forth in the following table:*

**Army: Family Housing**

<b>Country</b>	<b>Installation or Location</b>	<b>Units</b>	<b>Amount</b>
<i>Germany .....</i>	<i>Baumholder .....</i>	<i>38 .....</i>	<i>\$18,000,000</i>

3       **(b) PLANNING AND DESIGN.**—Using amounts appro-  
 4 priated pursuant to the authorization of appropriations in  
 5 section 2104(a)(5)(A), the Secretary of the Army may carry  
 6 out architectural and engineering services and construction  
 7 design activities with respect to the construction or im-  
 8 provement of family housing units in an amount not to  
 9 exceed \$3,936,000.

10 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**

11                   **UNITS.**

12       Subject to section 2825 of title 10, United States Code,  
 13 and using amounts appropriated pursuant to the author-  
 14 ization of appropriations in section 2104(a)(5)(A), the Sec-  
 15 retary of the Army may improve existing military family  
 16 housing units in an amount not to exceed \$219,300,000.

17 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

18       **(a) IN GENERAL.**—Funds are hereby authorized to be  
 19 appropriated for fiscal years beginning after September 30,  
 20 2009, for military construction, land acquisition, and mili-  
 21 tary family housing functions of the Department of the  
 22 Army in the total amount of \$4,262,800,000 as follows:

1           (1) *For military construction projects inside the*  
2 *United States authorized by section 2101(a),*  
3 *\$2,619,217,000.*

4           (2) *For military construction projects outside the*  
5 *United States authorized by section 2101(b),*  
6 *\$302,500,000.*

7           (3) *For unspecified minor military construction*  
8 *projects authorized by section 2805 of title 10, United*  
9 *States Code, \$23,000,000.*

10          (4) *For architectural and engineering services*  
11 *and construction design under section 2807 of title*  
12 *10, United States Code, \$178,029,000.*

13          (5) *For military family housing functions:*

14           (A) *For construction and acquisition, plan-*  
15 *ning and design, and improvement of military*  
16 *family housing and facilities, \$241,236,000.*

17           (B) *For support of military family housing*  
18 *(including the functions described in section*  
19 *2833 of title 10, United States Code),*  
20 *\$523,418,000.*

21          (6) *For the construction of increment 4 of a bri-*  
22 *gade complex at Fort Lewis, Washington, authorized*  
23 *by section 2101(a) of the Military Construction Au-*  
24 *thorization Act for Fiscal Year 2007 (division B of*  
25 *Public Law 109–364; 120 Stat. 2445), as amended by*

1 *section 20814 of the Continuing Appropriations Reso-*  
2 *lution, 2007 (division B of Public Law 109–289), as*  
3 *added by section 2 of the Revised Continuing Resolu-*  
4 *tion, 2007 (Public Law 110–5; 121 Stat 41),*  
5 *\$102,000,000.*

6 (7) *For the construction of increment 3 of a bri-*  
7 *gade complex operational support facility at Vicenza,*  
8 *Italy, authorized by section 2101(b) of the Military*  
9 *Construction Authorization Act for Fiscal Year 2008*  
10 *(division B of Public Law 110–181; 122 Stat. 505),*  
11 *\$23,500,000.*

12 (8) *For the construction of increment 3 of a bri-*  
13 *gade complex barracks and community support facil-*  
14 *ity at Vicenza, Italy, authorized by section 2101(b) of*  
15 *the Military Construction Authorization Act for Fis-*  
16 *cal Year 2008 (division B of Public Law 110–181;*  
17 *122 Stat. 505), \$22,500,000.*

18 (9) *For the construction of increment 3 of the*  
19 *United States Southern Command Headquarters at*  
20 *Miami Doral, Florida, authorized by section 2101(a)*  
21 *of the Military Construction Authorization Act for*  
22 *Fiscal Year 2008 (division B of Public Law 110–181;*  
23 *122 Stat. 504), \$55,400,000.*

24 (10) *For the construction of increment 2 of a*  
25 *barracks and dining complex at Fort Carson, Colo-*

1     *rado, authorized by section 2101(a) of the Military*  
2     *Construction Authorization Act for Fiscal Year 2009*  
3     *(division B of Public Law 110–417; 122 Stat. 4659),*  
4     *\$60,000,000.*

5             *(11) For the construction of increment 2 of a*  
6     *barracks and dining complex at Fort Stewart/Hunter*  
7     *Army Air Field, Georgia, authorized by section*  
8     *2101(a) of the Military Construction Authorization*  
9     *Act for Fiscal Year 2009 (division B of Public Law*  
10     *110–417; 122 Stat. 4659), \$80,000,000.*

11            *(12) For the construction of increment 2 of the*  
12     *family housing replacement construction at Wies-*  
13     *baden Air Base, Germany, authorized by section*  
14     *2102(a) of the Military Construction Authorization*  
15     *Act for Fiscal Year 2009 (division B of Public Law*  
16     *110–417; 122 Stat. 4663), \$10,000,000.*

17            *(13) For the construction of increment 2 of the*  
18     *family housing replacement construction at Wies-*  
19     *baden Air Base, Germany, authorized by section*  
20     *2102(a) of the Military Construction Authorization*  
21     *Act for Fiscal Year 2009 (division B of Public Law*  
22     *110–417; 122 Stat. 4663), \$11,000,000.*

23            *(14) For the construction of increment 2 of the*  
24     *family housing replacement construction at Wies-*  
25     *baden Air Base, Germany, authorized by section*

1       2102(a) of the Military Construction Authorization  
2       Act for Fiscal Year 2009 (division B of Public Law  
3       110–417; 122 Stat. 4663), \$11,000,000.

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 2101 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) \$25,000,000 (the balance of the amount au-  
14           thorized under section 2101(b) of the Military Con-  
15           struction Authorization Act for Fiscal Year 2008 (di-  
16           vision B of Public Law 110–181; 122 Stat. 505) for  
17           construction of a brigade complex operations support  
18           facility at Vicenza, Italy.

19           (3) \$26,000,000 (the balance of the amount au-  
20           thorized under section 2101(b) of the Military Con-  
21           struction Authorization Act for Fiscal Year 2008 (di-  
22           vision B of Public Law 110–181; 122 Stat. 505) for  
23           construction of a brigade complex operations support  
24           facility at Vicenza, Italy.

1 **SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 2 **FISCAL YEAR 2006 PROJECTS.**

3 (a) *EXTENSION.*—Notwithstanding section 2701 of the  
 4 *Military Construction Authorization Act for Fiscal Year*  
 5 *2006 (division B of Public Law 109–163; 119 Stat. 3501),*  
 6 *the authorizations set forth in the table in subsection (b),*  
 7 *as provided in section 2101 of that Act (119 Stat. 3485),*  
 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) is  
 12 *as follows:*

**Army: Extension of 2006 Project Authorizations**

<b>State/Country</b>	<b>Installation or Location</b>	<b>Project</b>	<b>Amount</b>
<i>Hawaii .....</i>	<i>Pohakuloa Training Area.</i>	<i>Tactical Vehicle Wash Facility ....</i>	<i>\$9,207,000</i>
	<i>Pohakuloa Training Area.</i>	<i>Battle Area Complex .....</i>	<i>\$33,660,000</i>

13 **TITLE XXII—NAVY**

14 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**  
 15 **ACQUISITION PROJECTS.**

16 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-  
 17 propriated pursuant to the authorization of appropriations  
 18 in section 2204(a)(1), the Secretary of the Navy may ac-  
 19 quire real property and carry out military construction  
 20 projects for the installations or locations inside the United  
 21 States, and in the amounts, set forth in the following table:

**Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
Arizona .....	Marine Corps Air Station, Yuma .....	\$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.	\$3,760,000
	Eglin Air Force Base .....	\$50,847,000
	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 table:

**Navy: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
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



1 **SEC. 2202. FAMILY HOUSING.**

2 (a) *CONSTRUCTION AND ACQUISITION.*—Using  
 3 amounts appropriated pursuant to the authorization of ap-  
 4 propriations in section 2204(a)(5)(A), the Secretary of the  
 5 Navy may construct or acquire family housing units (in-  
 6 cluding land acquisition and supporting facilities) at the  
 7 installations or locations, in the number of units, and in  
 8 the amounts set forth in the following table:

**Navy: Family Housing**

<b>Location</b>	<b>Installation or Location</b>	<b>Units</b>	<b>Amount</b>
Korea .....	Pusan .....	Welcome center/ ware- house.	\$4,376,000
Mariana Is- lands.	Naval Activities, Guam .....	30 .....	\$20,730,000

9 (b) *PLANNING AND DESIGN.*—Using amounts appro-  
 10 priated pursuant to the authorization of appropriations in  
 11 section 2204(a)(5)(A), the Secretary of the Navy may carry  
 12 out architectural and engineering services and construction  
 13 design activities with respect to the construction or im-  
 14 provement of family housing units in an amount not to  
 15 exceed \$2,771,000.

16 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
 17 **UNITS.**

18 Subject to section 2825 of title 10, United States Code,  
 19 and using amounts appropriated pursuant to the author-  
 20 ization of appropriations in section 2204(a)(5)(A), the Sec-

1 *retary of the Navy may improve existing military family*  
2 *housing units in an amount not to exceed \$118,692,000.*

3 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

4 *(a) IN GENERAL.—Funds are hereby authorized to be*  
5 *appropriated for fiscal years beginning after September 30,*  
6 *2009, for military construction, land acquisition, and mili-*  
7 *tary family housing functions of the Department of the*  
8 *Navy in the total amount of \$4,053,880,000, as follows:*

9 *(1) For military construction projects inside the*  
10 *United States authorized by section 2201(a),*  
11 *\$2,756,105,000.*

12 *(2) For military construction projects outside the*  
13 *United States authorized by section 2201(b),*  
14 *\$229,445,000.*

15 *(3) For unspecified minor military construction*  
16 *projects authorized by section 2805 of title 10, United*  
17 *States Code, \$12,483,000.*

18 *(4) For architectural and engineering services*  
19 *and construction design under section 2807 of title*  
20 *10, United States Code, \$166,896,000.*

21 *(5) For military family housing functions:*

22 *(A) For construction and acquisition, plan-*  
23 *ning and design, and improvement of military*  
24 *family housing and facilities, \$146,569,000.*

1           (B) For support of military family housing  
2           (including functions described in section 2833 of  
3           title 10, United States Code), \$368,540,000.

4           (6) For the construction of increment 3 of a sub-  
5           marine drive-in magnetic silencing facility at Naval  
6           Base Pearl Harbor, Hawaii, authorized by section  
7           2201(a) of the Military Construction Authorization  
8           Act for Fiscal Year 2008 (division B of Public Law  
9           110–181; 122 Stat. 510), \$8,645,000.

10          (7) For the construction of increment 6 of the  
11          limited area production and storage complex at Ban-  
12          gor, Washington, authorized by section 2201(a) of the  
13          Military Construction Authorization Act for Fiscal  
14          Year 2005 (division B of Public Law 108–375; 118  
15          Stat. 2106), \$87,292,000.

16          (8) For the construction of increment 2 of en-  
17          clave fencing at Naval Submarine Base, Bangor,  
18          Washington, authorized by section 2201(a) of the  
19          Military Construction Authorization Act for Fiscal  
20          Year 2006 (division B of Public Law 109–163; 119  
21          Stat. 3490), as amended by section 2205 of this Act,  
22          \$67,419,000.

23          (9) For the construction of the first increment of  
24          a ship repair pier replacement at Norfolk Naval

1       *Shipyard, Virginia, authorized by section 2201(a),*  
2       *\$126,969,000.*

3               *(10) For the construction of the first increment*  
4       *of a wharves improvement, Apra Harbor, Guam, au-*  
5       *thorized by section 2201(b), \$83,517,000.*

6       ***(b) LIMITATION ON TOTAL COST OF CONSTRUCTION***  
7       ***PROJECTS.—Notwithstanding the cost variations author-***  
8       ***ized by section 2853 of title 10, United States Code, and***  
9       ***any other cost variation authorized by law, the total cost***  
10       ***of all projects carried out under section 2201 of this Act***  
11       ***may not exceed the sum of the following:***

12               *(1) The total amount authorized to be appro-*  
13       *priated under paragraphs (1) and (2) of subsection*  
14       *(a).*

15               *(2) \$100,000,000 (the balance of the amount au-*  
16       *thorized under section 2202(a) for Ship Repair Pier*  
17       *Replacement at the Norfolk Naval Shipyard, Vir-*  
18       *ginia).*

19               *(3) \$83,516,000 (the balance of the amount of*  
20       *\$167,033,000 authorized under section 2202(b) for*  
21       *wharves improvements, Apra Harbor, Guam).*

1 **SEC. 2205. MODIFICATION AND EXTENSION OF AUTHORITY**  
2 **TO CARRY OUT CERTAIN FISCAL YEAR 2006**  
3 **PROJECT.**

4 (a) *MODIFICATION.*—*The table in section 2201(a) of*  
5 *the Military Construction Authorization Act for Fiscal Year*  
6 *2006 (division B of Public Law 109–163; 119 Stat. 3490)*  
7 *is amended in the item relating to Naval Submarine Base,*  
8 *Bangor, Washington, by striking “\$60,160,000” and insert-*  
9 *ing “\$127,163,000”.*

10 (b) *CONFORMING AMENDMENT.*—*Section 2204(b) of*  
11 *that Act (119 Stat. 3492) is amended by adding at the end*  
12 *the following new subparagraph:*

13 “(11) \$67,003,000 (the balance of the amount  
14 authorized under section 2201(a) for construction of  
15 a waterfront security enclave at Naval Submarine  
16 Base, Bangor, Washington).”.

17 (c) *EXTENSION.*—*Notwithstanding section 2701 of the*  
18 *Military Construction Authorization Act for Fiscal Year*  
19 *2006 (division B of Public Law 109–163; 119 Stat. 3501),*  
20 *the authorization relating to enclave fencing/parking at*  
21 *Naval Submarine Base, Bangor, Washington (formerly re-*  
22 *ferred to as a project at Naval Submarine Base, Bangor,*  
23 *Washington), as provided in section 2201 of that Act, shall*  
24 *remain in effect until October 1, 2012, or the date of an*  
25 *Act authorizing funds for military construction for fiscal*  
26 *year 2013, whichever is later.*

# TITLE XXIII—AIR FORCE

## SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

### *Air Force: Inside the United States*

<i>State</i>	<i>Installation or Location</i>	<i>Amount</i>
<i>Alaska</i> .....	<i>Clear Air Force Station</i> .....	\$24,300,000
	<i>Eielson Air Force Base</i> .....	\$13,350,000
	<i>Elmendorf Air Force Base</i> .....	\$15,700,000
<i>Arizona</i> .....	<i>Davis-Monthan Air Force Base</i> .....	\$41,900,000
<i>Arkansas</i> .....	<i>Little Rock Air Force Base</i> .....	\$16,200,000
<i>California</i> .....	<i>Travis Air Force Base</i> .....	\$6,900,000
	<i>Vandenberg Air Force Base</i> .....	\$13,000,000
	<i>Peterson Air Force Base</i> .....	\$25,100,000
<i>Colorado</i> .....	<i>United States Air Force Academy</i> ..	\$17,500,000
	<i>Dover Air Force Base</i> .....	\$24,900,000
<i>Delaware</i> .....	<i>Eglin Air Force Base</i> .....	\$59,800,000
	<i>Hurlburt Field</i> .....	\$10,500,000
	<i>MacDill Air Force Base</i> .....	\$38,300,000
	<i>Patrick Air Force Base</i> .....	\$8,400,000
<i>Georgia</i> .....	<i>Moody Air Force Base</i> .....	\$8,900,000
<i>Hawaii</i> .....	<i>Wheeler Air Force Base</i> .....	\$15,000,000
<i>Idaho</i> .....	<i>Mountain Home Air Force Base</i> .....	\$20,000,000
<i>Illinois</i> .....	<i>Scott Air Force Base</i> .....	\$7,400,000
<i>Louisiana</i> .....	<i>Barksdale Air Force Base</i> .....	\$12,800,000
<i>Maryland</i> .....	<i>Andrews Air Force Base</i> .....	\$9,300,000
<i>Nebraska</i> .....	<i>Offutt Air Force Base</i> .....	\$10,400,000
<i>Nevada</i> .....	<i>Creech Air Force Base</i> .....	\$2,700,000
	<i>Cannon Air Force Base</i> .....	\$15,000,000
	<i>Holloman Air Force Base</i> .....	\$15,500,000
<i>North Carolina</i> .....	<i>Pope Air Force Base</i> .....	\$7,700,000
<i>North Dakota</i> .....	<i>Grand Forks Air Force Base</i> .....	\$12,000,000
	<i>Minot Air Force Base</i> .....	\$11,500,000
	<i>Wright-Patterson Air Force Base</i> .....	\$58,600,000
<i>Ohio</i> .....	<i>Altus Air Force Base</i> .....	\$20,300,000
<i>Oklahoma</i> .....	<i>Tinker Air Force Base</i> .....	\$13,037,000
	<i>Vance Air Force Base</i> .....	\$10,700,000
	<i>Ellsworth Air Force Base</i> .....	\$14,500,000
<i>South Dakota</i> .....	<i>Dyess Air Force Base</i> .....	\$4,500,000
	<i>Goodfellow Air Force Base</i> .....	\$44,400,000
	<i>Lackland Air Force Base</i> .....	\$113,879,000
	<i>Sheppard Air Force Base</i> .....	\$11,600,000
<i>Utah</i> .....	<i>Hill Air Force Base</i> .....	\$21,053,000
<i>Virginia</i> .....	<i>Langley Air Force Base</i> .....	\$10,000,000
<i>Washington</i> .....	<i>Fairchild Air Force Base</i> .....	\$11,000,000

***Air Force: Inside the United States—Continued***

<b><i>State</i></b>	<b><i>Installation or Location</i></b>	<b><i>Amount</i></b>
<i>Wyoming .....</i>	<i>Francis E. Warren Air Force Base</i>	<i>\$9,100,000</i>

1       ***(b) OUTSIDE THE UNITED STATES.—****Using amounts*  
2 *appropriated pursuant to the authorization of appropria-*  
3 *tions in section 2304(2), the Secretary of the Air Force may*  
4 *acquire real property and carry out military construction*  
5 *projects for the installations or locations outside the United*  
6 *States, and in the amounts, set forth in the following table:*

***Air Force: Outside the United States***

<b><i>Country</i></b>	<b><i>Installation or Location</i></b>	<b><i>Amount</i></b>
<i>Afghanistan .....</i>	<i>Bagram Air Base .....</i>	<i>\$22,000,000</i>
<i>Colombia .....</i>	<i>Palanquero Air Base .....</i>	<i>\$46,000,000</i>
<i>Germany .....</i>	<i>Ramstein Air Base .....</i>	<i>\$34,700,000</i>
	<i>Spangdahlem Air Base .....</i>	<i>\$23,500,000</i>
<i>Guam .....</i>	<i>Andersen Air Force Base .....</i>	<i>\$58,202,000</i>
<i>Qatar .....</i>	<i>Al Udeid Air Base .....</i>	<i>\$60,000,000</i>
<i>Turkey .....</i>	<i>Incirlik Air Base .....</i>	<i>\$9,200,000</i>

7 ***SEC. 2302. FAMILY HOUSING.***

8       *Using amounts appropriated pursuant to the author-*  
9 *ization of appropriations in section 2304(5)(A), the Sec-*  
10 *retary of the Air Force may carry out architectural and*  
11 *engineering services and construction design activities with*  
12 *respect to the construction or improvement of family hous-*  
13 *ing units in an amount not to exceed \$4,314,000.*

14 ***SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING***15                   ***UNITS.***

16       *Subject to section 2825 of title 10, United States Code,*  
17 *and using amounts appropriated pursuant to the author-*  
18 *ization of appropriations in section 2304(5)(A), the Sec-*

1 *retary of the Air Force may improve existing military fam-*  
2 *ily housing units in an amount not to exceed \$61,787,000.*

3 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
4 **FORCE.**

5 *Funds are hereby authorized to be appropriated for fis-*  
6 *cal years beginning after September 30, 2009, for military*  
7 *construction, land acquisition, and military family housing*  
8 *functions of the Department of the Air Force in the total*  
9 *amount of \$1,736,421,000, as follows:*

10 (1) *For military construction projects inside the*  
11 *United States authorized by section 2301(a),*  
12 *\$812,115,000.*

13 (2) *For military construction projects outside the*  
14 *United States authorized by section 2301(b),*  
15 *\$253,602,000.*

16 (3) *For unspecified minor military construction*  
17 *projects authorized by section 2805 of title 10, United*  
18 *States Code, \$18,000,000.*

19 (4) *For architectural and engineering services*  
20 *and construction design under section 2807 of title*  
21 *10, United States Code, \$83,667,000.*

22 (5) *For military family housing functions:*

23 (A) *For construction and acquisition, plan-*  
24 *ning and design, and improvement of military*  
25 *family housing and facilities, \$66,101,000.*



1                   (B) For support of military family housing  
 2                   (including functions described in section 2833 of  
 3                   title 10, United States Code), \$502,936,000.

4 **SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 5 **FISCAL YEAR 2007 PROJECTS.**

6           (a) *EXTENSION.*—Notwithstanding section 2701 of the  
 7 *Military Construction Authorization Act for Fiscal Year*  
 8 *2007 (division B of Public Law 109–364; 120 Stat. 2463),*  
 9 *authorizations set forth in the table in subsection (b), as*  
 10 *provided in sections 2301 and 2302 of that Act, shall re-*  
 11 *main in effect until October 1, 2010, or the date of the en-*  
 12 *actment of an Act authorizing funds for military construc-*  
 13 *tion for fiscal year 2011, whichever is later.*

14           (b) *TABLE.*—The table referred to in subsection (a) is  
 15 *as follows:*

***Air Force: Extension of 2007 Project Authorizations***

<b><i>State</i></b>	<b><i>Installation or Location</i></b>	<b><i>Project</i></b>	<b><i>Amount</i></b>
<i>Delaware .....</i>	<i>Dover Air Force Base .....</i>	<i>C-17 Aircrew Life Support .....</i>	<i>\$7,400,000</i>
<i>Idaho .....</i>	<i>Mountain Home Air Force Base .....</i>	<i>Replace Family Housing (457 units) .....</i>	<i>\$107,800,000</i>

16 **SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 17 **FISCAL YEAR 2006 PROJECTS.**

18           (a) *EXTENSION.*—Notwithstanding section 2701 of the  
 19 *Military Construction Authorization Act for Fiscal Year*  
 20 *2006 (division B of Public Law 109–163; 119 Stat. 3501),*  
 21 *authorizations set forth in the table in subsection (b), as*

1 provided in section 2302 of that Act, shall remain in effect  
 2 until October 1, 2010, or the date of the enactment of an  
 3 Act authorizing funds for military construction for fiscal  
 4 year 2011, whichever is later.

5 (b) *TABLE.*—The table referred to in subsection (a) is  
 6 as follows:

***Air Force: Extension of 2006 Project Authorizations***

<b><i>State/Country</i></b>	<b><i>Installation or Location</i></b>	<b><i>Project</i></b>	<b><i>Amount</i></b>
<i>Alaska</i> .....	<i>Eielson Air Force Base</i> .....	<i>Replace Family Housing (92 units)</i> .....	\$37,650,000
	<i>Eielson Air Force Base</i> .....	<i>Purchase Build/Lease Housing (300 Units)</i> .....	\$18,144,000
<i>North Dakota</i> ....	<i>Grand Forks Air Force Base</i> .....	<i>Replace Family Housing (150 Units)</i> .....	\$43,353,000

7 **SEC. 2307. TEMPORARY PROHIBITION ON USE OF FUNDS**  
 8 **FOR MILITARY CONSTRUCTION IMPROVE-**  
 9 **MENTS, PALANQUERO AIR BASE, COLOMBIA.**

10 None of the funds authorized to be appropriated in sec-  
 11 tion 2304(2) may be obligated or expended for runway and  
 12 apron expansion or other military construction improve-  
 13 ments at Palanquero Air Base, Colombia, until the Sec-  
 14 retary of Defense, in consultation with the Secretary of  
 15 State, certifies to the congressional defense committees that  
 16 negotiations between the United States Government and the  
 17 Government of Colombia have resulted in access rights that  
 18 will permit United States Southern Command  
 19 (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 Walk-*  
6 *ing Shield, Inc.*

7 (2) *INDIAN TRIBE.—The term “Indian tribe”*  
8 *means any Indian tribe included on the list published*  
9 *by the Secretary of the Interior under section 104 of*  
10 *the Federally Recognized Indian Tribe List Act of*  
11 *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 of*  
15 *any Indian tribe located in the State of Idaho, Ne-*  
16 *vada, North Dakota, Oregon, South Dakota, Montana,*  
17 *or Minnesota, a request for conveyance of any*  
18 *relocatable military housing unit located at Grand*  
19 *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 Force*  
26 *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 convey  
 4 to the Indian tribe that is the subject of the request, at no  
 5 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 of  
 8 the needs of the military.

9                   **TITLE XXIV—DEFENSE**

10                   **AGENCIES**

11                   **Subtitle A—Defense Agency**

12                   **Authorizations**

13 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

15       (a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations  
 16 in section 2404(a)(1), the Secretary of Defense may acquire  
 17 real property and carry out military construction projects  
 18 for the installations or locations inside the United States,  
 19 and in the amounts, set forth in the following table:

**Defense Education Activity**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
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**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Hawaii</i> .....	<i>Naval Station Pearl Harbor, Ford Island</i> .....	\$9,633,000

**Defense Logistics Agency**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>California</i> .....	<i>El Centro</i> .....	\$11,000,000
	<i>Point Loma Annex</i> .....	\$55,000,000
	<i>Travis Air Force Base, California</i> .....	\$15,357,000
<i>Florida</i> .....	<i>Jacksonville International Airport (Air National Guard)</i> .....	\$11,500,000
<i>Minnesota</i> .....	<i>Duluth International Airport (Air National Guard)</i> .....	\$15,000,000
<i>Oklahoma</i> .....	<i>Altus Air Force Base</i> .....	\$2,700,000
<i>Texas</i> .....	<i>Fort Hood</i> .....	\$3,000,000
<i>Washington</i> .....	<i>Fairchild Air Force Base</i> .....	\$7,500,000

**Missile Defense Agency**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Alabama</i> .....	<i>Redstone Arsenal</i> .....	\$12,000,000
<i>Virginia</i> .....	<i>Naval Support Facility, Dahlgren</i> .....	\$24,500,000

**National Security Agency**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Maryland</i> .....	<i>Fort Meade</i> .....	\$203,800,000

**Special Operations Command**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>California</i> .....	<i>Naval Amphibious Base, Coronado</i> .....	\$15,722,000
<i>Colorado</i> .....	<i>Fort Carson</i> .....	\$48,246,000
<i>Florida</i> .....	<i>Eglin Air Force Base</i> .....	\$3,046,000
	<i>Hurlburt Field</i> .....	\$8,156,000
<i>Georgia</i> .....	<i>Fort Benning</i> .....	\$3,046,000
<i>Kentucky</i> .....	<i>Fort Campbell</i> .....	\$32,335,000
<i>New Mexico</i> .....	<i>Cannon Air Force Base</i> .....	\$58,864,000
<i>North Carolina</i> .....	<i>Fort Bragg</i> .....	\$101,488,000
	<i>Marine Corps Base, Camp Lejeune</i> .....	\$11,791,000
<i>Virginia</i> .....	<i>Naval Amphibious Base, Little Creek</i> .....	\$18,669,000
<i>Washington</i> .....	<i>Fort Lewis</i> .....	\$14,500,000

**TRICARE Management Activity**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Alaska</i> .....	<i>Elmendorf Air Force Base</i> .....	\$25,017,000
	<i>Fort Richardson</i> .....	\$3,518,000
<i>Colorado</i> .....	<i>Fort Carson</i> .....	\$31,900,000
<i>Georgia</i> .....	<i>Fort Benning</i> .....	\$17,200,000
	<i>Fort Stewart/Hunter Army Air Field</i> .....	\$22,200,000
<i>Kentucky</i> .....	<i>Fort Campbell</i> .....	\$8,600,000
<i>Maryland</i> .....	<i>Fort Detrick</i> .....	\$29,807,000
<i>Missouri</i> .....	<i>Fort Leonard Wood</i> .....	\$5,570,000
<i>North Carolina</i> .....	<i>Fort Bragg</i> .....	\$57,658,000

**TRICARE Management Activity**—Continued

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
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**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
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 United  
6 States, and in the amounts, set forth in the following tables:

**Defense Education Agency**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
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**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
Korea .....	K-16 Airfield .....	\$5,050,000

**Defense Logistics Agency**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
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**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
United Kingdom ...	Royal Air Force Menwith Hill Station .....	\$37,588,000

**TRICARE Management Activity**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
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**

<b>Location</b>	<b>Installation</b>	<b>Units</b>	<b>Amount</b>
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 Code,*  
13 *in the amount of \$123,013,000.*

14 **SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**  
15 **AGENCIES.**

16       *(a) IN GENERAL.—Funds are hereby authorized to be*  
17 *appropriated for fiscal years beginning after September 30,*  
18 *2009, for military construction, land acquisition, and mili-*  
19 *tary family housing functions of the Department of Defense*

1 *(other than the military departments) in the total amount*  
2 *of \$3,290,025,000, as follows:*

3 *(1) For military construction projects inside the*  
4 *United States authorized by section 2401(a),*  
5 *\$969,373,000.*

6 *(2) For military construction projects outside the*  
7 *United States authorized by section 2401(b),*  
8 *\$298,522,000.*

9 *(3) For unspecified minor military construction*  
10 *projects under section 2805 of title 10, United States*  
11 *Code, \$36,025,000.*

12 *(4) For contingency construction projects of the*  
13 *Secretary of Defense under section 2804 of title 10,*  
14 *United States Code, \$10,000,000.*

15 *(5) For architectural and engineering services*  
16 *and construction design under section 2807 of title*  
17 *10, United States Code, \$137,942,000.*

18 *(6) For energy conservation projects authorized*  
19 *by section 2403 of this Act, \$123,013,000.*

20 *(7) For military family housing functions:*

21 *(A) For support of military family housing*  
22 *(including functions described in section 2833 of*  
23 *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 Demonstra-*  
6           *tion Cities and Metropolitan Development Act of*  
7           *1966 (42 U.S.C. 3374), \$373,225,000.*

8           (D) *For credit to the Department of Defense*  
9           *Family Housing Improvement Fund established*  
10          *by section 2883(a)(1) of title 10, United States*  
11          *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 spe-*  
19          *cial operations facility at Dam Neck, Virginia, au-*  
20          *thorized by section 2401(a) of the Military Construc-*  
21          *tion Authorization Act for Fiscal Year 2008 (division*  
22          *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 2401(a)*  
2 *of the Military Construction Authorization Act for*  
3 *Fiscal Year 2009 (division B of Public Law 110–417*  
4 *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. 2457),*  
10 *\$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 Construc-*  
14 *tion Authorization Act for Fiscal Year 2009 (division*  
15 *B of Public Law 110–417; 122 Stat. 4691),*  
16 *\$24,000,000.*

17 *(13) For the construction of the first increment*  
18 *of the hospital replacement, Guam, authorized by sec-*  
19 *tion 2401(b), \$200,000,000.*

20 *(14) For the construction of the first increment*  
21 *of the Ambulatory Care Center at Lackland Air Force*  
22 *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 au-*  
18 *thorized by section 2401(b) for the hospital replace-*  
19 *ment, Guam).*

20           (3) *\$368,390,000 (the balance of the amount au-*  
21 *thorized by section 2401(a) for the Ambulatory Care*  
22 *Center at Lackland Air Force Base, Texas).*

23           (4) *\$820,000,000 (the balance of the amount au-*  
24 *thorized in the Supplemental Appropriations Act,*

1       2009 (Public Law 111–32) for the Utah Data Center,  
2       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 au-  
7       thorized by section 2401(a) of the Military Construc-  
8       tion Authorization Act for Fiscal Year 2009 (division  
9       B of Public Law 110–417; 122 Stat. 4689) for the  
10      USAMRIID replacement facility at Aberdeen Proving  
11      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 (division  
15      B of Public Law 110–181; 122 Stat. 521), as modi-  
16      fied by section 2401(a) of this Act, for the replacement  
17      of fuel storage facilities at Point Loma Annex, Cali-  
18      fornia).

19   **SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT**  
20                   **CERTAIN FISCAL YEAR 2008 PROJECT.**

21       (a) *MODIFICATION.*—The table relating to the Defense  
22      Logistics Agency in section 2401(a) of the Military Con-  
23      struction Authorization Act for Fiscal Year 2008 (division  
24      B of Public Law 110–181; 122 Stat. 521) is amended in  
25      the item relating to Point Loma Annex, California, by

1 striking “\$140,000,000” in the amount column and insert-  
2 ing “\$195,000,000”.

3 (b) *CONFORMING AMENDMENT.*—Section 2403(b)(2) of  
4 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 Defense  
9 Logistics Agency in section 2401(b) of the Military Con-  
10 struction Authorization Act for Fiscal Year 2009 (division  
11 B of Public Law 110–417; 122 Stat. 4691) is amended in  
12 the item relating to Souda Bay, Greece, by striking  
13 “\$8,000,000” in the amount column and inserting  
14 “\$32,000,000”.

15 (b) *CONFORMING AMENDMENTS.*—Section 2403 of that  
16 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 Souda  
25 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 au-  
 4 *thorized for the Defense Logistics Agency under sec-*  
 5 *tion 2401(b) for fuel storage tanks and pipeline re-*  
 6 *placement at Souda Bay, Greece).”.*

7 **SEC. 2407. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 8 **FISCAL YEAR 2007 PROJECT.**

9           (a) *EXTENSION.*—*Notwithstanding section 2701 of the*  
 10 *Military Construction Authorization Act for Fiscal Year*  
 11 *2007 (division B of Public Law 109–364; 120 Stat. 2463),*  
 12 *authorizations set forth in the table in subsection (b), as*  
 13 *provided in section 2402 of that Act, shall remain in effect*  
 14 *until October 1, 2010, or the date of the enactment of an*  
 15 *Act authorizing funds for military construction for fiscal*  
 16 *year 2011, whichever is later.*

17           (b) *TABLE.*—*The table referred to in subsection (a) is*  
 18 *as follows:*

***Defense Logistics Agency: Extension of 2007 Project***  
***Authorization***

<b><i>State</i></b>	<b><i>Installation or Lo- cation</i></b>	<b><i>Project</i></b>	<b><i>Amount</i></b>
<i>Virginia .....</i>	<i>Defense Supply Cen- ter, Richmond.</i>	<i>Whole House Renova- tion.</i>	<i>\$484,000</i>

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 fis-*  
7   *cal years beginning after September 30, 2009, for military*  
8   *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 the*  
2 *Military Construction Authorization Act for Fiscal*  
3 *Year 2000 (division B of Public Law 106–65; 113*  
4 *Stat. 835), as amended by section 2405 of the Mili-*  
5 *tary Construction Authorization Act for Fiscal Year*  
6 *2002 (division B of Public Law 107–107; 115 Stat.*  
7 *1298), section 2405 of the Military Construction Au-*  
8 *thorization Act for Fiscal Year 2003 (division B of*  
9 *Public Law 107–314; 116 Stat. 2698), and section*  
10 *2414 of the Military Construction Authorization Act*  
11 *for Fiscal Year 2009 (division B of Public Law 110–*  
12 *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 construc-*  
 2 *tion previously financed by the United States.*

3 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

4 *Funds are hereby authorized to be appropriated for fis-*  
 5 *cal years beginning after September 30, 2009, for contribu-*  
 6 *tions by the Secretary of Defense under section 2806 of title*  
 7 *10, United States Code, for the share of the United States*  
 8 *of the cost of projects for the North Atlantic Treaty Organi-*  
 9 *zation Security Investment Program authorized by section*  
 10 *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 ap-*  
 17 *propriated pursuant to the authorization of appropriations*  
 18 *in section 2606(1)(A), the Secretary of the Army may ac-*  
 19 *quire real property and carry out military construction*  
 20 *projects for the Army National Guard locations inside the*  
 21 *United States, and in the amounts, set forth in the following*  
 22 *table:*

***Army National Guard: Inside the United States***

<b><i>State</i></b>	<b><i>Location</i></b>	<b><i>Amount</i></b>
<i>Alabama .....</i>	<i>Fort McClellan .....</i>	<i>\$3,000,000</i>
<i>Arizona .....</i>	<i>Camp Navajo .....</i>	<i>\$3,000,000</i>
<i>California .....</i>	<i>Fresno Yosemite International Airport ...</i>	<i>\$9,900,000</i>
	<i>Los Alamitos .....</i>	<i>\$31,000,000</i>

**Army National Guard: Inside the United States—Continued**

<b>State</b>	<b>Location</b>	<b>Amount</b>
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 appropri-  
3 ations in section 2606(1)(A), the Secretary of the Army may  
4 acquire real property and carry out military construction  
5 projects for the Army National Guard locations outside the  
6 United States, and in the amounts, set forth in the following  
7 table:

**Army National Guard: Outside the United States**

<b>Territory or Common-wealth</b>	<b>Location</b>	<b>Amount</b>
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 lo-*  
 7 *cations, and in the amounts, set forth in the following table:*

**Army Reserve**

<b>State</b>	<b>Location</b>	<b>Amount</b>
California .....	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
	Ashley .....	\$9,800,000
Pennsylvania .....	Harrisburg .....	\$7,600,000
	Newton Square .....	\$20,000,000
	Uniontown .....	\$11,800,000
	Austin .....	\$20,000,000
Texas .....	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

8 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**  
 9 **CORPS RESERVE CONSTRUCTION AND LAND**  
 10 **ACQUISITION PROJECTS.**

11 *Using amounts appropriated pursuant to the author-*  
 12 *ization of appropriations in section 2606(2), the Secretary*  
 13 *of the Navy may acquire real property and carry out mili-*  
 14 *tary construction projects for the Navy Reserve and Marine*

- 1 *Corps Reserve locations, and in the amounts, set forth in*  
 2 *the following table:*

***Navy Reserve and Marine Corps Reserve***

<b><i>State</i></b>	<b><i>Location</i></b>	<b><i>Amount</i></b>
<i>Arizona</i> .....	<i>Phoenix (Luke Air Force Base)</i> .....	<i>\$10,986,000</i>
<i>California</i> .....	<i>Alameda</i> .....	<i>\$5,960,000</i>
<i>Illinois</i> .....	<i>Joliet Army Ammunition Plant</i> .....	<i>\$7,957,000</i>
<i>South Carolina</i> .....	<i>Charleston</i> .....	<i>\$4,240,000</i>
<i>Virginia</i> .....	<i>Oceana Naval Air Station</i> .....	<i>\$30,400,000</i>
<i>Texas</i> .....	<i>San Antonio</i> .....	<i>\$2,210,000</i>

- 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***

<b><i>State</i></b>	<b><i>Location</i></b>	<b><i>Amount</i></b>
<i>Arizona</i> .....	<i>Davis Monthan Air Force Base</i> .....	<i>\$5,600,000</i>
<i>California</i> .....	<i>Southern California Logistics Airport</i> .....	<i>\$8,400,000</i>
<i>Colorado</i> .....	<i>Buckley Air National Guard Base</i> .....	<i>\$4,500,000</i>
<i>Connecticut</i> .....	<i>Bradley National Airport</i> .....	<i>\$9,100,000</i>
<i>Hawaii</i> .....	<i>Hickam Air Force Base</i> .....	<i>\$33,000,000</i>
<i>Iowa</i> .....	<i>Des Moines</i> .....	<i>\$4,600,000</i>
<i>Massachusetts</i> .....	<i>Otis Air National Guard Base</i> .....	<i>\$12,800,000</i>
<i>Maryland</i> .....	<i>Andrews Air Force Base</i> .....	<i>\$14,000,000</i>
<i>Maine</i> .....	<i>Bangor International Airport</i> .....	<i>\$28,000,000</i>
<i>Michigan</i> .....	<i>Alpena</i> .....	<i>\$8,900,000</i>
	<i>Battle Creek Air National Guard Base</i> .....	<i>\$14,000,000</i>
	<i>Selfridge Air National Guard Base</i> .....	<i>\$7,100,000</i>
<i>Minnesota</i> .....	<i>Minnesota/Saint Paul International Air-</i> <i>port</i> .....	<i>\$1,900,000</i>
<i>Missouri</i> .....	<i>Rosecrans Memorial Airport</i> .....	<i>\$9,300,000</i>
<i>Mississippi</i> .....	<i>Columbus Air Force Base</i> .....	<i>\$10,000,000</i>
<i>Montana</i> .....	<i>Malmstrom Air Force Base</i> .....	<i>\$9,600,000</i>
<i>Nebraska</i> .....	<i>Lincoln</i> .....	<i>\$1,500,000</i>
<i>New Hampshire</i> .....	<i>Pease Air National Guard Base</i> .....	<i>\$10,000,000</i>
<i>New Jersey</i> .....	<i>McGuire, Air Force Base</i> .....	<i>\$9,700,000</i>
<i>Nevada</i> .....	<i>Reno</i> .....	<i>\$10,800,000</i>
<i>Ohio</i> .....	<i>Mansfield Lahm Airport</i> .....	<i>\$11,400,000</i>
<i>Oklahoma</i> .....	<i>Will Rogers World Airport</i> .....	<i>\$7,300,000</i>

*Air National Guard—Continued*

<i>State</i>	<i>Location</i>	<i>Amount</i>
<i>South Carolina</i> .....	<i>McEntire Joint National Guard Base</i> .....	<i>\$1,300,000</i>
<i>South Dakota</i> .....	<i>Joe Foss Field</i> .....	<i>\$2,600,000</i>
<i>Tennessee</i> .....	<i>164th Airlift Wing, Memphis</i> .....	<i>\$9,800,000</i>
<i>Utah</i> .....	<i>Hill Air Force Base</i> .....	<i>\$5,100,000</i>
<i>Vermont</i> .....	<i>Burlington International Airport</i> .....	<i>\$6,000,000</i>
<i>Wisconsin</i> .....	<i>General Mitchell International Airport</i> .....	<i>\$5,000,000</i>
<i>West Virginia</i> .....	<i>Martinsburg</i> .....	<i>\$19,500,000</i>
<i>Wyoming</i> .....	<i>Cheyenne Airport</i> .....	<i>\$1,500,000</i>

1 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

2  
3 *Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:*

*Air Force Reserve*

<i>State</i>	<i>Location</i>	<i>Amount</i>
<i>Colorado</i> .....	<i>Schriever Air Force Base</i> .....	<i>\$10,200,000</i>
<i>Mississippi</i> .....	<i>Keesler Air Force Base</i> .....	<i>\$9,800,000</i>
<i>New York</i> .....	<i>Niagra Falls Air Reserve Base</i> .....	<i>\$5,700,000</i>
<i>Pennsylvania</i> .....	<i>Pittsburgh Air Reserve Base</i> .....	<i>\$12,400,000</i>
<i>Texas</i> .....	<i>Lackland Air Force Base</i> .....	<i>\$1,500,000</i>
<i>Utah</i> .....	<i>Hill Air Force Base</i> .....	<i>\$3,200,000</i>

9 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, GUARD AND RESERVE.**

10  
11 *Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title*

1 10, *United States Code* (including the cost of acquisition  
2 of land for those facilities), in the following amounts:

3 (1) *For the Department of the Army—*

4 (A) *for the Army National Guard of the*  
5 *United States, \$481,773,000; and*

6 (B) *for the Army Reserve, \$378,712,000.*

7 (2) *For the Department of the Navy, for the*  
8 *Navy and Marine Corps Reserve, \$64,124,000.*

9 (3) *For the Department of the Air Force—*

10 (A) *for the Air National Guard of the*  
11 *United States, \$301,361,000; and*

12 (B) *for the Air Force Reserve, \$45,576,000.*

13 **SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
14 **FISCAL YEAR 2007 PROJECTS.**

15 (a) *EXTENSION.*—*Notwithstanding section 2701 of the*  
16 *Military Construction Authorization Act for Fiscal Year*  
17 *2007 (division B of Public Law 109–364; 120 Stat. 2463),*  
18 *the authorizations set forth in the table in subsection (b),*  
19 *as provided in section 2601 of that Act, shall remain in*  
20 *effect until October 1, 2010, or the date of the enactment*  
21 *of an Act authorizing funds for military construction for*  
22 *fiscal year 2011, whichever is later.*

23 (b) *TABLE.*—*The table referred to in subsection (a) is*  
24 *as follows:*

**Army National Guard: Extension of 2007 Project Authorizations**

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>California .....</i>	<i>Fresno .....</i>	<i>AVCRAD Add/Alt, PH I.</i>	<i>\$30,000,000</i>
<i>New Jersey .....</i>	<i>Lakehurst .....</i>	<i>Consolidated Logistics Training Facility, PH II.</i>	<i>\$20,024,000</i>

1 **SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
2 **FISCAL YEAR 2006 PROJECT.**

3 (a) *EXTENSION.*—Notwithstanding section 2701 of the  
4 *Military Construction Authorization Act for Fiscal Year*  
5 *2006 (division B of Public Law 109–163; 119 Stat. 3501),*  
6 *authorizations set forth in the table in subsection (b), as*  
7 *provided in section 2601 of that Act, shall remain in effect*  
8 *until October 1, 2010, or the date of the enactment of an*  
9 *Act authorizing funds for military construction for fiscal*  
10 *year 2011, whichever is later.*

11 (b) *TABLE.*—The table referred to in subsection (a) is  
12 *as follows:*

**Army National Guard: Extension of 2006 Project Authorizations**

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Montana .....</i>	<i>Townsend .....</i>	<i>Automated Qualification Training Range.</i>	<i>\$2,532,000</i>

1       **TITLE XXVII—BASE CLOSURE**  
2       **AND REALIGNMENT ACTIVITIES**

3       **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE**  
4                   **CLOSURE AND REALIGNMENT ACTIVITIES**  
5                   **FUNDED THROUGH DEPARTMENT OF DE-**  
6                   **FENSE BASE CLOSURE ACCOUNT 1990.**

7       *Funds are hereby authorized to be appropriated for fis-*  
8       *cal years beginning after September 30, 2009, for base clo-*  
9       *sure and realignment activities, including real property ac-*  
10       *quisition and military construction projects, as authorized*  
11       *by the Defense Base Closure and Realignment Act of 1990*  
12       *(part A of title XXIX of Public Law 101–510; 10 U.S.C.*  
13       *2687 note) and funded through the Department of Defense*  
14       *Base Closure Account 1990 established by section 2906 of*  
15       *such Act, in the total amount of \$396,768,000.*

16       **SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN-**  
17                   **MENT ACTIVITIES FUNDED THROUGH DE-**  
18                   **PARTMENT OF DEFENSE BASE CLOSURE AC-**  
19                   **COUNT 2005.**

20       *Using amounts appropriated pursuant to the author-*  
21       *ization of appropriations in section 2703, the Secretary of*  
22       *Defense may carry out base closure and realignment activi-*  
23       *ties, including real property acquisition and military con-*  
24       *struction projects, as authorized by the Defense Base Closure*  
25       *and Realignment Act of 1990 (part A of title XXIX of Pub-*



1 *lic Law 101–510; 10 U.S.C. 2687 note) and funded through*  
2 *the Department of Defense Base Closure Account 2005 es-*  
3 *tablished by section 2906A of such Act, in the amount of*  
4 *\$5,934,740,000.*

5 **SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE**  
6 **CLOSURE AND REALIGNMENT ACTIVITIES**  
7 **FUNDED THROUGH DEPARTMENT OF DE-**  
8 **FENSE BASE CLOSURE ACCOUNT 2005.**

9 *Funds are hereby authorized to be appropriated for fis-*  
10 *cal years beginning after September 30, 2008, for base clo-*  
11 *sure and realignment activities, including real property ac-*  
12 *quisition and military construction projects, as authorized*  
13 *by the Defense Base Closure and Realignment Act of 1990*  
14 *(part A of title XXIX of Public Law 101–510; 10 U.S.C.*  
15 *2687 note) and funded through the Department of Defense*  
16 *Base Closure Account 2005 established by section 2906A of*  
17 *such Act, in the total amount of \$7,479,498,000.*

18 **SEC. 2704. REPORT ON GLOBAL DEFENSE POSTURE RE-**  
19 **ALIGNMENT AND INTERAGENCY REVIEW.**

20 *(a) INTERAGENCY REVIEW OF OVERSEAS MASTER*  
21 *PLANS.—At the same time that the budget is submitted*  
22 *under section 1105(a) of title 31, United States Code, for*  
23 *a fiscal year, the Secretary of Defense shall submit to the*  
24 *congressional defense committees and the Committee on*  
25 *Foreign relations of the Senate and the Committee on For-*

1 *oreign Affairs of the House of Representatives a report on the*  
2 *status of overseas base closure and realignment actions un-*  
3 *dertaken as part of a global defense posture realignment*  
4 *strategy and the status of development and execution of*  
5 *comprehensive master plans for overseas military main op-*  
6 *erating bases, forward operating sites, and cooperative secu-*  
7 *rity locations. The report shall address the following:*

8           (1) *How the plans would support the security*  
9 *commitments undertaken by the United States pursu-*  
10 *ant to any international security treaty, including,*  
11 *the North Atlantic Treaty, The Treaty of Mutual Co-*  
12 *operation and Security between the United States*  
13 *and Japan, and the Security Treaty Between Aus-*  
14 *tralia, New Zealand, and the United States of Amer-*  
15 *ica.*

16           (2) *The impact of such plans on the current se-*  
17 *curity environments in the combatant commands, in-*  
18 *cluding United States participation in theater secu-*  
19 *rity cooperation activities and bilateral partnership,*  
20 *exchanges, and training exercises.*

21           (3) *Any comments of the Secretary of Defense re-*  
22 *sulting from an interagency review of these plans that*  
23 *includes the Department of State and other Federal*  
24 *departments and agencies that the Secretary of De-*  
25 *fense deems necessary for national security.*

1       (b) *INTERAGENCY OVERSEAS BASING REPORT.*—Sec-  
2       tion 118 of title 10, United States Code, is amended by add-  
3       ing at the end the following new subsection:

4       “(h) *INTERAGENCY OVERSEAS BASING REPORT.*—Not  
5       later than 90 days after submitting a report on a quadren-  
6       nial defense review under subsection (d), the Secretary shall  
7       submit to the congressional defense committees a report de-  
8       tailing how the results of the assessment conducted as part  
9       of such review will impact the status of overseas base closure  
10      and realignment actions undertaken as part of a global de-  
11      fense posture realignment strategy and the status of develop-  
12      ment and execution of comprehensive master plans for over-  
13      seas military main operating bases, forward operating  
14      sites, and cooperative security locations of the global defense  
15      posture of the United States. The report shall include any  
16      recommendations for additional closures or realignments of  
17      military installations outside of the United States. The re-  
18      port shall include any comments resulting from an inter-  
19      agency review of these plans that includes the Department  
20      of State and other relevant Federal departments and agen-  
21      cies.”.

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 find-*  
6 *ings:*

7 (1) *The 2005 round of defense base closures and*  
8 *realignments (BRAC) has resulted in a requirement*  
9 *to dispose of excess Federal property in addition to*  
10 *property determined to be excess as the result of deci-*  
11 *sions in four previous rounds of base realignments*  
12 *and closures in 1988, 1991, 1993, and 1995.*

13 (2) *The Department of Defense has primary re-*  
14 *sponsibility to dispose of Federal property resulting*  
15 *from the closure or realignment of military installa-*  
16 *tions under the Defense Base Closure and Realign-*  
17 *ment Act of 1990 (part A of title XXIX of Public Law*  
18 *101–510; 10 U.S.C. 2687 note).*

19 (3) *The Department of Defense is authorized to*  
20 *dispose of BRAC property using a range of methods*  
21 *including administrative transfer to another Federal*  
22 *agency, public benefit conveyances, homeless housing*  
23 *assistance, economic development conveyances, nego-*  
24 *tiated sales, or public sales.*

25 (4) *The Department of Defense is authorized to*  
26 *convey property to local redevelopment agencies rep-*

1     *resenting communities affected by base closures and*  
2     *realignments for the purpose of economic development.*

3             *(5) The Department of Defense is authorized to*  
4     *assess the needs of the local community and the in-*  
5     *tended use of the property in determining the amount*  
6     *of compensation to be received in exchange for the eco-*  
7     *nomie development conveyance.*

8             *(6) The Department of Defense is authorized to*  
9     *receive an amount for the economic development con-*  
10    *veyance that may range from fair market value to an*  
11    *amount less than fair market, to no cost to the*  
12    *conveyee, depending on the local economic conditions.*

13            *(7) The Department of Defense is required to use*  
14    *any monetary proceeds gained from the disposal of*  
15    *BRAC property to fund environmental clean-up, re-*  
16    *mediation, and compliance actions required to safely*  
17    *dispose of BRAC property.*

18            *(8) Any revenue foregone as a result of a deci-*  
19    *sion not to seek fair market value for disposed prop-*  
20    *erty must be compensated with appropriated funds*  
21    *requested by the Department of Defense in annual*  
22    *budget submissions to Congress.*

23            *(b) SENSE OF THE SENATE.—It is the sense of the Sen-*  
24    *ate that, as the Federal Government implements base clo-*

1 *sure and realignments, global repositioning, and grow the*  
2 *force initiatives, it is necessary—*

3 *(1) to assist local communities coping with the*  
4 *impact of these programs at both closed and active*  
5 *military installations; and*

6 *(2) to comprehensively assess the needs and de-*  
7 *gree of Federal assistance to communities to effec-*  
8 *tively implement the various initiatives of the De-*  
9 *partment of Defense while aiding communities to ei-*  
10 *ther recover quickly from closures or to accommodate*  
11 *growth associated with troop influxes.*

12 **SEC. 2706. RELOCATION OF CERTAIN ARMY RESERVE UNITS**  
13 **IN CONNECTICUT.**

14 *The Secretary of the Army may use funds appro-*  
15 *priated pursuant to the authorization of appropriations in*  
16 *section 2703 for the purpose of constructing an Army Re-*  
17 *serve Center and Maintenance Facility in the vicinity of*  
18 *Newtown, Connecticut, at a location determined by the Sec-*  
19 *retary to be in the best interest of national security and*  
20 *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 *riated 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 110–417;*  
10 *122 Stat. 4715) for the purpose of constructing an Armed*  
11 *Forces Reserve Center at Pease Air National Guard Base,*  
12 *New Hampshire, to construct instead an Armed Forces Re-*  
13 *serve Center in the vicinity of Pease Air National Guard*  
14 *Base at a location determined by the Secretary to be in*  
15 *the best interest of national security and in the public inter-*  
16 *est.*

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 comprehen-*  
23 *sive master plan to provide world class military medical*  
24 *facilities and an integrated system of health care delivery*  
25 *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 Armed*  
3 *Forces and their families;*

4           (B) *the care, management, and transition of*  
5 *seriously ill and injured members of the Armed*  
6 *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 future*  
10 *integrated health care delivery system, includ-*  
11 *ing—*

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 pro-*  
23 *vide and operate world class military medical facili-*  
24 *ties 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 of*  
6 *adequate care and services for members of the Armed*  
7 *Forces and their families;*

8           (5) *ensures that each facility covered by the plan*  
9 *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 con-*  
17 *gressional 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 class*  
21 *military medical facilities for the National Capital*  
22 *Region.*

23       (c) *DEFINITIONS.—In this section:*

24           (1) *NATIONAL CAPITAL REGION.—The term “Na-*  
25 *tional Capital Region” has the meaning given the*

1 *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 Health*  
7 *Systems Advisory Subcommittee of the Defense Health*  
8 *Board in appendix B of the report entitled “Achiev-*  
9 *ing World Class – An Independent Review of the De-*  
10 *sign Plans for the Walter Reed National Military*  
11 *Medical Center and the Fort Belvoir Community*  
12 *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 ***SITION PROJECTS AUTHORIZED BY AMERICAN***  
18 ***RECOVERY AND REINVESTMENT ACT OF 2009.***

19 (a) *AUTHORIZED ARMY CONSTRUCTION AND LAND AC-*  
20 *QUISITION PROJECTS.—Using amounts appropriated by*  
21 *title X of the American Recovery and Reinvestment Act of*  
22 *2009 (Public Law 111–5; 123 Stat. 191), the Secretary of*  
23 *the Army may acquire real property and carry out military*  
24 *construction projects for the installations or locations inside*

1 *the United States, and in the amounts, set forth in the fol-*  
 2 *lowing table:*

**Army: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
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 AC-*  
 4 *QUISITION PROJECTS.—Using amounts appropriated by*  
 5 *title X of the American Recovery and Reinvestment Act of*  
 6 *2009 (Public Law 111–5; 123 Stat. 191), the Secretary of*  
 7 *the Navy may acquire real property and carry out military*  
 8 *construction projects for the installations or locations inside*  
 9 *the United States, and in the amounts, set forth in the fol-*  
 10 *lowing table:*

**Navy: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
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), the  
 3 Secretary of the Air Force may acquire real property and  
 4 carry out military construction projects for the installations  
 5 or locations inside the United States, and in the amounts,  
 6 set forth in the following table:

***Air Force: Inside the United States***

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Alaska</i> .....	<i>Eielson Air Force Base</i> .....	\$53,900,000
<i>Alabama</i> .....	<i>Birmingham</i> .....	\$2,300,000
<i>Arkansas</i> .....	<i>Fort Smith</i> .....	\$7,800,000
<i>Colorado</i> .....	<i>Peterson Air Force Base</i> .....	\$11,200,000
<i>Florida</i> .....	<i>Hurlburt Field</i> .....	\$11,000,000
<i>Georgia</i> .....	<i>Moody Air Force Base</i> .....	\$11,400,000
<i>Iowa</i> .....	<i>Des Moines</i> .....	\$6,000,000
<i>Kansas</i> .....	<i>Forbes</i> .....	\$4,100,000
<i>Maryland</i> .....	<i>Andrews Air Force Base</i> .....	\$8,000,000
<i>Mississippi</i> .....	<i>Keesler Air Force Base</i> .....	\$20,800,000
<i>Montana</i> .....	<i>Malmstrom Air Force Base</i> .....	\$26,200,000
<i>North Dakota</i> .....	<i>Minot Air Force Base</i> .....	\$28,300,000
<i>New Jersey</i> .....	<i>Atlantic City</i> .....	\$4,300,000
<i>New Mexico</i> .....	<i>Cannon Air Force Base</i> .....	\$12,000,000
<i>Nevada</i> .....	<i>Nellis Air Force Base</i> .....	\$13,400,000
<i>Pennsylvania</i> .....	<i>Fort Indian Town Gap</i> .....	\$7,000,000
<i>South Carolina</i> .....	<i>Shaw Air Force Base</i> .....	\$22,500,000
<i>Texas</i> .....	<i>Goodfellow Air Force Base</i> .....	\$28,400,000
	<i>Lackland Air Force Base</i> .....	\$6,000,000
<i>Utah</i> .....	<i>Hill Air Force Base</i> .....	\$15,000,000
	<i>Salt Lake City</i> .....	\$5,100,000
<i>Wisconsin</i> .....	<i>General Mitchell</i> .....	\$1,100,000
<i>West Virginia</i> .....	<i>Eastern West Virginia Regional Airport</i> .....	\$4,300,000

7 (d) **AUTHORIZED DEFENSE-WIDE CONSTRUCTION AND**  
 8 **LAND ACQUISITION PROJECTS.**—Using amounts appro-  
 9 priated by title X of the American Recovery and Reinvest-  
 10 ment Act of 2009 (Public Law 111–5; 123 Stat. 191), the  
 11 Secretary of Defense may acquire real property and carry  
 12 out military construction projects for the installations or  
 13 locations inside the United States, and in the amounts, set  
 14 forth in the following table:

**Defense-wide: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
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 *QUISITION 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. 191),*  
7 *the Secretary of the Army may acquire real property*  
8 *and carry out military construction projects for the*  
9 *Army National Guard and Army Reserve locations,*  
10 *and in the amounts, set forth in the following table:*

**Army National Guard and Reserve: Inside the United States**

<b>State</b>	<b>Installation or Location</b>	<b>Amount</b>
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

11           (2) *AUTHORIZED FAMILY HOUSING.*—*Using*  
12 *amounts appropriated by title X of the American Re-*  
13 *covery and Reinvestment Act of 2009 (Public Law*  
14 *111–5; 123 Stat. 191), the Secretary of the Army may*  
15 *construct or acquire family housing units (including*  
16 *land acquisition and supporting facilities) at the*  
17 *Army National Guard and Army Reserve locations,*



1 *lic Law 109–364; 120 Stat. 2466), section 2801 of the Mili-*  
2 *tary Construction Authorization Act for Fiscal Year 2008*  
3 *(division B of Public Law 110–181; 122 Stat. 538), and*  
4 *section 2806 of the Military Construction Authorization Act*  
5 *for Fiscal Year 2009 (division B of Public Law 110–417;*  
6 *122 Stat. 4724) is further amended—*

7           (1) *in subsection (a), by striking “2009” and in-*  
8 *serting “2010”; and*

9           (2) *in subsection (c)(2), by inserting “or fiscal*  
10 *year 2010” after “fiscal year 2009”.*

11 **SEC. 2812. MODIFICATION OF AUTHORITY FOR SCOPE OF**  
12 **WORK VARIATIONS.**

13       *Section 2853 of title 10, United States Code, is amend-*  
14 *ed—*

15           (1) *in subsection (b)—*

16                   (A) *by striking “Except as provided in sub-*  
17 *section (c)” and inserting “(1) Except as pro-*  
18 *vided in subsection (c)”;*

19                   (B) *by striking “may be reduced by not*  
20 *more than 25 percent from the amount approved*  
21 *for that project, construction, improvement, or*  
22 *acquisition by Congress.” and inserting “may be*  
23 *reduced by not more than 25 percent from the*  
24 *amount specified for that project, construction,*  
25 *improvement, or acquisition in the justification*

1           *data provided to Congress as part of the request*  
2           *for authorization of the project, construction, im-*  
3           *provement, or acquisition.”; and*

4                   *(C) by adding at the end the following new*  
5           *paragraph:*

6           “(2) *The scope of work for a military construction*  
7           *project or for the construction, improvement, and acquisi-*  
8           *tion of a military family housing project may not be in-*  
9           *creased above the amount specified for that project, con-*  
10           *struction, improvement, or acquisition in the justification*  
11           *data provided to Congress as part of the request for author-*  
12           *ization of the project, construction, improvement, or acqui-*  
13           *sition.”; and*

14                   *(2) in subsection (c), by striking “limitation on*  
15           *scope reduction in subsection (b)” and inserting “lim-*  
16           *itation on scope reduction in subsection (b)(1)”.*

17   **SEC. 2813. MODIFICATION OF CONVEYANCE AUTHORITY AT**  
18                   **MILITARY INSTALLATIONS.**

19           *(a) LIMITED PURPOSES FOR WHICH REAL PROPERTY*  
20           *MAY BE CONVEYED.—Section 2869 of title 10, United*  
21           *States Code, is amended—*

22                   *(1) in the section heading, by striking “to sup-*  
23           ***port military construction or limit en-***  
24           ***croachment”*** and inserting ***“to limit en-***  
25           ***croachment”***;



1           (2) *in subsection (a)—*

2                   (A) *in paragraph (1)—*

3                           (i) *by striking “agrees, in exchange for*  
4 *the real property—” and all that follows*  
5 *through “to carry out a military construc-*  
6 *tion project or land acquisition” and insert-*  
7 *ing “agrees, in exchange for the real prop-*  
8 *erty, to carry out a land acquisition”;*

9                           (ii) *by striking “; or” and inserting a*  
10 *period; and*

11                           (iii) *by striking subparagraph (B);*  
12 *and*

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

14           (3) *in subsection (b), by striking “fair market*  
15 *value of the military construction, military family*  
16 *housing, or military unaccompanied housing” both*  
17 *places it appears and inserting “fair market value of*  
18 *the land”;*

19           (4) *by amending subsection (c) to read as fol-*  
20 *lows:*

21           “(c) *LIMITATION ON USE OF CONVEYANCE AUTHORITY*  
22 *AT INSTALLATIONS CLOSED UNDER BASE CLOSURE*  
23 *LAWS.—The authority under subsection (a)(2)(A) to convey*  
24 *property located on a military installation may only be*

1 *used to the extent the conveyance is consistent with an ap-*  
2 *proved redevelopment plan for such installation.”; and*

3 *(5) in subsection (d)(2)(A), by striking “military*  
4 *construction project, land acquisition, military fam-*  
5 *ily housing, or military unaccompanied housing”*  
6 *both places it appears and inserting “land acquisi-*  
7 *tion”.*

8 *(b) REQUIREMENT TO DEPOSIT FUNDS IN FOREIGN*  
9 *CURRENCY FLUCTUATIONS, CONSTRUCTION, DEFENSE AC-*  
10 *COUNT.—Subsection (e) of such section is amended by strik-*  
11 *ing “(1) Except as provided in paragraph (2), the Secretary*  
12 *concerned may deposit funds” and all that follows through*  
13 *“funds deposited under paragraph (2) shall be available”*  
14 *in paragraph (3) and inserting “The Secretary concerned*  
15 *shall deposit funds received under subsection (b) in the ap-*  
16 *propriation ‘Foreign Currency Fluctuations, Construction,*  
17 *Defense’. The funds deposited shall be available”.*

18 *(c) ELIMINATION OF ANNUAL REPORT REQUIREMENT;*  
19 *SUNSET.—Subsection (f) of such section is amended to read*  
20 *as follows:*

21 *“(f) SUNSET.—The authority to enter into an agree-*  
22 *ment under this section shall expire on September 30,*  
23 *2013.”.*

1       (d) *CLERICAL AMENDMENT.*—*The item relating to*  
 2 *such section in the table of sections at the beginning of chap-*  
 3 *ter 169 of such title is amended to read as follows:*

“2869. *Conveyance of property at military installations to limit encroachment.*”.

4 **SEC. 2814. TWO-YEAR EXTENSION OF AUTHORITY FOR**  
 5 **PILOT PROJECTS FOR ACQUISITION OR CON-**  
 6 **STRUCTION OF MILITARY UNACCOMPANIED**  
 7 **HOUSING.**

8       Section 2881a of title 10, United States Code, is  
 9 amended by striking “2009” and inserting “2011”.

## 10       ***Subtitle B—Energy Security***

11 **SEC. 2821. REPORT ON DEPARTMENT OF DEFENSE EFFORTS**  
 12 **TOWARD INSTALLATION OF SOLAR PANELS**  
 13 **AND OTHER RENEWABLE ENERGY PROJECTS**  
 14 **ON MILITARY INSTALLATIONS.**

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 congressional defense commit-*  
 18 *tees a report that describes and assesses current Department*  
 19 *of Defense efforts toward the installation of solar panels and*  
 20 *other renewable energy projects on military installations*  
 21 *and facilities.*

22       (b) *ELEMENTS.*—*The report required by subsection (a)*  
 23 *shall set forth the following:*

24               (1) *A description and assessment of the status of*  
 25 *current Department efforts toward the installation of*

1        *solar panels and other renewable energy projects on*  
2        *military installations and facilities.*

3            (2) *A description of any legislative, administra-*  
4        *tive, or other impediments to such efforts.*

5            (3) *Such recommendations for legislative or ad-*  
6        *ministrative action as the Secretary considers appro-*  
7        *priate for purposes of—*

8            (A) *furthering such efforts; and*

9            (B) *achieving the renewable energy goals of*  
10        *the Department by 2025.*

11            (4) *Such other matters as the Secretary considers*  
12        *appropriate.*

### 13        ***Subtitle C—Land Conveyances***

#### 14        **SEC. 2831. LAND CONVEYANCE, NAVAL AIR STATION** 15        **OCEANA, VIRGINIA.**

16            (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*  
17        *Navy may convey to the City of Virginia Beach, Virginia*  
18        *(in this section referred to as the “City”), all right, title,*  
19        *and interest of the United States in and to a parcel of real*  
20        *property, including any improvements thereon, consisting*  
21        *of approximately 2.4 acres at Naval Air Station, Oceana,*  
22        *Virginia, for the purpose of permitting the City to expand*  
23        *services to support the Marine Animal Care Center.*

24            (b) *CONSIDERATION.*—*As consideration for the convey-*  
25        *ance under subsection (a), the City shall provide compensa-*

1 *tion to the Secretary of the Navy in an amount equal to*  
2 *the fair market value of the real property conveyed under*  
3 *such subsection, as determined by appraisals acceptable to*  
4 *the Secretary.*

5 (c) *DESCRIPTION OF PROPERTY.*—*The exact acreage*  
6 *and legal description of the real property to be exchanged*  
7 *under this section shall be determined by surveys satisfac-*  
8 *tory to the Secretary.*

9 (d) *PAYMENT OF COSTS OF CONVEYANCES.*—

10 (1) *PAYMENT REQUIRED.*—*The Secretary shall*  
11 *require the City to cover costs to be incurred by the*  
12 *Secretary, or to reimburse the Secretary for costs in-*  
13 *curring by the Secretary, to carry out the conveyance*  
14 *under this section, including survey costs related to*  
15 *the conveyance. If amounts are collected from the City*  
16 *in advance of the Secretary incurring the actual costs,*  
17 *and the amount collected exceeds the costs actually in-*  
18 *curring by the Secretary to carry out the conveyance,*  
19 *the Secretary shall refund the excess amount to the*  
20 *City.*

21 (2) *TREATMENT OF AMOUNTS RECEIVED.*—  
22 *Amounts received under paragraph (1) as reimburse-*  
23 *ment for costs incurred by the Secretary to carry out*  
24 *the conveyance under this section shall be credited to*  
25 *the fund or account that was used to cover the costs*

1        *incurred by the Secretary in carrying out the convey-*  
2        *ance. Amounts so credited shall be merged with*  
3        *amounts in such fund or account and shall be avail-*  
4        *able for the same purposes, and subject to the same*  
5        *conditions and limitations, as amounts in such fund*  
6        *or account.*

7        *(e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*  
8        *retary may require such additional terms and conditions*  
9        *in connection with the conveyance under this section as the*  
10       *Secretary considers appropriate to protect the interests of*  
11       *the United States.*

12       **SEC. 2832. RELEASE OF REVERSIONARY INTEREST.**

13       *The United States releases to the State of Arkansas the*  
14       *reversionary interest described in sections 2 and 3 of the*  
15       *Act entitled “An Act authorizing the transfer of part of*  
16       *Camp Joseph T. Robinson to the State of Arkansas”, ap-*  
17       *proved June 30, 1950 (64 Stat. 311, chapter 429), in and*  
18       *to the surface estate of the land constituting Camp Joseph*  
19       *T. Robinson, Arkansas, which is comprised of 40.515 acres*  
20       *of land to be acquired by the United States of America and*  
21       *40.513 acres to be acquired by the City of North Little Rock,*  
22       *Arkansas, and lies in sections 6, 8, and 9 of township 2*  
23       *North, Range 12 West, Pulaski County, Arkansas.*

1 **SEC. 2833. LAND CONVEYANCE, ELLSWORTH AIR FORCE**  
2 **BASE, SOUTH DAKOTA.**

3 (a) *CHANGE IN RECIPIENT UNDER EXISTING AUTHOR-*  
4 *ITY.*—

5 (1) *IN GENERAL.*—Section 2863(a) of the Mili-  
6 *tary Construction Act for Fiscal Year 1998 (division*  
7 *B of Public Law 105–85; 111 Stat. 2010), as amend-*  
8 *ed by section 2865(a) of the Military Construction*  
9 *Act for Fiscal Year 2001 (as enacted into law by Pub-*  
10 *lic Law 106–398; 114 Stat. 1654A–435), is further*  
11 *amended by striking “West River Foundation for*  
12 *Economic and Community Development, Sturgis,*  
13 *South Dakota (in this section referred to as the*  
14 *‘Foundation’)*” and inserting “South Dakota Ells-  
15 *worth Development Authority, Pierre, South Dakota*  
16 *(in this section referred to as the ‘Authority’)*”.

17 (2) *TECHNICAL AND CONFORMING AMEND-*  
18 *MENTS.*—Section 2863 of the *Military Construction*  
19 *Act for Fiscal Year 1998 (division B of Public Law*  
20 *105–85; 111 Stat. 2010), as amended by section*  
21 *2865(b) of the Military Construction Act for Fiscal*  
22 *Year 2001 (as enacted into law by Public Law 106–*  
23 *398; 114 Stat. 1654A–435), is further amended—*

24 (A) *by striking “Foundation” each place it*  
25 *appears in subsections (c) and (e) and inserting*  
26 *“Authority”;*

1                   (B) in subsection (b)(1)—

2                   (i) in subparagraph (B), by striking  
3                   “137.56 acres” and inserting “120.70  
4                   acres”; and

5                   (ii) by striking subparagraphs (C),  
6                   (D), and (E).

7           (b) *NEW CONVEYANCE AUTHORITY.*—

8                   (1) *CONVEYANCE AUTHORIZED.*—*The Secretary*  
9                   *of the Air Force may convey, without consideration,*  
10                   *to the South Dakota Ellsworth Development Author-*  
11                   *ity, Pierre, South Dakota (in this subsection referred*  
12                   *to as the “Authority”), all right, title, and interest of*  
13                   *the United States in and to the parcels of real prop-*  
14                   *erty located at Ellsworth Air Force Base, South Da-*  
15                   *kota, referred to in paragraph (2).*

16                   (2) *COVERED PROPERTY.*—*The real property re-*  
17                   *ferred to in paragraph (1) is the following:*

18                   (A) *A parcel of real property, together with*  
19                   *any improvements thereon, consisting of ap-*  
20                   *proximately 2.37 acres and comprising the*  
21                   *11000 West Communications Annex.*

22                   (B) *A parcel of real property, together with*  
23                   *any improvements thereon, consisting of ap-*  
24                   *proximately 6.643 acres and comprising the*  
25                   *South Nike Education Annex.*



1           (3) *CONDITION.*—As a condition of the convey-  
2           ance under this subsection, the Authority, and any  
3           person or entity to which the Authority transfers the  
4           property, shall comply in the use of the property with  
5           the applicable provisions of the Ellsworth Air Force  
6           Base Air Installation Compatible Use Zone Study.

7           (4) *REVERSIONARY INTEREST.*—If the Secretary  
8           determines at any time that the real property con-  
9           veyed under paragraph (1) is not being used in com-  
10          pliance with the applicable provisions of the Ells-  
11          worth Air Force Base Air Installation Compatible  
12          Use Zone Study, all right, title, and interest in and  
13          to such real property, including any improvements  
14          and appurtenant easements thereto, shall, at the op-  
15          tion of the Secretary, revert to and become the prop-  
16          erty of the United States, and the United States shall  
17          have the right of immediate entry onto such real  
18          property. A determination by the Secretary under  
19          this paragraph shall be made on the record after an  
20          opportunity for a hearing.

21          (5) *DESCRIPTION OF PROPERTY.*—The exact  
22          acreage and legal description of the real property to  
23          be conveyed under this subsection shall be determined  
24          by a survey satisfactory to the Secretary.

1           (6) *ADDITIONAL TERMS AND CONDITIONS.*—*The*  
2           *Secretary may require such additional terms and*  
3           *conditions in connection with the conveyance under*  
4           *this subsection as the Secretary considers appropriate*  
5           *to protect the interests of the United States.*

6 **SEC. 2834. LAND CONVEYANCE, F.E. WARREN AIR FORCE**  
7                                   **BASE, CHEYENNE, WYOMING.**

8           (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*  
9           *Air Force may convey to the County of Laramie, Wyoming*  
10           *(in this section referred to as the “County”) all right, title,*  
11           *and interest of the United States in and to a parcel of real*  
12           *property, including any improvements thereon and appur-*  
13           *tenant easements thereto, consisting of approximately 73*  
14           *acres along the southeastern boundary of F.E. Warren Air*  
15           *Force Base, Cheyenne, Wyoming, for the purpose of remov-*  
16           *ing the property from the boundaries of the installation and*  
17           *permitting the County to preserve the entire property for*  
18           *healthcare facilities.*

19           (b) *CONSIDERATION.*—

20           (1) *IN GENERAL.*—*As consideration for the con-*  
21           *veyance under subsection (a), the County shall pro-*  
22           *vide the United States consideration, whether by cash*  
23           *payment, in-kind consideration as described under*  
24           *paragraph (2), or a combination thereof, in an*  
25           *amount that is not less than the fair market value of*

1     *the conveyed real property, as determined by the Sec-*  
2     *retary.*

3           (2) *IN-KIND CONSIDERATION.*—*In-kind consider-*  
4     *ation provided by the County under paragraph (1)*  
5     *may include the acquisition, construction, provision,*  
6     *improvement, maintenance, repair, or restoration (in-*  
7     *cluding environmental restoration), or combination*  
8     *thereof, of any facilities or infrastructure relating to*  
9     *the security of F.E. Warren Air Force Base, that the*  
10    *Secretary considers acceptable.*

11           (3) *RELATION TO OTHER LAWS.*—*Sections 2662*  
12    *and 2802 of title 10, United States Code, shall not*  
13    *apply to any new facilities or infrastructure received*  
14    *by the United States as in-kind consideration under*  
15    *paragraph (2).*

16           (4) *NOTICE TO CONGRESS.*—*The Secretary shall*  
17    *provide written notification to the congressional de-*  
18    *fense committees of the types and value of consider-*  
19    *ation provided the United States under paragraph*  
20    *(1).*

21           (5) *TREATMENT OF CASH CONSIDERATION RE-*  
22    *CEIVED.*—*Any cash payment received by the United*  
23    *States under paragraph (1) shall be deposited in the*  
24    *special account in the Treasury established under sub-*  
25    *section (b) of section 572 of title 40, United States*

1       Code, and shall be available in accordance with para-  
2       graph (5)(B)(ii) of such subsection.

3       (c) *REVERSIONARY INTEREST.*—

4           (1) *IN GENERAL.*—If the Secretary determines at  
5       any time that the County is not using the property  
6       conveyed under subsection (a) in accordance with the  
7       purpose of the conveyance specified in such subsection,  
8       all right, title, and interest in and to the property,  
9       including any improvements thereon, shall revert, at  
10      the option of the Secretary, to the United States, and  
11      the United States shall have the right of immediate  
12      entry onto the property. Any determination of the  
13      Secretary under this subsection shall be made on the  
14      record after an opportunity for a hearing.

15          (2) *RELEASE OF REVERSIONARY INTEREST.*—The  
16      Secretary shall release, without consideration, the re-  
17      versionary interest retained by the United States  
18      under paragraph (1) if—

19           (A) *F.E. Warren Air Force Base, Cheyenne*  
20      *Wyoming, is no longer being used for Depart-*  
21      *ment of Defense activities; or*

22           (B) *the Secretary determines that the rever-*  
23      *sionary interest is otherwise unnecessary to pro-*  
24      *tect the interests of the United States.*

25      (d) *PAYMENT OF COSTS OF CONVEYANCE.*—

1           (1) *PAYMENT REQUIRED.*—*The Secretary shall*  
2 *require the County to cover costs to be incurred by the*  
3 *Secretary, or to reimburse the Secretary for costs in-*  
4 *curring by the Secretary, to carry out the conveyance*  
5 *under subsection (a) and implement the receipt of in-*  
6 *kind consideration under paragraph (b), including*  
7 *survey costs, appraisal costs, costs related to environ-*  
8 *mental documentation, and other administrative costs*  
9 *related to the conveyance and receipt of in-kind con-*  
10 *sideration. If amounts are received from the County*  
11 *in advance of the Secretary incurring the actual costs,*  
12 *and the amount received exceeds the costs actually in-*  
13 *curring by the Secretary under this section, the Sec-*  
14 *retary shall refund the excess amount to the County.*

15           (2) *TREATMENT OF AMOUNTS RECEIVED.*—  
16 *Amounts received as reimbursements under para-*  
17 *graph (1) shall be credited to the fund or account that*  
18 *was used to cover the costs incurred by the Secretary*  
19 *in carrying out the conveyance and implementing the*  
20 *receipt of in-kind consideration. Amounts so credited*  
21 *shall be merged with amounts in such fund or account*  
22 *and shall be available for the same purposes, and sub-*  
23 *ject to the same conditions and limitations, as*  
24 *amounts in such fund or account.*

1       (e) *DESCRIPTION OF REAL PROPERTY.*—*The exact*  
2 *acreage and legal description of the real property to be con-*  
3 *veyed under subsection (a) shall be determined by a survey*  
4 *satisfactory to the Secretary.*

5       (f) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*  
6 *retary may require such additional terms and conditions*  
7 *in connection with the conveyance under subsection (a) as*  
8 *the Secretary considers appropriate to protect the interests*  
9 *of the United States.*

10 **SEC. 2835. LAND CONVEYANCE, LACKLAND AIR FORCE**  
11 **BASE, TEXAS.**

12       (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*  
13 *Air Force may convey to an eligible entity, all right, title,*  
14 *and interest of the United States to not more than 250 acres*  
15 *of real property and associated easements and improve-*  
16 *ments on Lackland Air Force Base, Texas, in exchange for*  
17 *real property adjacent to or near the installation for the*  
18 *purpose of relocating and consolidating Air Force tenants*  
19 *located on the former Kelly Air Force Base, Texas, onto the*  
20 *main portion of Lackland Air Force Base.*

21       (b) *CONDITION OF CONVEYANCE.*—*The conveyance*  
22 *under subsection (a) shall be subject to the condition that*  
23 *the eligible entity accept the real property in its condition*  
24 *at the time of the conveyance, commonly known as convey-*  
25 *ance “as is” and not subject to the requirements for cov-*

1 *enants in deed under section 120(h)(3) of the Comprehen-*  
2 *sive Environmental Response, Compensation, and Liability*  
3 *Act of 1980 (42 U.S.C. 9620(h)(3)).*

4 (c) *ELIGIBLE ENTITIES.*—*A conveyance under this*  
5 *section may be made to the City of San Antonio, Texas,*  
6 *or an organization or agency chartered or sponsored by the*  
7 *local or State government.*

8 (d) *CONSIDERATION.*—*As consideration for the convey-*  
9 *ance under subsection (a), the eligible entity shall provide*  
10 *the Air Force with real property or real property improve-*  
11 *ments, or a combination of both, of equal value, as deter-*  
12 *mined by the Secretary. If the fair market value of the real*  
13 *property or real property improvements, or combination*  
14 *thereof, is less than the fair market value of the real prop-*  
15 *erty to be conveyed by the Air Force, the eligible entity shall*  
16 *provide cash payment to the Air Force, or provide Lackland*  
17 *Air Force Base with in-kind consideration of an amount*  
18 *equal to the difference in the fair market values. Any cash*  
19 *payment received by the Air Force for the conveyance au-*  
20 *thorized by subsection (a) shall be deposited in the special*  
21 *account described in section 2667(e) of title 10, United*  
22 *States Code, and shall be available to the Secretary for the*  
23 *same uses and subject to the same limitations as provided*  
24 *in that section.*

25 (e) *PAYMENT OF COSTS OF CONVEYANCE.*—

1           (1) *IN GENERAL.*—*The Secretary may require*  
2 *the eligible entity to cover costs to be incurred by the*  
3 *Secretary, or to reimburse the Secretary for costs in-*  
4 *curring by the Secretary, to carry out the conveyances*  
5 *under this section, including survey costs, costs re-*  
6 *lated to environmental documentation, and other ad-*  
7 *ministrative costs related to the conveyances. If*  
8 *amounts are collected from the eligible entity in ad-*  
9 *vance of the Secretary incurring the actual costs, and*  
10 *the amount collected exceeds the costs actually in-*  
11 *curring by the Secretary to carry out the conveyance,*  
12 *the Secretary shall refund the excess amount to the el-*  
13 *igible entity.*

14           (2) *TREATMENT OF AMOUNTS RECEIVED.*—  
15 *Amounts received as reimbursement under paragraph*  
16 *(1) shall be credited to the fund or account that was*  
17 *used to cover the costs incurred by the Secretary in*  
18 *carrying out the conveyances. Amounts so credited*  
19 *shall be merged with amounts in such fund or ac-*  
20 *count, and shall be available for the same purposes,*  
21 *and subject to the same conditions and limitations, as*  
22 *amounts in such fund or account.*

23           (f) *DESCRIPTION OF PROPERTY.*—*The exact acreage*  
24 *and legal description of the real property to be conveyed*



1 *under subsection (a) shall be determined by a survey satis-*  
2 *factory to the Secretary.*

3       (g) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*  
4 *retary may require such additional terms and conditions*  
5 *in connection with the conveyances under this section as*  
6 *the Secretary considers appropriate to protect the interests*  
7 *of the United States.*

8 **SEC. 2836. LAND CONVEYANCE, HAINES TANK FARM,**  
9                   **HAINES, ALASKA.**

10       (a) *CONVEYANCE AUTHORIZED.—The Secretary of the*  
11 *Army may convey to the Chilkoot Indian Association (in*  
12 *this section referred to as the “Association”) all right, title,*  
13 *and interest of the United States in and to a parcel of real*  
14 *property, including improvements thereon, consisting of ap-*  
15 *proximately 201 acres located at the former Haines Fuel*  
16 *Terminal (also known as the Haines Tank Farm) in*  
17 *Haines, Alaska, for the purpose of permitting the Associa-*  
18 *tion to develop a Deep Sea Port and for other industrial*  
19 *and commercial development purposes. To the extent prac-*  
20 *ticable, the Secretary is encouraged to complete the convey-*  
21 *ance by September 30, 2013, but not prior to the date of*  
22 *completion of all obligations referenced in subsection (e).*

23       (b) *CONSIDERATION.—As consideration for the convey-*  
24 *ance under subsection (a), the Association shall pay to the*  
25 *Secretary an amount equal to the fair market value of the*

1 *property, as determined by the Secretary. The determina-*  
2 *tion of the Secretary shall be final.*

3       (c) *REVERSIONARY INTEREST.*—*If the Secretary deter-*  
4 *mines at any time that the real property conveyed under*  
5 *subsection (a) is not being used in accordance with the pur-*  
6 *pose of the conveyance, all right, title, and interest in and*  
7 *to such real property, including any improvements and ap-*  
8 *purtenant easements thereto, shall, at the option of the Sec-*  
9 *retary, revert to and become the property of the United*  
10 *States, and the United States shall have the right of imme-*  
11 *diante entry onto such real property. A determination by the*  
12 *Secretary under this subsection shall be made on the record*  
13 *after an opportunity for a hearing.*

14       (d) *PAYMENT OF COSTS OF CONVEYANCES.*—

15           (1) *PAYMENT REQUIRED.*—*The Secretary shall*  
16 *require the Association to cover costs to be incurred*  
17 *by the Secretary, or to reimburse the Secretary for*  
18 *costs incurred by the Secretary, to carry out the con-*  
19 *veyance under subsection (a), including survey costs,*  
20 *costs related to environmental documentation, and*  
21 *other administrative costs related to the conveyance.*  
22 *If amounts are collected from the Association in ad-*  
23 *vance of the Secretary incurring the actual costs, and*  
24 *the amount collected exceeds the costs actually in-*  
25 *curred by the Secretary to carry out the conveyance,*

1     *the Secretary shall refund the excess amount to the*  
2     *Association.*

3             (2) *TREATMENT OF AMOUNTS RECEIVED.—*  
4     *Amounts received as reimbursements under para-*  
5     *graph (1) shall be credited to the fund or account that*  
6     *was used to cover the costs incurred by the Secretary*  
7     *in carrying out the conveyance. Amounts so credited*  
8     *shall be merged with amounts in such fund or account*  
9     *and shall be available for the same purposes, and sub-*  
10    *ject to the same conditions and limitations, as*  
11    *amounts in such fund or account.*

12            (e) *SAVINGS PROVISION.—The Haines Tank Farm is*  
13    *currently under a remedial investigation (RI) for petro-*  
14    *leum, oil and lubricants contamination. Nothing in this*  
15    *section shall be construed to affect or limit the application*  
16    *of, or any obligation to comply with, any environmental*  
17    *law, including the National Environmental Policy Act (42*  
18    *U.S.C. 4321 et seq.), the Comprehensive Environmental Re-*  
19    *sponse, Compensation, and Liability Act of 1980 (42 U.S.C.*  
20    *9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C.*  
21    *6901 et seq.).*

22            (f) *DESCRIPTION OF PROPERTY.—The exact acreage*  
23    *and legal description of the real property to be conveyed*  
24    *under this section shall be determined by a survey satisfac-*  
25    *tory to the Secretary.*

1       (g) *ADDITIONAL TERM AND CONDITIONS.*—*The Sec-*  
2 *retary may require such additional terms and conditions*  
3 *in connection with the conveyance under this section as the*  
4 *Secretary considers appropriate to protect the interests of*  
5 *the United States.*

6 **SEC. 2837. LAND CONVEYANCES OF CERTAIN PARCELS IN**  
7                   **THE CAMP CATLIN AND OHANA NUI AREAS,**  
8                   **PEARL HARBOR, HAWAII.**

9       (a) *CONVEYANCES AUTHORIZED.*—*The Secretary of*  
10 *the Navy (“the Secretary”) may convey to any person or*  
11 *entity leasing or licensing real property located at Camp*  
12 *Catlin and Ohana Nui areas, Hawaii, as of the date of the*  
13 *enactment of this Act (“the lessee”) all right, title, and in-*  
14 *terest of the United States in and to the portion of such*  
15 *property that is respectively leased or licensed by such per-*  
16 *son or entity for the purpose of continuing the same func-*  
17 *tions as are being conducted on the property as of the date*  
18 *of the enactment of this Act.*

19       (b) *CONSIDERATION.*—*As consideration for a convey-*  
20 *ance under subsection (a), the lessee shall provide the*  
21 *United States, whether by cash payment, in-kind consider-*  
22 *ation, or a combination thereof, an amount that is not less*  
23 *than the fair market of the conveyed property, as deter-*  
24 *mined pursuant to an appraisal acceptable to the Sec-*  
25 *retary.*

1       (c) *EXERCISE OF RIGHT TO PURCHASE PROPERTY.*—

2           (1) *ACCEPTANCE OF OFFER.*—For a period of  
3       180 days beginning on the date the Secretary makes  
4       a written offer to convey the property or any portion  
5       thereof under subsection (a), the lessee shall have the  
6       exclusive right to accept such offer by providing writ-  
7       ten notice of acceptance to the Secretary within the  
8       specified 180-day time period. If the Secretary's offer  
9       is not so accepted within the 180-day period, the offer  
10      shall expire.

11          (2) *CONVEYANCE DEADLINE.*—If a lessee accepts  
12      the offer to convey the property or a portion thereof  
13      in accordance with paragraph (1), the conveyance  
14      shall take place not later than 2 years after the date  
15      of the lessee's written acceptance, provided that the  
16      conveyance date may be extended for a reasonable pe-  
17      riod of time by mutual agreement of the parties, evi-  
18      denced by a written instrument executed by the par-  
19      ties prior to the end of the 2-year period. If the les-  
20      see's lease or license term expires before the convey-  
21      ance is completed, the Secretary may extend the lease  
22      or license term up to the date of conveyance, provided  
23      that the lessee shall be required to pay for such ex-  
24      tended term at the rate in effect at the time it was  
25      declared excess property.

1       (d) *PAYMENT OF COSTS OF CONVEYANCES.*—

2           (1) *PAYMENT REQUIRED.*—*The Secretary shall*  
3 *require the lessee to cover costs to be incurred by the*  
4 *Secretary, or to reimburse the Secretary for costs in-*  
5 *curring by the Secretary, to carry out a conveyance*  
6 *under subsection (a), including survey costs, related*  
7 *to the conveyance. If amounts are collected from the*  
8 *lessee in advance of the Secretary incurring the actual*  
9 *costs, and the amount collected exceeds the costs actu-*  
10 *ally incurred by the Secretary to carry out the con-*  
11 *veyance, the Secretary shall refund the excess amount*  
12 *to the lessee.*

13           (2) *TREATMENT OF AMOUNTS RECEIVED.*—  
14 *Amounts received under paragraph (1) as reimburse-*  
15 *ment for costs incurred by the Secretary to carry out*  
16 *a conveyance under subsection (a) shall be credited to*  
17 *the fund or account that was used to cover the costs*  
18 *incurred by the Secretary in carrying out the convey-*  
19 *ance. Amounts so credited shall be merged with*  
20 *amounts in such fund or account and shall be avail-*  
21 *able for the same purposes, and subject to the same*  
22 *conditions and limitations, as amounts in such fund*  
23 *or account.*

24       (e) *DESCRIPTION OF PROPERTY.*—*The exact acreage*  
25 *and legal description of any real property to be conveyed*

1 *under subsection (a) shall be determined by a survey satis-*  
2 *factory to the Secretary.*

3 (f) *ADDITIONAL TERM AND CONDITIONS.—The Sec-*  
4 *retary may require such additional terms and conditions*  
5 *in connection with a conveyance under subsection (a) as*  
6 *the Secretary considers appropriate to protect the interests*  
7 *of the United States.*

## 8 ***Subtitle D—Other Matters***

### 9 **SEC. 2841. EXPANSION OF FIRST SERGEANTS BARRACKS** 10 **INITIATIVE.**

11 (a) *EXPANSION OF INITIATIVE.—Not later than Sep-*  
12 *tember 30, 2011, the Secretary of the Army shall expand*  
13 *the First Sergeants Barracks Initiative (FSBI) to include*  
14 *all Army installations in order to improve the quality of*  
15 *life and living environments for single soldiers.*

16 (b) *PROGRESS REPORTS.—Not later than February*  
17 *15, 2010, and February 15, 2011, the Secretary of the Army*  
18 *shall submit to Congress a report describing the progress*  
19 *made in expanding the First Sergeants Barracks Initiative*  
20 *to all Army installations, including whether the Secretary*  
21 *anticipates meeting the deadline imposed by subsection (a).*

1 **TITLE XXIX—OVERSEAS CONTIN-**  
 2 **GENCY OPERATIONS MILI-**  
 3 **TARY CONSTRUCTION AU-**  
 4 **THORIZATIONS**

5 **SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND**  
 6 **ACQUISITION PROJECTS.**

7 (a) *OUTSIDE THE UNITED STATES.*—Using amounts  
 8 appropriated pursuant to the authorization of appropria-  
 9 tions in subsection (b)(1), the Secretary of the Army may  
 10 acquire real property and carry out military construction  
 11 projects to construct or renovate warrior transition unit fa-  
 12 cilities at the installations or locations outside the United  
 13 States set forth in the following table:

**Army: Outside the United States**

<b>Country</b>	<b>Installation or Location</b>	<b>Amount</b>
<i>Various</i> .....	<i>Various locations</i> .....	\$854,600,000

14 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Funds are  
 15 hereby authorized to be appropriated for fiscal years begin-  
 16 ning after September 30, 2009, for military construction,  
 17 land acquisition, and military family housing functions of  
 18 the Department of the Army in the total amount of  
 19 \$930,484,000, as follows:

20 (1) *For military construction projects outside the*  
 21 *United States authorized by subsection (a),*  
 22 *\$854,600,000.*



1           (2) *For architectural and engineering services*  
 2           *and construction design under section 2807 of title*  
 3           *10, United States Code, \$75,884,000.*

4           (c) *REPORT REQUIRED BEFORE COMMENCING CER-*  
 5           *TAIN PROJECTS.—Funds may not be obligated for the*  
 6           *projects authorized by this section until 14 days after the*  
 7           *date on which the Secretary of Defense submits to the con-*  
 8           *gressional defense committees a report containing a detailed*  
 9           *justification for the projects.*

10 **SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND**  
 11 **LAND ACQUISITION PROJECTS.**

12           (a) *OUTSIDE THE UNITED STATES.—Using amounts*  
 13           *appropriated pursuant to the authorization of appropria-*  
 14           *tions in subsection (b)(1), the Secretary of the Air Force*  
 15           *may acquire real property and carry out military construc-*  
 16           *tion projects to construct or renovate warrior transition*  
 17           *unit facilities at the installations or locations outside the*  
 18           *United States set forth in the following table:*

***Air Force: Outside the United States***

<b><i>Country</i></b>	<b><i>Installation or Location</i></b>	<b><i>Amount</i></b>
<i>Various .....</i>	<i>Various locations .....</i>	<i>\$439,500,000</i>

19           (b) *AUTHORIZATION OF APPROPRIATIONS.—Subject to*  
 20           *section 2825 of title 10, United States Code, funds are here-*  
 21           *by authorized to be appropriated for fiscal years beginning*  
 22           *after September 30, 2009, for military construction, land*  
 23           *acquisition, and military family housing functions of the*

1 *Department of the Air Force in the total amount of*  
2 *\$474,500,000, as follows:*

3 *(1) For military construction projects outside the*  
4 *United States authorized by subsection (a),*  
5 *\$439,500,000.*

6 *(2) For architectural and engineering services*  
7 *and construction design under section 2807 of title*  
8 *10, United States Code, \$35,000,000.*

9 *(c) REPORT REQUIRED BEFORE COMMENCING CER-*  
10 *TAIN PROJECTS.—Funds may not be obligated for the*  
11 *projects authorized by this section until 14 days after the*  
12 *date on which the Secretary of Defense submits to the con-*  
13 *gressional defense committees a report containing a detailed*  
14 *justification for the projects.*

1 **DIVISION C—DEPARTMENT OF**  
2 **ENERGY NATIONAL SECURITY**  
3 **AUTHORIZATIONS AND**  
4 **OTHER AUTHORIZATIONS**  
5 **TITLE XXXI—DEPARTMENT OF**  
6 **ENERGY NATIONAL SECURITY**  
7 **PROGRAMS**  
8 **Subtitle A—National Security**  
9 **Programs Authorizations**

10 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.**  
11

12 (a) *AUTHORIZATION OF APPROPRIATIONS.—Funds are*  
13 *hereby authorized to be appropriated to the Department of*  
14 *Energy for fiscal year 2010 for the activities of the National*  
15 *Nuclear Security Administration in carrying out programs*  
16 *necessary for national security in the amount of*  
17 *\$10,051,215,000, to be allocated as follows:*

18 (1) *For weapons activities, \$6,490,619,000.*

19 (2) *For defense nuclear nonproliferation activities,*  
20 *including \$705,900,000 for fissile materials dis-*  
21 *position, \$2,136,709,000.*

22 (3) *For naval reactors, \$1,003,133,000.*

23 (4) *For the Office of the Administrator for Nu-*  
24 *clear Security, \$420,754,000.*

1       (b) *AUTHORIZATION OF NEW PLANT PROJECTS.*—  
2 *From funds referred to in subsection (a) that are available*  
3 *for carrying out plant projects, the Secretary of Energy*  
4 *may carry out new plant projects for the National Nuclear*  
5 *Security Administration as follows:*

6           (1) *For readiness in technical base and facilities,*  
7 *the following new plant project:*

8                   *Project 10–D–501, Nuclear Facility Risk*  
9                   *Reduction (NFRR), Y–12 National Security*  
10                   *Complex, Oak Ridge, Tennessee, \$12,500,000.*

11           (2) *For defense nuclear security, the following*  
12 *new plant project:*

13                   *Project 10–D–701, Security Improvement*  
14                   *Project (SIP), Y–12 National Security Complex,*  
15                   *Oak Ridge, Tennessee, \$49,000,000.*

16           (3) *For naval reactors, the following new plant*  
17 *projects:*

18                   *Project 10–D–904, Naval Reactors Facility*  
19                   *(NRF) infrastructure upgrades, Naval Reactors*  
20                   *Facility, Idaho Falls, Idaho, \$700,000.*

21                   *Project 10–D–903, Security upgrades,*  
22                   *Knolls Atomic Power Laboratory, Knolls Site*  
23                   *and Kesselring Site, Schenectady, New York,*  
24                   *\$1,500,000.*

1 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

2 *Funds are hereby authorized to be appropriated to the*  
3 *Department of Energy for fiscal year 2010 for defense envi-*  
4 *ronmental cleanup activities in carrying out programs nec-*  
5 *essary for national security in the amount of*  
6 *\$5,395,831,000.*

7 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

8 *Funds are hereby authorized to be appropriated to the*  
9 *Department of Energy for fiscal year 2010 for other defense*  
10 *activities in carrying out programs necessary for national*  
11 *security in the amount of \$852,468,000.*

12 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

13 *Funds are hereby authorized to be appropriated to the*  
14 *Department of Energy for fiscal year 2010 for defense nu-*  
15 *clear waste disposal for payment to the Nuclear Waste Fund*  
16 *established in section 302(c) of the Nuclear Waste Policy*  
17 *Act of 1982 (42 U.S.C. 10222(c)) in the amount of*  
18 *\$98,400,000.*

19 **SEC. 3105. FUNDING TABLE.**

20 *The amounts authorized to be appropriated by sections*  
21 *3101, 3102, 3103, and 3104 shall be available, in accord-*  
22 *ance 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 4501.*

1 **Subtitle B—Program Authoriza-**  
2 **tions, Restrictions, and Limita-**  
3 **tions**

4 **SEC. 3111. NUCLEAR WEAPONS STOCKPILE LIFE EXTEN-**  
5 **SION PROGRAM.**

6 *Section 4204 of the Atomic Energy Defense Act (50*  
7 *U.S.C. 2524) is amended to read as follows:*

8 **“SEC. 4204. NUCLEAR WEAPONS STOCKPILE LIFE EXTEN-**  
9 **SION PROGRAM.**

10 *“(a) PROGRAM REQUIRED.—The Secretary of Energy*  
11 *shall, in consultation with the Secretary of Defense, carry*  
12 *out a program to provide for the extension of the effective*  
13 *life of the weapons in the nuclear weapons stockpile without*  
14 *nuclear weapons testing.*

15 *“(b) ADMINISTRATIVE RESPONSIBILITY FOR PRO-*  
16 *GRAM.—*

17 *“(1) IN GENERAL.—The program under sub-*  
18 *section (a) shall be carried out through the National*  
19 *Nuclear Security Administration.*

20 *“(2) INCLUSION OF PROGRAM FUNDS IN BUDG-*  
21 *ET.—For each budget submitted by the President to*  
22 *Congress under section 1105 of title 31, United States*  
23 *Code, the amounts requested for the program under*  
24 *subsection (a) shall be clearly identified in the budget*

1     *justification materials submitted to Congress in sup-*  
2     *port of that budget.*

3     “(c) *PROGRAM PLAN.*—*As part of the program under*  
4     *subsection (a), the Secretary of Energy shall develop a long-*  
5     *term plan to extend the effective life of the weapons in the*  
6     *nuclear weapons stockpile without nuclear weapons testing.*  
7     *The plan shall include the following:*

8             “(1) *Mechanisms to provide for the manufacture,*  
9     *maintenance, and modernization of each weapon de-*  
10    *sign in the nuclear stockpile, as needed.*

11            “(2) *Mechanisms to expedite the collection of in-*  
12    *formation necessary for carrying out the program, in-*  
13    *cluding information relating to the aging of materials*  
14    *and components, new manufacturing techniques, and*  
15    *the replacement or substitution of materials.*

16            “(3) *Mechanisms to ensure the appropriate as-*  
17    *signment of roles and missions for each nuclear weap-*  
18    *ons laboratory and production plant of the Depart-*  
19    *ment of Energy, including mechanisms for allocation*  
20    *of workload, mechanisms to ensure the carrying out*  
21    *of appropriate modernization activities, and mecha-*  
22    *nisms to ensure the retention of skilled personnel.*

23            “(4) *Mechanisms to ensure that each national*  
24    *laboratory of the National Nuclear Security Adminis-*  
25    *tration has full and complete access to all weapons*

1     *data to enable a rigorous peer review process to sup-*  
2     *port the annual assessment of the condition of the nu-*  
3     *clear weapons stockpile required under section 4205.*

4             *“(5) Mechanisms for allocating funds for activi-*  
5     *ties under the program, including allocations of funds*  
6     *by weapon type and facility.*

7             *“(6) An identification of the funds needed, in the*  
8     *current fiscal year and in each of the next 5 fiscal*  
9     *years, to carry out the program.*

10            *“(d) ANNUAL UPDATES.—The Secretary of Energy*  
11    *shall update the plan required under subsection (c) annu-*  
12    *ally and shall submit the updated plan to Congress as part*  
13    *of the plan for maintaining the nuclear weapons stockpile*  
14    *submitted to Congress under section 4203(c).*

15            *“(e) SENSE OF CONGRESS ON FUNDING OF PRO-*  
16    *GRAM.—It is the sense of Congress that the President should*  
17    *include in each budget for a fiscal year submitted to Con-*  
18    *gress under section 1105 of title 31, United States Code,*  
19    *sufficient funds to carry out in that fiscal year the activities*  
20    *under the program under subsection (a) that are specified*  
21    *in the most current version of the plan required under sub-*  
22    *section (c).”.*



1 **SEC. 3112. ELIMINATION OF NUCLEAR WEAPONS LIFE EX-**  
2 **TENSION PROGRAM FROM EXCEPTION TO RE-**  
3 **QUIREMENT TO REQUEST FUNDS IN BUDGET**  
4 **OF THE PRESIDENT.**

5 *Section 4209 of the Atomic Energy Defense Act (50*  
6 *U.S.C. 2529) is amended—*

7 *(1) in subsection (c), by striking “necessary—”*  
8 *and all that follows through the period and inserting*  
9 *“necessary to address proliferation concerns.”; and*

10 *(2) in subsection (d)—*

11 *(A) by striking paragraph (1); and*

12 *(B) by redesignating paragraphs (2) and*

13 *(3) as paragraphs (1) and (2), respectively.*

14 **SEC. 3113. REPEAL OF RELIABLE REPLACEMENT WARHEAD**  
15 **PROGRAM.**

16 *(a) IN GENERAL.—Section 4204A of the Atomic En-*  
17 *ergy Defense Act (50 U.S.C. 2524a) is repealed.*

18 *(b) CONFORMING AMENDMENT.—The table of contents*  
19 *for that Act is amended by striking the item relating to*  
20 *section 4204A.*

1 **SEC. 3114. AUTHORIZATION OF USE OF INTERNATIONAL**  
2 **NUCLEAR MATERIALS PROTECTION AND CO-**  
3 **OPERATION PROGRAM FUNDS FOR BILAT-**  
4 **ERAL AND MULTILATERAL NONPROLIFERA-**  
5 **TION AND DISARMAMENT ACTIVITIES.**

6 (a) *IN GENERAL.*—Notwithstanding any other provi-  
7 sion of law and subject to subsection (b), the Secretary of  
8 Energy may obligate or expend not more than 10 percent  
9 of the funds authorized to be appropriated or otherwise  
10 made available for the International Nuclear Materials Pro-  
11 tection and Cooperation program in a fiscal year to provide  
12 assistance for or to otherwise carry out bilateral or multi-  
13 lateral activities relating to nonproliferation or disar-  
14 mament.

15 (b) *NOTIFICATION OF CONGRESSIONAL DEFENSE COM-*  
16 *MITTEES.*—The Secretary may obligate or expend funds  
17 pursuant to subsection (a) if, not less than 15 days before  
18 obligating or expending such funds—

19 (1) *the Secretary notifies the congressional de-*  
20 *fense committees of the intent of the Secretary to obli-*  
21 *gate or expend such funds; and*

22 (2) *the President certifies to the congressional de-*  
23 *fense committees that obligating or expending such*  
24 *funds is necessary to support the national security ob-*  
25 *jectives of the United States.*

1 **SEC. 3115. REPEAL OF PROHIBITION ON FUNDING ACTIVI-**  
2 **TIES ASSOCIATED WITH INTERNATIONAL CO-**  
3 **OPERATIVE STOCKPILE STEWARDSHIP.**

4 (a) *IN GENERAL.*—Section 4301 of the Atomic Energy  
5 Defense Act (50 U.S.C. 2561) is repealed.

6 (b) *CLERICAL AMENDMENT.*—The table of contents for  
7 that Act is amended by striking the item relating to section  
8 4301.

9 **SEC. 3116. MODIFICATION OF MINOR CONSTRUCTION**  
10 **THRESHOLD FOR PLANT PROJECTS.**

11 Section 4701(3) of the Atomic Energy Defense Act (50  
12 U.S.C. 2741(3)) is amended by striking “\$5,000,000” and  
13 inserting “\$7,000,000”.

14 **SEC. 3117. TWO-YEAR EXTENSION OF AUTHORITY FOR AP-**  
15 **POINTMENT OF CERTAIN SCIENTIFIC, ENGI-**  
16 **NEERING, AND TECHNICAL PERSONNEL.**

17 Section 4601(c)(1) of the Atomic Energy Defense Act  
18 (50 U.S.C. 2701(c)(1)) is amended by striking “September  
19 30, 2009” and inserting “September 30, 2011”.

20 **SEC. 3118. REPEAL OF SUNSET DATE FOR CONSOLIDATION**  
21 **OF COUNTERINTELLIGENCE PROGRAMS OF**  
22 **DEPARTMENT OF ENERGY AND NATIONAL NU-**  
23 **CLEAR SECURITY ADMINISTRATION.**

24 Section 3117 of the John Warner National Defense Au-  
25 thorization Act for Fiscal Year 2007 (Public Law 109–364;

1 120 Stat. 2507; 42 U.S.C. 7144b note) is amended by  
2 amending subsection (a) to read as follows:

3 “(a) *TRANSFER OF FUNCTIONS.*—*The functions, per-*  
4 *sonnel, funds, assets, and other resources of the Office of*  
5 *Defense Nuclear Counterintelligence of the National Nuclear*  
6 *Security Administration are transferred to the Secretary of*  
7 *Energy, to be administered (except to any extent otherwise*  
8 *directed by the Secretary) by the Director of the Office of*  
9 *Counterintelligence of the Department of Energy.*”.

## 10 ***Subtitle C—Other Matters***

### 11 **SEC. 3131. TEN-YEAR PLAN FOR UTILIZATION AND FUNDING** 12 **OF CERTAIN DEPARTMENT OF ENERGY FA-** 13 **CILITIES.**

14 (a) *IN GENERAL.*—*The Administrator for Nuclear Se-*  
15 *curity and the Under Secretary for Science of the Depart-*  
16 *ment of Energy shall jointly develop a plan to use and fund,*  
17 *over a ten-year period, the following facilities of the Depart-*  
18 *ment of Energy:*

19 (1) *The National Ignition Facility at the Law-*  
20 *rence Livermore National Laboratory, California.*

21 (2) *The Los Alamos Neutron Science Center at*  
22 *the Los Alamos National Laboratory, New Mexico.*

23 (3) *The “Z” Machine at the Sandia National*  
24 *Laboratories, New Mexico.*



1 *panel of experts to conduct a review of the management and*  
2 *operation of the following:*

3           (1) *The Lawrence Livermore National Labora-*  
4 *tory, California.*

5           (2) *The Los Alamos National Laboratory, New*  
6 *Mexico.*

7           (3) *The Sandia National Laboratories, New*  
8 *Mexico.*

9 (b) *ADMINISTRATIVE PROVISIONS.—*

10           (1) *APPOINTMENT OF CHAIRPERSON.—The Sec-*  
11 *retary of Energy shall appoint a chairperson of the*  
12 *panel from among the members of the panel.*

13           (2) *DESIGNATION OF AGENCY STAFF TO*  
14 *PANEL.—The Secretary of Energy, the Secretary of*  
15 *Defense, and the Director of National Intelligence*  
16 *shall each designate one or more employees of the De-*  
17 *partment of Energy, the Department of Defense, and*  
18 *the intelligence community, respectively, to serve as*  
19 *liaisons between the panel and the Department of En-*  
20 *ergy, the Department of Defense, or the intelligence*  
21 *community, as the case may be.*

22           (3) *AGENCY COOPERATION.—The Secretary of*  
23 *Energy shall, in consultation with the Secretary of*  
24 *Defense and the Director of National Intelligence, en-*  
25 *sure that the panel receives full and timely coopera-*

1        *tion from the Department of Energy, the Department*  
2        *of Defense, and the Director of National Intelligence*  
3        *in conducting the review required under subsection*  
4        *(a).*

5            (4) *SUPPORT FROM FEDERALLY FUNDED RE-*  
6        *SEARCH AND DEVELOPMENT CENTER.—The Secretary*  
7        *of Energy may use a federally funded research and*  
8        *development center not associated with the Depart-*  
9        *ment of Energy to provide support to the panel.*

10        (c) *ELEMENTS.—The review required under subsection*  
11        *(a) shall include, with respect to each laboratory specified*  
12        *in such subsection, an evaluation of the following:*

13            (1) *The quality of the scientific research being*  
14        *conducted at the laboratory, including research with*  
15        *respect to weapons science, nonproliferation, energy,*  
16        *and basic science.*

17            (2) *The quality of the engineering being con-*  
18        *ducted at the laboratory.*

19            (3) *The general operations of the laboratory, in-*  
20        *cluding the management of facilities and procedures*  
21        *with respect to safety, security, environmental man-*  
22        *agement and compliance, and human capital.*

23            (4) *The financial operations of the laboratory,*  
24        *including contract administration, accounting con-*  
25        *trols, and management of property and equipment.*

1           (5) *The management of work conducted by the*  
2 *laboratory for entities other than the Department of*  
3 *Energy, including academic institutions and other*  
4 *Federal agencies, and interactions between the labora-*  
5 *tory and such entities.*

6           (6) *The adequacy and effectiveness of the form*  
7 *and scope of current management contracts in imple-*  
8 *menting the mission of the laboratory.*

9           (7) *The effectiveness of the management and*  
10 *oversight of the laboratory by the Department of En-*  
11 *ergy.*

12       (d) *REPORT OF PANEL.—The panel shall submit to the*  
13 *Secretary of Energy a report containing the results of the*  
14 *review and any recommendations of the panel resulting*  
15 *from the review.*

16       (e) *TRANSMITTAL TO CONGRESS.—Not later than Jan-*  
17 *uary 1, 2011, the Secretary of Energy shall transmit to the*  
18 *Committee on Armed Services of the Senate and the Com-*  
19 *mittee on Armed Services of the House of Representatives*  
20 *the report of the panel submitted under subsection (d) and*  
21 *any comments or recommendations of the Secretary with*  
22 *respect to that report.*



1 **SEC. 3133. INCLUSION IN 2010 STOCKPILE STEWARDSHIP**  
2 **PLAN OF CERTAIN INFORMATION RELATING**  
3 **TO STOCKPILE STEWARDSHIP CRITERIA.**

4 (a) *IN GENERAL.*—*The Secretary of Energy shall in-*  
5 *clude in the 2010 stockpile stewardship plan the elements*  
6 *specified in subsection (b).*

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

9 (1) *An update of any information or criteria in-*  
10 *cluded in the report on stockpile stewardship criteria*  
11 *submitted under subsection (c) of section 4202 of the*  
12 *Atomic Energy Defense Act (50 U.S.C. 2522).*

13 (2) *A description of any additional information*  
14 *identified under paragraph (1) of such subsection (c)*  
15 *or criteria established under subsection (a) of such*  
16 *section 4202 during the period beginning on the date*  
17 *of the submittal of the report under section 3133 of*  
18 *the National Defense Authorization Act for Fiscal*  
19 *Year 2004 (Public Law 108–136; 117 Stat. 1751; 50*  
20 *U.S.C. 2523 note) and ending on the date of the sub-*  
21 *mittal of the 2010 stockpile stewardship plan.*

22 (3) *For each science-based tool developed or*  
23 *modified by the Department of Energy during the pe-*  
24 *riod described in paragraph (2) to collect information*  
25 *needed to determine that the nuclear weapons stock-*  
26 *pile is safe, secure, and reliable—*

1           (A) a description of the relationship of the  
2           science-based tool to the collection of such infor-  
3           mation; and

4           (B) a description of criteria for assessing  
5           the effectiveness of the science-based tool in col-  
6           lecting such information.

7           (c) 2010 STOCKPILE STEWARDSHIP PLAN DEFINED.—  
8           In this section, the term “2010 stockpile stewardship plan”  
9           means the updated version of the plan for maintaining the  
10          nuclear weapons stockpile developed under section 4203 of  
11          the Atomic Energy Defense Act (50 U.S.C. 2523) and re-  
12          quired to be submitted to Congress on May 1, 2010, by sub-  
13          section (c) of such section.

14       **SEC. 3134. COMPTROLLER GENERAL OF THE UNITED**  
15                       **STATES REVIEW OF PROJECTS CARRIED OUT**  
16                       **BY THE OFFICE OF ENVIRONMENTAL MAN-**  
17                       **AGEMENT OF THE DEPARTMENT OF ENERGY**  
18                       **PURSUANT TO THE AMERICAN RECOVERY**  
19                       **AND REINVESTMENT ACT OF 2009.**

20          (a) *IN GENERAL.*—The Comptroller General of the  
21          United States shall conduct a series of three reviews, as de-  
22          scribed in subsections (b), (c), and (d), of projects carried  
23          out by the Office of Environmental Management of the De-  
24          partment of Energy (in this section referred to as the “Of-

1 *face*”) using American Recovery and Reinvestment Act  
2 funds.

3 (b) PHASE ONE REVIEW.—

4 (1) IN GENERAL.—Beginning on the date of the  
5 enactment of this Act, the Comptroller General shall  
6 conduct a review of the following:

7 (A) The criteria used by the Office to select  
8 projects to be carried out using American Recov-  
9 ery and Reinvestment Act funds.

10 (B) The extent to which lessons learned dur-  
11 ing previous accelerations of defense environ-  
12 mental cleanup efforts were used in the develop-  
13 ment of such criteria.

14 (C) The process used by the Office to esti-  
15 mate costs and develop schedules for such  
16 projects.

17 (D) The process used by the Office for the  
18 independent validation of the scope, cost, and  
19 schedule for such projects.

20 (E) The criteria and methodology used by  
21 the Office to measure the contribution of each  
22 such project toward reducing the overall costs,  
23 and meeting the goals, of defense environmental  
24 cleanup.

1           (2) *REPORT.*—Not later than 30 days after the  
2 date of the enactment of this Act, the Comptroller  
3 General shall submit to the congressional defense com-  
4 mittees a report containing the results of the review  
5 conducted under paragraph (1).

6           (c) *PHASE TWO REVIEW.*—

7           (1) *IN GENERAL.*—The Comptroller General shall  
8 conduct a review, during the period described in  
9 paragraph (2), of the following:

10           (A) *The implementation of each project car-*  
11 *ried out using American Recovery and Reinvest-*  
12 *ment Act funds.*

13           (B) *The extent to which each such project is*  
14 *meeting the cost and scheduling goals of the*  
15 *project.*

16           (C) *The number of jobs created or main-*  
17 *tained through such projects.*

18           (D) *The adequacy of contract oversight for*  
19 *such projects.*

20           (E) *Any technical problems or other prob-*  
21 *lems in connection with such projects that are*  
22 *identified by the Comptroller General in the*  
23 *course of the review.*

24           (F) *Any management and implementation*  
25 *issues or actions, or other systemic issues, identi-*

1           *fied by the Comptroller General in the course of*  
2           *the review that either hinder or assist the effec-*  
3           *tive management of defense environmental clean-*  
4           *up efforts.*

5           (2) *PERIOD DESCRIBED.*—*The period described*  
6           *in this paragraph is the period—*

7                   (A) *beginning on the date on which the*  
8           *Comptroller General submits the report required*  
9           *under subsection (b)(2); and*

10                   (B) *ending on the later of—*

11                           (i) *the date on which all projects car-*  
12                           *ried out using American Recovery and Re-*  
13                           *investment Act funds have been completed;*  
14                           *or*

15                           (ii) *the date on which all American*  
16                           *Recovery and Reinvestment Act funds have*  
17                           *been obligated or expended or are no longer*  
18                           *available to be obligated or expended.*

19           (3) *REPORTS.*—*The Comptroller General shall*  
20           *submit to the congressional defense committees a re-*  
21           *port on the status of the review conducted under*  
22           *paragraph (1) not later than 30 days after submit-*  
23           *ting the report required under subsection (b)(2) and*  
24           *every 120 days thereafter until the end of the period*  
25           *described in paragraph (2).*

1       (d) *PHASE THREE REVIEW.*—

2           (1) *IN GENERAL.*—*Beginning on the date on*  
3 *which the Comptroller General submits the last report*  
4 *required under subsection (c)(3), the Comptroller Gen-*  
5 *eral shall conduct a review of the following:*

6           (A) *The implementation of all projects car-*  
7 *ried out using American Recovery and Reinvest-*  
8 *ment Act funds, including the number of such*  
9 *projects that were completed, that were not com-*  
10 *pleted, that were completed on budget, that ex-*  
11 *ceeded the budget for such project, that were com-*  
12 *pleted on schedule, and that exceeded the sched-*  
13 *uling goals for such project.*

14           (B) *The impact on employment as a result*  
15 *of the completion of such projects.*

16           (C) *Any lessons learned as a result of accel-*  
17 *erating such projects.*

18           (D) *The extent to which the achievement of*  
19 *the overall goals of defense environmental clean-*  
20 *up were accelerated, and the overall costs of de-*  
21 *fense environmental cleanup were reduced, as a*  
22 *result of such projects.*

23           (E) *Any other issues the Comptroller Gen-*  
24 *eral considers appropriate with respect to such*  
25 *projects.*



1 *meet the pension obligations of the Department of Energy*  
2 *for contractor employees at each facility of the Department*  
3 *of Energy operated using amounts authorized to be appro-*  
4 *priated for the Department of Energy.*

5 **SEC. 3136. EXPANSION OF AUTHORITY OF OMBUDSMAN OF**  
6 **ENERGY EMPLOYEES OCCUPATIONAL ILL-**  
7 **NESS COMPENSATION PROGRAM.**

8 (a) *IN GENERAL.*—*Section 3686 of the Energy Em-*  
9 *ployees Occupational Illness Compensation Program Act of*  
10 *2000 (42 U.S.C. 7385s–15) is amended—*

11 (1) *in subsection (c), by inserting “and subtitle*  
12 *B” after “this subtitle” each place it appears;*

13 (2) *in subsection (d), by inserting “and subtitle*  
14 *B” after “this subtitle”;*

15 (3) *in subsection (e), by inserting “and subtitle*  
16 *B” after “this subtitle” each place it appears;*

17 (4) *by redesignating subsection (g) as subsection*  
18 *(h); and*

19 (5) *by inserting after subsection (f) the following*  
20 *new subsection:*

21 *“(g) NATIONAL INSTITUTE FOR OCCUPATIONAL SAFE-*  
22 *TY AND HEALTH OMBUDSMAN.*—*In carrying out the duties*  
23 *of the Ombudsman under this section, the Ombudsman shall*  
24 *work with the individual employed by the National Insti-*



1 *tute for Occupational Safety and Health to serve as an om-*  
2 *budsman to individuals making claims under subtitle B.”.*

3 (b) *CONSTRUCTION.—Except as specifically provided*  
4 *in subsection (g) of section 3686 of the Energy Employees*  
5 *Occupational Illness Compensation Program Act of 2000,*  
6 *as amended by subsection (a) of this section, nothing in*  
7 *the amendments made by such subsection (a) shall be con-*  
8 *strued to alter or affect the duties and functions of the indi-*  
9 *vidual employed by the National Institute for Occupational*  
10 *Safety and Health to serve as an ombudsman to individuals*  
11 *making claims under subtitle B of the Energy Employees*  
12 *Occupational Illness Compensation Program Act of 2000*  
13 *(42 U.S.C. 7384l et seq.).*

14 **SEC. 3137. COMPTROLLER GENERAL STUDY OF STOCKPILE**  
15 **STEWARDSHIP PROGRAM.**

16 (a) *IN GENERAL.—The Comptroller General of the*  
17 *United States shall conduct a study of the stockpile steward-*  
18 *ship program established under section 4201 of the Atomic*  
19 *Energy Defense Act (50 U.S.C. 2521) to determine if the*  
20 *program was functioning, as of December 2008, as envi-*  
21 *sioned when the program was established.*

22 (b) *ELEMENTS.—The study required by subsection (a)*  
23 *shall include the following:*

24 (1) *An assessment of whether the capabilities de-*  
25 *termined to be necessary to maintain the nuclear*

1 *weapons stockpile without nuclear testing have been*  
2 *implemented and the extent to which such capabilities*  
3 *are functioning.*

4 *(2) A review and description of the agreements*  
5 *governing use, management, and support of the capa-*  
6 *bilities developed for the stockpile stewardship pro-*  
7 *gram and an assessment of enforcement of, and com-*  
8 *pliance with, those agreements.*

9 *(3) An assessment of plans for surveillance and*  
10 *testing of nuclear weapons in the stockpile and the ex-*  
11 *tent of the compliance with such plans.*

12 *(4) An assessment of—*

13 *(A) the condition of the infrastructure at*  
14 *the plants and laboratories of the nuclear weap-*  
15 *ons complex;*

16 *(B) the value of nuclear weapons facilities*  
17 *built after 1992;*

18 *(C) any plans that are in place to main-*  
19 *tain, improve, or replace such infrastructure;*

20 *(D) whether there is a validated require-*  
21 *ment for all planned infrastructure replacement*  
22 *projects; and*

23 *(E) the projected costs for each such project*  
24 *and the timeline for completion of each such*  
25 *project.*

1           (5) *An assessment of the efforts to ensure and*  
2 *maintain the intellectual and technical capability of*  
3 *the nuclear weapons complex to support the nuclear*  
4 *weapons stockpile.*

5           (6) *Recommendations for the stockpile steward-*  
6 *ship program going forward.*

7           (c) *REPORT.*—*Not later than 270 days after the date*  
8 *of the enactment of this Act, the Comptroller General shall*  
9 *submit to the congressional defense committees a report con-*  
10 *taining the results of the study required by subsection (a).*

11 **SEC. 3138. SENSE OF THE SENATE ON PRODUCTION OF MO-**  
12 **LYBDENUM-99.**

13           (a) *FINDINGS.*—*The Senate makes the following find-*  
14 *ings:*

15           (1) *There are fewer than five reactors around the*  
16 *world currently capable of producing molybdenum-99*  
17 *(Mo-99) and there are no such reactors in the United*  
18 *States that can provide a reliable supply of Mo-99 to*  
19 *meet medical needs.*

20           (2) *Since November 2007, there have been major*  
21 *disruptions in the global availability of Mo-99, in-*  
22 *cluding at facilities in Canada and the Netherlands,*  
23 *which have led to shortages of Mo-99-based medical*  
24 *products in the United States and around the world.*

1           (3) *Ensuring a reliable supply of medical*  
2 *radioisotopes, including Mo-99, is of great impor-*  
3 *tance to the public health.*

4           (4) *It is also a national security priority of the*  
5 *United States, and specifically of the Department of*  
6 *Energy, to encourage the production of low-enriched*  
7 *uranium-based radioisotopes in order to promote a*  
8 *more peaceful international nuclear order.*

9           (5) *The National Academy of Sciences has iden-*  
10 *tified a need to establish a reliable capability in the*  
11 *United States for the production of Mo-99 and its de-*  
12 *rivatives for medical purposes using low-enriched*  
13 *uranium.*

14           (6) *There also exists a capable industrial base in*  
15 *the United States that can support the development of*  
16 *Mo-99 production facilities and can conduct the proc-*  
17 *essing and distribution of radiopharmaceutical prod-*  
18 *ucts for use in medical tests worldwide.*

19           (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*  
20 *ate that—*

21           (1) *radioisotopes and radiopharmaceuticals, in-*  
22 *cluding Mo-99 and its derivatives, are essential com-*  
23 *ponents of medical tests that help diagnose and treat*  
24 *life-threatening diseases affecting millions of people*  
25 *each year; and*

1           (2) *the Secretary of Energy should continue and*  
 2           *expand a program to meet the need identified by the*  
 3           *National Academy of Sciences to ensure a source of*  
 4           *Mo-99 and its derivatives for use in medical tests to*  
 5           *help ensure the health security of the United States*  
 6           *and around the world and promote peaceful nuclear*  
 7           *industries through the use of low-enriched uranium.*

8   **TITLE    XXXII—DEFENSE    NU-**  
 9   **CLEAR    FACILITIES    SAFETY**  
 10 **BOARD**

11 **SEC. 3201. AUTHORIZATION.**

12           *There are authorized to be appropriated for fiscal year*  
 13 *2010, \$26,086,000 for the operation of the Defense Nuclear*  
 14 *Facilities Safety Board under chapter 21 of the Atomic En-*  
 15 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

16           **TITLE XXXIII—MARITIME**  
 17           **ADMINISTRATION**

18 **SEC. 3301. MARITIME ADMINISTRATION.**

19           *Section 109 of title 49, United States Code, is amended*  
 20 *to read as follows:*

21 **“§ 109. Maritime Administration**

22           “(a) **ORGANIZATION.**—*The Maritime Administration*  
 23 *is an administration in the Department of Transportation.*

24           “(b) **MARITIME ADMINISTRATOR.**—*The head of the*  
 25 *Maritime Administration is the Maritime Administrator,*

1 *who is appointed by the President by and with the advice*  
2 *and consent of the Senate. The Administrator shall report*  
3 *directly to the Secretary of Transportation and carry out*  
4 *the duties prescribed by the Secretary.*

5       “(c) *DEPUTY MARITIME ADMINISTRATOR.*—*The Mari-*  
6 *time Administrator shall have a Deputy Maritime Admin-*  
7 *istrator, who is appointed in the competitive service by the*  
8 *Secretary, after consultation with the Administrator. The*  
9 *Deputy Administrator shall carry out the duties prescribed*  
10 *by the Administrator. The Deputy Administrator shall be*  
11 *Acting Administrator during the absence or disability of*  
12 *the Administrator and, unless the Secretary designates an-*  
13 *other individual, during a vacancy in the office of Adminis-*  
14 *trator.*

15       “(d) *DUTIES AND POWERS VESTED IN SECRETARY.*—  
16 *All duties and powers of the Maritime Administration are*  
17 *vested in the Secretary.*

18       “(e) *REGIONAL OFFICES.*—*The Maritime Administra-*  
19 *tion shall have regional offices for the Atlantic, Gulf, Great*  
20 *Lakes, and Pacific port ranges, and may have other re-*  
21 *gional offices as necessary. The Secretary shall appoint a*  
22 *qualified individual as Director of each regional office. The*  
23 *Secretary shall carry out appropriate activities and pro-*  
24 *grams of the Maritime Administration through the regional*  
25 *offices.*

1       “(f) *INTERAGENCY AND INDUSTRY RELATIONS.*—*The*  
2 *Secretary shall establish and maintain liaison with other*  
3 *agencies, and with representative trade organizations*  
4 *throughout the United States, concerned with the transpor-*  
5 *tation of commodities by water in the export and import*  
6 *foreign commerce of the United States, for the purpose of*  
7 *securing preference to vessels of the United States for the*  
8 *transportation of those commodities.*

9       “(g) *DETAILING OFFICERS FROM ARMED FORCES.*—  
10 *To assist the Secretary in carrying out duties and powers*  
11 *relating to the Maritime Administration, not more than*  
12 *five officers of the armed forces may be detailed to the Sec-*  
13 *retary at any one time, in addition to details authorized*  
14 *by any other law. During the period of a detail, the Sec-*  
15 *retary shall pay the officer an amount that, when added*  
16 *to the officer’s pay and allowances as an officer in the*  
17 *armed forces, make the officer’s total pay and allowances*  
18 *equal to the amount that would be paid to an individual*  
19 *performing work the Secretary considers to be of similar*  
20 *importance, difficulty, and responsibility as that performed*  
21 *by the officer during the detail.*

22       “(h) *CONTRACTS AND AUDITS.*—

23               “(1) *CONTRACTS.*—*In the same manner that a*  
24 *private corporation may make a contract within the*  
25 *scope of its authority under its charter, the Secretary*

1     *may make contracts for the United States Govern-*  
2     *ment and disburse amounts to—*

3             *“(A) carry out the Secretary’s duties and*  
4             *powers under this section and subtitle V of title*  
5             *46; and*

6             *“(B) protect, preserve, and improve collat-*  
7             *eral held by the Secretary to secure indebtedness.*

8             *“(2) AUDITS.—The financial transactions of the*  
9             *Secretary under paragraph (1) shall be audited by the*  
10            *Comptroller General. The Comptroller General shall*  
11            *allow credit for an expenditure shown to be necessary*  
12            *because of the nature of the business activities author-*  
13            *ized by this section or subtitle V of title 46. At least*  
14            *once a year, the Comptroller General shall report to*  
15            *Congress any departure by the Secretary from this*  
16            *section or subtitle V of title 46.*

17            *“(i) AUTHORIZATION OF APPROPRIATIONS.—*

18            *“(1) IN GENERAL.—Except as otherwise provided*  
19            *in this subsection, there are authorized to be appro-*  
20            *priated such amounts as may be necessary to carry*  
21            *out the duties and powers of the Secretary relating to*  
22            *the Maritime Administration.*

23            *“(2) LIMITATIONS.—Only those amounts specifi-*  
24            *cally authorized by law may be appropriated for the*  
25            *use of the Maritime Administration for—*



1           “(A) acquisition, construction, or recon-  
2           struction of vessels;

3           “(B) construction-differential subsidies inci-  
4           dent to the construction, reconstruction, or recon-  
5           ditioning 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 de-  
10          velopment activities, including reimbursement of  
11          the Vessel Operations Revolving Fund for losses  
12          resulting from expenses of experimental vessel op-  
13          erations;

14          “(F) the Vessel Operations Revolving Fund;

15          “(G) National Defense Reserve Fleet ex-  
16          penses;

17          “(H) expenses necessary to carry out part B  
18          of subtitle V of title 46; and

19          “(I) other operations and training expenses  
20          related to the development of waterborne trans-  
21          portation systems, the use of waterborne trans-  
22          portation systems, and general administration.

23          “(3) TRAINING VESSELS.—Amounts may not be  
24          appropriated for the purchase or construction of  
25          training vessels for State maritime academies unless

- 1 *the Secretary has approved a plan for sharing train-*
- 2 *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 activity  
8 is hereby authorized, subject to the availability of appro-  
9 priations.

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 pro-  
15 cedures in accordance with the requirements of sections  
16 2304(k) and 2374 of title 10, United States Code, and other  
17 applicable provisions of law.

18 (c) *RELATIONSHIP TO TRANSFER AND REPROGRAM-*  
19 *MING AUTHORITY.*—An amount specified in the funding ta-  
20 bles in this division may be transferred or reprogrammed  
21 under a transfer or reprogramming authority provided by  
22 another provision of this Act or by other law. The transfer  
23 or reprogramming of an amount specified in such funding  
24 tables shall not count against a ceiling on such transfers  
25 or reprogrammings under section 1001 of this Act or any

1 *other provision of law, unless such transfer or reprogram-*  
2 *ming would move funds between appropriation accounts.*

3       *(d) ORAL AND WRITTEN COMMUNICATIONS.—No oral*  
4 *or written communication concerning any amount specified*  
5 *in the funding tables in this division shall supercede the*  
6 *requirements of this section.*

# TITLE XLI--PROCUREMENT

## SEC. 4101. PROCUREMENT.

<b>PROCUREMENT</b> (In Thousands of Dollars)							
<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>		<i>Senate Change</i>		<i>Senate Authorized</i>	
		<i>Qty</i>	<i>Cost</i>	<i>Qty</i>	<i>Cost</i>	<i>Qty</i>	<i>Cost</i>
	<b>AIRCRAFT PROCUREMENT, ARMY</b>						
	<b>AIRCRAFT</b>						
	<b>FIXED WING</b>						
001	JOINT CARGO AIRCRAFT (JCA) .....						
002	UTILITY F/W AIRCRAFT .....						
003	MQ-1 UAV .....	24	401,364	-12	-200,000	12	201,364
004	Avoid forward funding of production .....						
004A	RQ-11 (RAVEN) .....	618	33,008		[-200,000]	618	33,008
	C-12A .....						
	<b>ROTARY WING</b>						
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	161,380			8	161,380
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	98,740				98,740
	Multiyear procurement execution .....				22,000		882,087
014	ADVANCE PROCUREMENT (CY) .....				[22,000]		
015	HELICOPTER NEW TRAINING .....						50,676
							19,639

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
<b>MODIFICATION OF AIRCRAFT</b>							
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		5,500		431,915
	<i>Fuselage manufacturing .....</i>				[5,500]		
021	ADVANCE PROCUREMENT (CY) .....						
022	CH-47 CARGO HELICOPTER MODS (MYP) .....		102,876		-22,000		80,876
	<i>Multiyear procurement execution .....</i>				[-22,000]		
023	ADVANCE PROCUREMENT (CY) .....						
024	UTILITY/CARGO AIRPLANE MODS .....		39,547				39,547
025	AIRCRAFT LONG RANGE MODS .....		823				823
026	UTILITY HELICOPTER MODS .....		66,682		20,400		87,082
	<i>UH-60A to UH-60L conversion .....</i>				[20,400]		
027	KIOWA WARRIOR .....		140,768				140,768
028	AIRBORNE AVIONICS .....		241,387				241,387
029	GATM ROLLUP .....		103,142				103,142
030	RQ-7 UAV MODS .....		283,012				283,012
030A	C-124 .....						
<b>SPARES AND REPAIR PARTS</b>							
031	SPARE PARTS (AIR) .....		7,083				7,083
<b>SUPPORT EQUIPMENT AND FACILITIES</b>							
<b>GROUND SUPPORT AVIONICS</b>							
032	AIRCRAFT SURVIVABILITY EQUIPMENT .....		25,975				25,975
033	ASE INFRARED CM .....		186,356				186,356
<b>OTHER SUPPORT</b>							
034	AVIONICS SUPPORT EQUIPMENT .....		4,933				4,933
035	COMMON GROUND EQUIPMENT .....		87,682				87,682
036	AIRCREW INTEGRATED SYSTEMS .....		52,725		3,000		55,725

	<i>Air warrior ensemble—generation III</i> .....				[3,000]	
037	AIR TRAFFIC CONTROL .....	76,999				76,999
038	INDUSTRIAL FACILITIES .....	1,533				1,533
039	LAUNCHER, 2.75 ROCKET .....	2,716				2,716
040	AIRBORNE COMMUNICATIONS .....	11,109				11,109
	<b>TOTAL—AIRCRAFT PROCUREMENT, ARMY</b> .....	<b>5,315,991</b>			<b>-171,100</b>	<b>5,144,891</b>
	<b>MISSILE PROCUREMENT, ARMY</b>					
	<b>OTHER MISSILES</b>					
	<b>SURFACE-TO-AIR MISSILE SYSTEM</b>					
001	PATRIOT SYSTEM SUMMARY .....	348,351	59			348,351
002	PATRIOT/MEADS CAP SYSTEM SUMMARY .....	16,406				16,406
003	SURFACE-LAUNCHED AIRRAM SYSTEM SUMMARY .....	72,920	13			72,920
004	ADVANCE PROCUREMENT (CY) .....					
005	<b>AIR-TO-SURFACE MISSILE SYSTEM</b>					
	HELLFIRE SYS SUMMARY .....	31,154	240			31,154
006	<b>ANTI-TANK/ASSAULT MISSILE SYSTEM</b>					
	JAVELIN (AAWS-M) SYSTEM SUMMARY .....	148,649	470			148,649
007	TOW 2 SYSTEM SUMMARY .....	108,066	1165			108,066
008	GUIDED MLRS ROCKET (GMLRS) .....	293,617	2628			293,617
009	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR) .....	15,663	2064			15,663
010	HIGH MOBILITY ARTILLERY ROCKET SYSTEM (HIMARS) .....	209,061	46			209,061
011	ARMY TACTICAL MSL SYS (ATACMS)—SYS SUM .....					
	<b>MODIFICATIONS</b>					
012	PATRIOT MODS .....	44,775			5,000	49,775
	<i>Command &amp; control modifications</i> .....				[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
	<b>SPARES AND REPAIR PARTS</b>					
017	SPARES AND REPAIR PARTS .....	22,338				22,338
018	<b>SUPPORT EQUIPMENT AND FACILITIES</b>					
	AIR DEFENSE TARGETS .....	4,188				4,188
019	ITEMS LESS THAN \$5.0M (MISSILES) .....	1,178				1,178

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
020	PRODUCTION BASE SUPPORT .....		4,398				4,398
	<b>TOTAL—MISSILE PROCUREMENT, ARMY .....</b>		<b>1,370,109</b>		<b>5,000</b>		<b>1,375,109</b>
	<b>PROCUREMENT OF WEAPONS &amp; TRACKED COMBAT VEHICLES</b>						
	<b>TRACKED COMBAT VEHICLES</b>						
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
	<b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>						
009	FTST 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) .....	12	96,814			12	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 .....	22	185,611			22	185,611
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>						
017	ITEMS LESS THAN \$5.0M (TCV-WTCV) .....						
018	PRODUCTION BASE SUPPORT (TCV-WTCV) .....		6,601				6,601
	<b>WEAPONS AND OTHER COMBAT VEHICLES</b>						
019	HOWITZER, LIGHT, TOWED, 105MM, M119 .....	70	95,631			70	95,631
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	1550
024	MK-19 GRENADE MACHINE GUN (40MM) .....	349	349
025	MORTAR SYSTEMS .....	315	315
026	M107, CAL. 50, SNIPER RIFLE .....	224	224
027	XM320 GRENADE LAUNCHER MODULE (GLM) .....	4740	4740
028	M110 SEM-AUTOMATIC SNIPER SYSTEM (SASS) .....	448	448
029	M4 CARBINE .....	12000	12000
030	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS) .....	3738	3738
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO) .....		
032	HANDGUN .....	5000	5000
033	HOWITZER LT WT 155MM (T) .....	17	17
	<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>		
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) .....		
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>		
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
	<b>TOTAL—PROCUREMENT OF WTCV, ARMY</b> .....	<b>2,451,952</b>	<b>2,451,952</b>
	<b>PROCUREMENT OF AMMUNITION, ARMY</b>		
	<b>AMMUNITION</b>		
	<b>SMALL/MEDIUM CALIBER AMMUNITION</b>		
001	CTG, 5.56MM, ALL TYPES .....	207,752	207,752
002	CTG, 7.62MM, ALL TYPES .....	77,602	77,602

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
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
	<b>MORTAR AMMUNITION</b>						
008	60MM MORTAR, ALL TYPES .....		23,607		3,000		26,607
	Additional ammunition .....				[3,000]		
009	81MM MORTAR, ALL TYPES .....		28,719				28,719
010	CTG, MORTAR, 120MM, ALL TYPES .....		104,961				104,961
	<b>TANK AMMUNITION</b>						
011	CTG TANK 105MM: ALL TYPES .....		7,741				7,741
012	CTG, TANK, 120MM, ALL TYPES .....		113,483				113,483
	<b>ARTILLERY AMMUNITION</b>						
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
	<b>ARTILLERY FUZES</b>						
018	ARTILLERY FUZES, ALL TYPES .....		19,870				19,870
	<b>MINES</b>						
019	MINES, ALL TYPES .....		815				815
020	MINE, CLEARING CHARGE, ALL TYPES .....						
021	ANTI-PERSONNEL LANDMINE ALTERNATIVES .....		56,387				56,387
022	INTELLIGENT MUNITIONS SYSTEM (IMS), ALL TYPES .....		19,507				19,507
	<b>ROCKETS</b>						
023	SHOULDER LAUNCHED MUNITIONS, ALL TYPES .....		45,302				45,302
024	ROCKET, HYDRA 70, ALL TYPES .....		99,904				99,904
	<b>OTHER AMMUNITION</b>						

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 .....	13,081	13,081
	<b>MISCELLANEOUS</b>		
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
	<b>AMMUNITION PRODUCTION BASE SUPPORT</b>		
	<b>PRODUCTION BASE SUPPORT</b>		
036	PROVISION OF INDUSTRIAL FACILITIES .....	151,943	156,943
	<i>Bomb line modernization</i> .....		5,000
			[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
	<b>TOTAL—PROCUREMENT OF AMMUNITION, ARMY</b> .....	<b>2,051,895</b>	<b>2,059,895</b>

883

	<b>OTHER PROCUREMENT, ARMY</b>		
	<b>TACTICAL AND SUPPORT VEHICLES</b>		
	<b>TACTICAL VEHICLES</b>		
001	TACTICAL TRAILERS/DOLLY SETS .....	8037	95,893
002	SEMITRAILERS, FLATBED .....	290	20,870
003	SEMITRAILERS, TANKERS .....	70	13,217
004	H1 MOB MULTI-PURP WHLD VEH (HMMWV) .....	1770	281,123
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....	3889	1,158,522
006	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIPMEN .....		17,575
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....		812,918
008	PLS ESP .....	150	18,973
009	ARMORED SECURITY VEHICLES (ASV) .....		136,605
010	MINE PROTECTION VEHICLE FAMILY .....		402,517
			-90,000

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	<i>Reassessment of program requirement</i> .....				[-90,000]		
011	FAMILY OF MINE RESISTANT AMBUSH PROTEC (MRAP) .....						
012	TRUCK, TRACTOR, LINE HAUL, M915/M916 .....	310	74,703			310	74,703
013	IVV 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
	<b>NON-TACTICAL VEHICLES</b>						
018	HEAVY ARMORED SEDAN .....		1,980				1,980
019	PASSENGER CARRYING VEHICLES .....		269				269
020	NON-TACTICAL VEHICLES, OTHER .....		3,052				3,052
	<b>COMMUNICATIONS AND ELECTRONICS EQUIPMENT</b>						
	<b>COMM-JOINT COMMUNICATIONS</b>						
021	COMBAT IDENTIFICATION PROGRAM .....						
022	JOINT COMBAT IDENTIFICATION MARKING SYSTEM .....		11,868				11,868
023	WIN-T—GROUND FORCES TACTICAL NETWORK .....		544,302				544,302
024	JCSE EQUIPMENT (USREDCOM) .....		4,868				4,868
	<b>COMM—SATELLITE COMMUNICATIONS</b>						
025	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS (S) .....		145,108				145,108
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
	<b>COMM—COMBAT SUPPORT COMM</b>						
032A	MOD-IN-SERVICE PROFILER .....						
	<b>COMM—C3 SYSTEM</b>						

033	ARMY GLOBAL CMD & CONTROL SYS (AGCCS) .....	22,996		22,996
	<b>COMM—COMBAT COMMUNICATIONS</b>			
034	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO) .....	1,705		1,705
035	JOINT TACTICAL RADIO SYSTEM .....	90,304		33,004
	<i>Testing delays in JTRS GMR</i>		-55,300	
			[-55,200]	
036	RADIO TERMINAL SET, MIDS LVT(2) .....	8,549		8,549
037	SINGGARS FAMILY .....	6,812		6,812
038	AMC CRITICAL ITEMS—OP43 .....			
038A	SINGGARS—GROUND .....			6,164
039	MULTI-PURPOSE INFORMATIONS OPERATIONS SYSEMS .....			
040	BRIDGE TO FUTURE NETWORKS .....			
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 COMMELECTRONICS .....	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
	<b>COMM—INTELLIGENCE COMM</b>			
048	CI AUTOMATION ARCHITECTURE (MIP) .....	1,414		1,414
	<b>INFORMATION SECURITY</b>			
049	TSEC—ARMY KEY MGT SYS (AKMS) .....	29,525		29,525
050	INFORMATION SYSTEM SECURITY PROGRAM-ISSP .....	33,189		33,189
	<b>COMM—LONG HAUL COMMUNICATIONS</b>			
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 (WWTCP) .....	31,256		31,256
	<b>COMM—BASE COMMUNICATIONS</b>			
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
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>			
061	ALL SOURCE ANALYSIS SYS (ASAS) (MIP) .....			
062	JTY/CBS—M (MIP) .....	3,279		3,279

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
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		-6,700		85,354
070	JOINT TACTICAL GROUND STATION (JTAGS)		6,703		[-6,700]		3
	Program reduction						
071	TROJAN (MIP)		26,659				26,659
072	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)		7,021				7,021
073	CI HUMINT AUTO REPRTING 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
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>						
076	LIGHTWEIGHT COUNTER MORTAR RADAR		31,661				31,661
077	WARLOCK						
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES		1,384				1,384
079	CI MODERNIZATION (MIP)		1,221				1,221
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>						
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 .....	5,838	5,838
090	MOD OF IN-SVC EQUIP (MMS) .....	1,178	1,178
091	ENHANCED PORTABLE INDUCTIVE ARTILLERY FUZE SE .....	4,766	4,766
092	PROFILER .....	2,801	2,801
093	MOD OF IN-SVC EQUIP (FIREFINDER RADARS) .....	271,979	271,979
094	FORCE XXI BATTLE CMD BRIGADE & BELOW (FBCB2) .....	17,242	17,242
095	JOINT BATTLE COMMAND—PLATFORM (JBC-P) .....	59,080	59,080
096	LIGHTWEIGHT LASER DESIGNATOR/RANGEFINDER (LLD) .....	15,520	15,520
097	COMPUTER BALLISTICS: LHMC XM32 .....	194,665	194,665
098	MORTAR FIRE CONTROL SYSTEM .....	1,944	1,944
099	COUNTERFIRE RADARS .....	29,934	29,934
100	INTEGRATED MET SYS SENSORS (IMETS)—MIP .....	39,042	39,042
101	ENHANCED SENSOR & MONITORING SYSTEM .....	31,968	31,968
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>		
102	TACTICAL OPERATIONS CENTERS .....	8,289	8,289
103	FIRE SUPPORT C2 FAMILY .....	62,439	62,439
104	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM (BC) .....	80,831	80,831
105	FAAD C2 .....	1,778	1,778
106	AIR & MSL DEFENSE PLANNING & CONTROL SYS (AMD) .....	31,542	31,542
107	KNIGHT FAMILY .....	11,124	11,124
108	LIFE CYCLE SOFTWARE SUPPORT (LCSS) .....	53,898	53,898
109	AUTOMATIC IDENTIFICATION TECHNOLOGY .....	77,646	77,646
110	TC AIMS II .....	46,861	46,861
111	JOINT NETWORK MANAGEMENT SYSTEM (JNMS) .....	11,118	11,118
112	TACTICAL INTERNET MANAGER .....	926	926
113	NETWORK MANAGEMENT INITIALIZATION AND SERVICE .....	85,801	85,801
114	MANEUVER CONTROL SYSTEM (MCS) .....	12,823	12,823
115	SINGLE ARMY LOGISTICS ENTERPRISE (SALE) .....	254,723	254,723
116	RECONNAISSANCE AND SURVEYING INSTRUMENT SET .....	33,749	33,749
117	MOUNTED BATTLE COMMAND ON THE MOVE (MBCOTM) .....	39,675	39,675
	<b>ELECT EQUIP—AUTOMATION</b>		
118	GENERAL FUND ENTERPRISE BUSINESS SYSTEM .....		
119	ARMY TRAINING MODERNIZATION .....		
120	AUTOMATED DATA PROCESSING EQUIP .....		
121	CSS COMMUNICATIONS .....		
122	RESERVE COMPONENT AUTOMATION SYS (RCAS) .....		

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	<b>ELECT EQUIP—AUDIO VISUAL SYS (AV)</b>						
123	APRFS .....		2,709				2,709
124	ITEMS LESS THAN \$5.0M (AV) .....						
125	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT) .....		5,172				5,172
	<b>ELECT EQUIP—MODS TACTICAL SYS/SEQ</b>						
126	WEAPONIZATION OF UNMANNED AERIAL SYSTEM (UAS) .....						
	<b>ELECT EQUIP—SUPPORT</b>						
127	ITEMS UNDER \$5M (SSE) .....		518				518
128	PRODUCTION BASE SUPPORT (C-E) .....		2,522				2,522
	CLASSIFIED PROGRAMS .....						
	<b>OTHER SUPPORT EQUIPMENT</b>						
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>						
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
	<b>BRIDGING EQUIPMENT</b>						
132	TACTICAL BRIDGING .....		58,509				58,509
133	TACTICAL BRIDGE, FLOAT-RIBBON .....		135,015				135,015
	<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>						
134	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST .....		42,364				42,364
135	GRND STANDOFF MINE DETECTION SYSTEM (GSTAMIDS) .....		56,123		7,000		63,123
	<i>FIDO explosives detector</i> .....				[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
	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>						
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
	<b>PETROLEUM EQUIPMENT</b>		
151	QUALITY SURVEILLANCE EQUIPMENT .....		
152	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....	84,019	84,019
	<b>WATER EQUIPMENT</b>		
153	WATER PURIFICATION SYSTEMS .....	7,173	7,173
	<b>MEDICAL EQUIPMENT</b>		
154	COMBAT SUPPORT MEDICAL .....	33,694	33,694
	<i>Combat casualty care equipment upgrade program</i> .....		8,300
			[8,300]
	<b>MAINTENANCE EQUIPMENT</b>		
155	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....	137,002	137,002
156	ITEMS LESS THAN \$5.0M (MAINT EQ) .....	812	812
	<b>CONSTRUCTION EQUIPMENT</b>		
157	GRADER, ROAD MTZD, HVM, 6V4 (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 (HIMEE) 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
	<b>RAIL FLOAT CONTAINERIZATION EQUIPMENT</b>		
170	JOINT HIGH SPEED VESSEL (JHSV) .....	183,666	183,666

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
171	HARBORMASTER COMMAND AND CONTROL CENTER (HCCC) .....		10,962				10,962
172	ITEMS LESS THAN \$5.0M (FLOAT/RAIL) .....		6,785				6,785
	<b>GENERATORS</b>						
173	GENERATORS AND ASSOCIATED EQUIP .....		146,067				146,067
	<b>MATERIAL HANDLING EQUIPMENT</b>						
174	ROUGH TERRAIN CONTAINER HANDLER (RTCH) .....		41,339				41,339
175	ALL TERRAIN LIFTING ARMY SYSTEM .....		44,898				44,898
	<b>TRAINING EQUIPMENT</b>						
176	COMBAT TRAINING CENTERS SUPPORT .....		22,967		22,440		22,967
177	TRAINING DEVICES, NONSYSTEM .....		261,348		[5,000]		283,788
	Operator driving simulator .....				[5,500]		
	Immersive group simulation virtual training system .....				[5,000]		
	Joint fires & effects training systems (JFETS) .....				[3,000]		
	Urban training instrumentation .....				[4,940]		
	Virtual interactive combat environment (VICE) .....						
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
	<b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>						
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
	<b>OTHER SUPPORT EQUIPMENT</b>						
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....		21,770				21,770
185	PHYSICAL SECURITY SYSTEMS (OPAB) .....		49,758				49,758
186	BASE LEVEL COML 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 .....	12,332		12,332
192	MA8975 .....	4,492		4,492
	<b>SPARES AND REPAIR PARTS</b>			
	<b>OPA2</b>			
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]	
	<b>TOTAL—OTHER PROCUREMENT, ARMY .....</b>	<b>9,907,151</b>	<b>-289,160</b>	<b>9,617,991</b>
	<b>JOINT IMPROVED EXPLOSIVE DEVICE DEFEAT FUND</b>			
	<b>NETWORK ATTACK</b>			
001	ATTACK THE NETWORK .....	203,100		203,100
	Transfer to OCO .....		-203,100	
	[-203,100]			
002	<b>JIEDDO DEVICE DEFEAT</b>			
	DEFEAT THE DEVICE .....	199,100		199,100
	Transfer to OCO .....		-199,100	
	[-199,100]			
003	<b>FORCE TRAINING</b>			
	TRAIN THE FORCE .....	41,100		41,100
	Transfer to OCO .....		-41,100	
	[-41,100]			
004	<b>STAFF AND INFRASTRUCTURE</b>			
	OPERATIONS .....	121,550		121,550
	Transfer to OCO .....		-121,550	
	[-121,550]			
	<b>TOTAL—JOINT IED DEFEAT FUND .....</b>	<b>564,850</b>	<b>-564,850</b>	
	<b>AIRCRAFT PROCUREMENT, NAVY</b>			
	<b>COMBAT AIRCRAFT</b>			
001	AV-SB (V/STOL) HARRIER .....			
002	E4-18G .....	22	1,611,837	1,611,837
003	ADVANCE PROCUREMENT (CY) .....	9	20,559	20,559
004	F/A-18E/F (FIGHTER) HORNET .....	9	1,009,537	1,569,537
	Additional aircraft .....		560,000	
	[560,000]			
005	ADVANCE PROCUREMENT (CY) .....	20	51,431	51,431
006	JOINT STRIKE FIGHTER .....	20	3,997,048	3,997,048

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
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-1YAH-1Z	28	709,801	-10	-282,900	18	426,901
	Maintain production at FY 09 level				[-282,900]		
011	ADVANCE PROCUREMENT (CY)		70,550				70,550
012	MIL-608 (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
	<b>AIRLIFT AIRCRAFT</b>						
020	C-40A	1	74,381			1	74,381
	<b>TRAINER AIRCRAFT</b>						
021	T-45TS (TRAINER) GOSHAWK						
022	JPATS	38	266,539			38	266,539
	<b>OTHER AIRCRAFT</b>						
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						
	<b>MODIFICATION OF AIRCRAFT</b>						
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		33,325				33,325

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	<b>AIRCRAFT SPARES AND REPAIR PARTS</b> .....	1,264,012	1,264,012
	SPARES AND REPAIR PARTS .....		
	<b>AIRCRAFT SUPPORT EQUIP &amp; FACILITIES</b> .....	363,588	363,588
058	COMMON GROUND EQUIPMENT .....	11,075	11,075
059	AIRCRAFT INDUSTRIAL FACILITIES .....	55,406	55,406
060	WAR CONSUMABLES .....	23,861	23,861
061	OTHER PRODUCTION CHARGES .....	42,147	42,147
062	SPECIAL SUPPORT EQUIPMENT .....	1,734	1,734
063	FIRST DESTINATION TRANSPORTATION .....		
064	CANCELLED ACCOUNT ADJUSTMENTS .....		

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	<b>TOTAL—AIRCRAFT PROCUREMENT, NAVY</b> .....		<b>18,378,312</b>		<b>277,100</b>		<b>18,655,412</b>
	<b>WEAPONS PROCUREMENT, NAVY</b>						
	<b>BALLISTIC MISSILES</b>						
	<b>MODIFICATION OF MISSILES</b>						
001	TRIDENT II MODS .....	24	1,060,504			24	1,060,504
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>						
002	MISSILE INDUSTRIAL FACILITIES .....		3,447				3,447
	<b>OTHER MISSILES</b>						
	<b>STRATEGIC MISSILES</b>						
003	TOMAHAWK .....	196	283,055			196	283,055
	<b>TACTICAL MISSILES</b>						
004	AMRAM .....	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	249,333			62	249,333
009	RAM .....	90	74,784			90	74,784
010	HELLFIRE .....	818	59,411			818	59,411
011	AERIAL TARGETS .....		47,003				47,003
012	OTHER MISSILE SUPPORT .....		3,928				3,928
	<b>MODIFICATION OF MISSILES</b>						
013	ESSM .....	50	51,388			50	51,388
014	HARM MODS .....		47,973				47,973
015	STANDARD MISSILES MODS .....		81,451				81,451
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>						
016	WEAPONS INDUSTRIAL FACILITIES .....		3,211		30,000		33,211
	Accelerate facility restoration program .....				[30,000]		
017	FLEET SATELLITE COMM FOLLOW-ON .....	1	487,380			1	487,380
018	ADVANCE PROCUREMENT (CY) .....		28,847		32,000		60,847

[32,000]

MUOS UHF augmentation—transfer from PE 33109N (RDN 192)

019	<b>ORDNANCE SUPPORT EQUIPMENT</b>	48,883	48,883
	ORDNANCE SUPPORT EQUIPMENT		
	<b>TORPEDOES AND RELATED EQUIPMENT</b>		
	TORPEDOES AND RELATED EQUIP.		
020	SSTD		
021	ASW TARGETS	9,288	9,288
	<b>MOD OF TORPEDOES AND RELATED EQUIP</b>		
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
	<b>SUPPORT EQUIPMENT</b>		
025	TORPEDO SUPPORT EQUIPMENT	39,869	39,869
026	ASW RANGE SUPPORT	10,044	10,044
	<b>DESTINATION TRANSPORTATION</b>		
027	FIRST DESTINATION TRANSPORTATION	3,434	3,434
	<b>OTHER WEAPONS</b>		
	<b>GUNS AND GUN MOUNTS</b>		
028	SMALL ARMS AND WEAPONS	12,742	12,742
	<b>MODIFICATION OF GUNS AND GUN MOUNTS</b>		
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
	<b>OTHER</b>		
035	MARINE CORPS TACTICAL UNMANNED AERIAL SYSTEM		
036	CANCELLED ACCOUNT ADJUSTMENTS		
	<b>SPARES AND REPAIR PARTS</b>		
037	SPARES AND REPAIR PARTS	65,196	65,196
	<b>TOTAL—WEAPONS PROCUREMENT, NAVY</b>	<b>62,000</b>	<b>62,000</b>
	<b>PROCUREMENT OF AMMUNITION, NAVY &amp; MARINE CORPS</b>		
	<b>PROC AMMO, NAVY</b>		
		<b>3,453,455</b>	<b>3,515,455</b>

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
<b>NAVY AMMUNITION</b>							
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	JATOS .....		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
<b>PROC AMMO, MC</b>							
<b>MARINE CORPS AMMUNITION</b>							
015	SMALL ARMS AMMUNITION .....		87,781				87,781
016	LINEAR CHARGES, ALL TYPES .....		23,582				23,582
017	40 MM, ALL TYPES .....		57,391				57,391
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	GRENADES, 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
	<b>TOTAL—PROCUREMENT OF AMMUNITION, NAVY &amp; MARINE CORPS .....</b>	<b>840,675</b>	<b>840,675</b>
	<b>SHIPBUILDING AND CONVERSION, NAVY</b>		
	<b>OTHER WARSHIPS</b>		
001	CARRIER REPLACEMENT PROGRAM .....	739,269	739,269
002	ADVANCE PROCUREMENT (CY) .....	484,432	484,432
003	VIRGINIA CLASS SUBMARINE .....	1,964,317	1,964,317
004	ADVANCE PROCUREMENT (CY) .....	1,959,725	1,959,725
005	CVN REFUELING OVERHAULS .....	1,563,602	1,563,602
006	ADVANCE PROCUREMENT (CY) .....	211,820	211,820
007	SSBN ERO .....		
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
	<b>AMPHIBIOUS SHIPS</b>		
014	LPD-17 .....	872,392	872,392
015	ADVANCE PROCUREMENT (CY) .....	184,555	184,555
016	LHA REPLACEMENT .....		
017	ADVANCE PROCUREMENT (CY) .....		
018	INTRATHEATER CONNECTOR .....	177,956	177,956
	<b>AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST</b>		
019	OUTFITTING .....	391,238	391,238
020	SERVICE CRAFT .....	3,694	3,694
021	LCAC SLEP .....	63,857	63,857
022	COMPLETION OF PY SHIPBUILDING PROGRAMS .....	454,586	454,586
	<b>TOTAL—SHIPBUILDING AND CONVERSION, NAVY .....</b>	<b>13,776,867</b>	<b>13,776,867</b>
	<b>OTHER PROCUREMENT, NAVY</b>		

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	<b>SHIPS SUPPORT EQUIPMENT</b>						
	<b>SHIP PROPULSION EQUIPMENT</b>						
001	LM-2500 GAS TURBINE .....		8,014				8,014
002	ALLISON 501K GAS TURBINE .....		9,162				9,162
003	OTHER PROPULSION EQUIPMENT .....						
	<b>NAVIGATION EQUIPMENT</b>						
004	OTHER NAVIGATION EQUIPMENT .....		34,743				34,743
	<b>PERISCOPES</b>						
005	SUB PERISCOPES & IMAGING EQUIP .....		75,127				75,127
	<b>OTHER SHIPBOARD EQUIPMENT</b>						
006	DDG MOD .....		142,362		4,000		142,362
007	FIREFIGHTING EQUIPMENT .....		11,423		[4,000]		15,423
	<i>Smart valves for fire suppression .....</i>						
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
	<b>REACTOR PLANT EQUIPMENT</b>						
022	REACTOR POWER UNITS .....						
023	REACTOR COMPONENTS .....		262,354				262,354

024	<b>OCEAN ENGINEERING</b>		
	DIVING AND SALVAGE EQUIPMENT .....	5,304	5,304
025	<b>SMALL BOATS</b>		
	STANDARD BOATS .....	35,318	35,318
026	<b>TRAINING EQUIPMENT</b>		
	OTHER SHIPS TRAINING EQUIPMENT .....	15,113	15,113
027	<b>PRODUCTION FACILITIES EQUIPMENT</b>		
	OPERATING FORCES IPE .....	47,172	47,172
028	<b>OTHER SHIP SUPPORT</b>		
	NUCLEAR ALTERATIONS .....	136,683	136,683
029	LCS MODULES .....	137,259	137,259
030	<b>LOGISTIC SUPPORT</b>		
	LSD MIDLIFE .....	117,856	117,856
	<b>COMMUNICATIONS AND ELECTRONICS EQUIPMENT</b>		
	<b>SHIP RADARS</b>		
031	RADAR SUPPORT .....	9,968	9,968
032	SPQ-9B RADAR .....	13,476	13,476
033	AN/SQ-89 SURF ASW COMBAT SYSTEM .....	111,093	111,093
034	SSN ACOUSTICS .....	293,962	303,962
	<i>TB-33 thinline towed array</i> .....		4,000
			[4,000]
035	UNDERSEA WARFARE SUPPORT EQUIPMENT .....	38,705	38,705
036	SONAR SWITCHES AND TRANSDUCERS .....	13,537	13,537
	<b>ASW ELECTRONIC EQUIPMENT</b>		
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
	<b>ELECTRONIC WARFARE EQUIPMENT</b>		
042	AN/SLQ-32 .....	34,264	34,264
	<b>RECONNAISSANCE EQUIPMENT</b>		
043	SHIPBOARD IW EXPLOIT .....	105,883	105,883
044	<b>SUBMARINE SURVEILLANCE EQUIPMENT</b>		
	SUBMARINE SUPPORT EQUIPMENT PROG .....	98,645	98,645
045	<b>OTHER SHIP ELECTRONIC EQUIPMENT</b>		
	NAVY TACTICAL DATA SYSTEM .....		

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
046	COOPERATIVE ENGAGEMENT CAPABILITY .....		30,522				30,522
047	GCCS-M EQUIPMENT .....		13,594				13,594
048	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS) .....		35,933				35,933
049	ATDLS .....		7,314				7,314
050	MINESWEEPING SYSTEM REPLACEMENT .....		79,091				79,091
051	SHALLOW WATER MCM .....		7,835				7,835
052	NAVSTAR GPS RECEIVERS (SPACE) .....		10,845				10,845
053	ARMED FORCES RADIO AND TV .....		3,333				3,333
054	STRATEGIC PLATFORM SUPPORT EQUIP .....		4,149				4,149
	<b>TRAINING EQUIPMENT</b>						
055	OTHER TRAINING EQUIPMENT .....		36,784				36,784
	<b>AVIATION ELECTRONIC EQUIPMENT</b>						
056	MATCALS .....		17,468				17,468
057	SHIPBOARD AIR TRAFFIC CONTROL .....		7,970				7,970
058	AUTOMATIC CARRIER LANDING SYSTEM .....		18,878				18,878
059	NATIONAL AIR SPACE SYSTEM .....		28,988				28,988
060	AIR STATION SUPPORT EQUIPMENT .....		8,303				8,303
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
	<b>OTHER SHORE ELECTRONIC EQUIPMENT</b>						
064	DEPLOYABLE JOINT COMMAND AND CONT .....		8,719				8,719
065	TADLX-B .....		793				793
066	GCCS-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	RADLAC .....		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
	<b>SHIPBOARD COMMUNICATIONS</b>		
074	SHIPBOARD TACTICAL COMMUNICATIONS .....		
075	PORTABLE RADIOS .....		
076	SHIP COMMUNICATIONS AUTOMATION .....	310,605	310,605
077	AN/URC-82 RADIO .....	4,913	4,913
078	COMMUNICATIONS ITEMS UNDER \$5M .....	25,314	25,314
	<b>SUBMARINE COMMUNICATIONS</b>		
079	SUBMARINE BROADCAST SUPPORT .....	105	105
080	SUBMARINE COMMUNICATION EQUIPMENT .....	48,729	48,729
	<b>SATELLITE COMMUNICATIONS</b>		
081	SATELLITE COMMUNICATIONS SYSTEMS .....	50,172	50,172
082	NAVY MULTIBAND TERMINAL (NMT) .....	72,496	72,496
	<b>SHORE COMMUNICATIONS</b>		
083	JCS COMMUNICATIONS EQUIPMENT .....	2,322	2,322
084	ELECTRICAL POWER SYSTEMS .....	1,293	1,293
085	NAVAL SHORE COMMUNICATIONS .....	2,542	2,542
	<b>CRYPTOGRAPHIC EQUIPMENT</b>		
086	INFO SYSTEMS SECURITY PROGRAM (ISSP) .....	119,054	119,054
087	CRYPTOLOGIC COMMUNICATIONS EQUIP .....	16,839	16,839
	<b>OTHER ELECTRONIC SUPPORT</b>		
088	COAST GUARD EQUIPMENT .....	18,892	18,892
	<b>DRUG INTERDICTION SUPPORT</b>		
089	OTHER DRUG INTERDICTION SUPPORT .....		
	<b>AVIATION SUPPORT EQUIPMENT</b>		
	<b>SONOBOUOYS</b>		
090	SONOBOUOYS—ALL TYPES .....	91,976	91,976
	<b>AIRCRAFT SUPPORT EQUIPMENT</b>		
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 .....	53,408	53,408

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
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
	<b>ORDNANCE SUPPORT EQUIPMENT</b>						
	<b>SHIP GUN SYSTEM EQUIPMENT</b>						
102	NAVAL FIRES CONTROL SYSTEM .....		1,391				1,391
103	GUN FIRE CONTROL EQUIPMENT .....		7,891				7,891
	<b>SHIP MISSILE SYSTEMS EQUIPMENT</b>						
104	NATO SEASPARROW .....		13,556				13,556
105	RAM GMLS .....		7,762				7,762
106	SHIP SELF DEFENSE SYSTEM .....		34,079				34,079
107	ABEGIS SUPPORT EQUIPMENT .....		108,886				108,886
108	TOMAHAWK SUPPORT EQUIPMENT .....		88,475				88,475
109	VERTICAL LAUNCH SYSTEMS .....		5,513				5,513
	<b>FBM SUPPORT EQUIPMENT</b>						
110	STRATEGIC MISSILE SYSTEMS EQUIP .....		155,579				155,579
	<b>ASW SUPPORT EQUIPMENT</b>						
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
	<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>						
115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....		54,069				54,069
116	ITEMS LESS THAN \$5 MILLION .....		3,478				3,478
	<b>OTHER EXPENDABLE ORDNANCE</b>						
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
	<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>						
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
	<b>SUPPLY SUPPORT EQUIPMENT</b>		
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
	<b>PERSONNEL AND COMMAND SUPPORT EQUIPMENT</b>		
	<b>TRAINING DEVICES</b>		
133	TRAINING SUPPORT EQUIPMENT .....	12,944	12,944
	<b>COMMAND SUPPORT EQUIPMENT</b>		
134	COMMAND SUPPORT EQUIPMENT .....	55,267	56,267
	<i>National small unit center of excellence</i> .....		1,000
	<i>Man overboard indicators</i> .....		[-3,000]
			[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	CAISR 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
	<b>OTHER</b>		
144	CANCELLED ACCOUNT ADJUSTMENTS .....		
	<b>CLASSIFIED PROGRAMS</b>		
999	CLASSIFIED PROGRAMS .....	19,463	19,463
	<b>SPARES AND REPAIR PARTS</b>		
145	SPARES AND REPAIR PARTS .....	247,796	247,796
145a	Procurement of computer services/systems .....		-75,000
	<i>Eliminate redundant activities</i> .....		[-75,000]

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	<b>TOTAL—OTHER PROCUREMENT, NAVY</b> .....		5,661,176		-66,000		5,595,176
	<b>PROCUREMENT, MARINE CORPS</b>						
	<b>WEAPONS AND COMBAT VEHICLES</b>						
	<b>TRACKED COMBAT VEHICLES</b>						
001	AAV7A1 PIP .....		9,127				9,127
002	LAV PIP .....		34,969				34,969
003	IMPROVED RECOVERY VEHICLE (IRV) .....						
004	M1A1 FIREPOWER ENHANCEMENTS .....						
	<b>ARTILLERY AND OTHER WEAPONS</b>						
005	EXPEDITIONARY FIRE SUPPORT SYSTEM .....	20	19,591			20	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
	<b>WEAPONS</b>						
009	MODULAR WEAPON SYSTEM .....						
	<b>OTHER SUPPORT</b>						
010	MODIFICATION KITS .....		33,990				33,990
011	WEAPONS ENHANCEMENT PROGRAM .....		22,338				22,338
	<b>GUIDED MISSILES AND EQUIPMENT</b>						
	<b>GUIDED MISSILES</b>						
012	GROUND BASED AIR DEFENSE .....		11,387				11,387
013	JAVELIN .....						
014	FOLLOW ON TO SMLAW .....		25,333				25,333
015	ANTI-ARMOR WEAPONS SYSTEM—HEAVY (AAWS-H) .....		71,325				71,325
	<b>OTHER SUPPORT</b>						
016	MODIFICATION KITS .....		2,114				2,114
	<b>COMMUNICATIONS &amp; ELECTRONICS EQUIPMENT</b>						
	<b>COMMAND AND CONTROL SYSTEMS</b>						



017	UNIT OPERATIONS CENTER .....	19,832	19,832
	<b>REPAIR AND TEST EQUIPMENT</b>		
018	REPAIR AND TEST EQUIPMENT .....	31,087	31,087
	<b>OTHER SUPPORT (TEL)</b>		
019	COMBAT SUPPORT SYSTEM .....	11,368	11,368
020	MODIFICATION KITS .....		
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>		
021	ITEMS UNDER \$5 MILLION (COMM & ELEC) .....	3,531	3,531
022	AIR OPERATIONS C2 SYSTEMS .....	45,084	45,084
	<b>RADAR + EQUIPMENT (NON-TEL)</b>		
023	RADAR SYSTEMS .....	7,428	7,428
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>		
024	FIRE SUPPORT SYSTEM .....	2,580	2,580
025	INTELLIGENCE SUPPORT EQUIPMENT .....	37,581	37,581
026	RQ-11 UAV .....	42,403	42,403
	<b>OTHER COMMELEC EQUIPMENT (NON-TEL)</b>		517
027	NIGHT VISION EQUIPMENT .....	10,360	10,360
	<b>OTHER SUPPORT (NON-TEL)</b>		
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
	<b>SUPPORT VEHICLES</b>		
	<b>ADMINISTRATIVE VEHICLES</b>		
033	COMMERCIAL PASSENGER VEHICLES .....	1,265	1,265
034	COMMERCIAL CARGO VEHICLES .....	13,610	13,610
035	<b>TACTICAL VEHICLES</b> .....	9,796	9,796
036	MOTOR TRANSPORT MODIFICATIONS .....	6,111	6,111
037	MEDIUM TACTICAL VEHICLE REPLACEMENT .....	10,792	10,792
038	LOGISTICS VEHICLE SYSTEM REP .....	217,390	217,390
039	FAMILY OF TACTICAL TRAILERS .....	26,497	26,497
040	TRAILERS .....	18,122	18,122
	<b>OTHER SUPPORT</b>		
041	ITEMS LESS THAN \$5 MILLION .....	5,948	5,948
	<b>ENGINEER AND OTHER EQUIPMENT</b>		

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
042	ENVIRONMENTAL CONTROL EQUIP ASSORT .....		5,121				5,121
043	BULK LIQUID EQUIPMENT .....		13,035				13,035
044	TACTICAL FUEL SYSTEMS .....		33,059				33,059
045	POWER EQUIPMENT ASSORTED .....		21,033				21,033
046	AMPHIBIOUS SUPPORT EQUIPMENT .....		39,876				39,876
047	EOD SYSTEMS .....		93,335				93,335
	<b>MATERIALS HANDLING EQUIPMENT</b>						
048	PHYSICAL SECURITY EQUIPMENT .....		12,169				12,169
049	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE) .....		11,825				11,825
050	MATERIAL HANDLING EQUIP .....		41,430				41,430
051	FIRST DESTINATION TRANSPORTATION .....		5,301				5,301
	<b>GENERAL PROPERTY</b>						
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) .....	52	10,360			52	10,360
057	BRIDGE BOATS .....						
058	RAPID DEPLOYABLE KITCHEN .....		2,159				2,159
	<b>OTHER SUPPORT</b>						
059	ITEMS LESS THAN \$5 MILLION .....		8,792				8,792
	<b>SPARES AND REPAIR PARTS</b>						
060	SPARES AND REPAIR PARTS .....		41,547				41,547
	<b>TOTAL—PROCUREMENT, MARINE CORPS .....</b>		<b>1,600,638</b>				<b>1,600,638</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>						
	<b>COMBAT AIRCRAFT</b>						
	<b>TACTICAL FORCES</b>						
001	F-35 .....	10	2,048,830			10	2,048,830

002	ADVANCE PROCUREMENT (CY)	300,600		300,600
003	F-22A	93,163	7	1,812,898
	Use FY 09 funds to offset FY 10 requirements			1,717,735
	Purchase additional aircraft			[-32,263]
	Unneeded production shutdown costs			[1,750,000]
	Other program requirements			[-64,000]
	Other program requirements			[64,000]
004	ADVANCE PROCUREMENT (CY)			
	<b>AIRLIFT AIRCRAFT</b>			
	<b>TACTICAL AIRLIFT</b>			
005	C-17A (MYP)	88,510		88,510
	<b>OTHER AIRLIFT</b>			
006	C-130J	285,632	3	285,632
007	ADVANCE PROCUREMENT (CY)	108,000		108,000
008	HC/JMC-130 RECAP	879,231	9	879,231
009	ADVANCE PROCUREMENT (CY)	137,360		137,360
010	JOINT CARGO AIRCRAFT	319,050	8	319,050
	<b>TRAINER AIRCRAFT</b>			
	<b>UPT TRAINERS</b>			
011	USAF A POWERED FLIGHT PROGRAM	4,144	13	4,144
	<b>OPERATIONAL TRAINERS</b>			
012	JPATS	15,711		15,711
	<b>OTHER AIRCRAFT</b>			
	<b>HELICOPTERS</b>			
013	V22 OSPREY	437,272	5	437,272
014	ADVANCE PROCUREMENT (CY)	13,835		13,835
	<b>MISSION SUPPORT AIRCRAFT</b>			
015	C-29A FLIGHT INSPECTION ACFT			
016	C-12 A			
017	C-40	154,044	3	154,044
018	CIVIL AIR PATROL A/C	2,426		2,426
	<b>OTHER AIRCRAFT</b>			
020	TARGET DRONES	78,511		78,511
021	C-37A	66,400	1	66,400
022	GLOBAL HAWK	554,775	5	504,775
	Reduction due to program delays			-50,000
023	ADVANCE PROCUREMENT (CY)	113,049		113,049
				[-50,000]

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
024	MQ-1 .....						
025	MQ-9 .....	24	489,469		-19,900	24	469,569
	<i>Gorgon Stare</i> .....				[-19,900]		
999	<b>CLASSIFIED PROGRAMS</b> .....		3,608				3,608
	<b>MODIFICATION OF IN-SERVICE AIRCRAFT</b>						
	<b>STRATEGIC AIRCRAFT</b>						
026	B-2A .....		283,955				283,955
027	<i>ADVANCE PROCUREMENT (CY)</i> .....						
028	B-1B .....		107,558				107,558
029	B-52 .....		78,788				78,788
	<b>TACTICAL AIRCRAFT</b>						
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		
	<i>Use FY 09 funds to offset FY 10 requirements</i> .....				[-350,735]		
	<b>AIRLIFT AIRCRAFT</b>						
034	C-5 .....		606,993				606,993
035	<i>ADVANCE PROCUREMENT (CY)</i> .....		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
	<b>TRAINER AIRCRAFT</b>						
041	<i>GLIDER MODS</i> .....		119				119
042	T-6 .....		33,074				33,074
043	T-1 .....		35				35
044	T-38 .....		75,274				75,274

045	T-43 .....		
	<b>OTHER AIRCRAFT</b>		
046	KC-10A (ATCA) .....	9,441	9,441
047	C-12 .....	472	472
048	MC-12W .....	63,000	63,000
049	C-20 MODS .....	734	734
050	VC-23A MOD .....	15,610	15,610
051	C-40 .....	9,162	9,162
052	C-130 .....	354,421	144,921
	Use FY 08 & FY 09 resources to fund AMP production .....		-209,500
			[ -209,500 ]
053	C136J 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	127,274
	Lighting 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
	<b>AIRCRAFT SPARES + REPAIR PARTS</b>		
068	INITIAL SPARES/REPAIR PARTS .....	418,604	418,604
	<b>AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES</b>		
069	AIRCRAFT REPLACEMENT SUPPORT EQUIP .....	105,820	105,820
	<b>POST PRODUCTION SUPPORT</b>		
070	B-1 .....	3,929	3,929
071	B-2A .....		
072	B-2A .....	24,481	24,481
073	C-5 .....	2,259	2,259

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
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 .....		5,383				5,383
079	F-15 .....		15,744				15,744
080	F-16 .....		19,951				19,951
081	OTHER AIRCRAFT .....		51,980				51,980
082	T-1 .....						
	<b>INDUSTRIAL PREPAREDNESS</b>						
083	INDUSTRIAL RESPONSIVENESS .....		25,529				25,529
	<b>WAR CONSUMABLES</b>						
084	WAR CONSUMABLES .....		134,427				134,427
	<b>OTHER PRODUCTION CHARGES</b>						
085	OTHER PRODUCTION CHARGES .....		490,344				490,344
	<b>OTHER PRODUCTION CHARGES—SOF</b>						
087	CANCELLED ACCT ADJUSTMENTS .....						
	<b>DARP</b>						
088	DARP .....		15,323				15,323
	<b>CLASSIFIED PROGRAMS</b>						
999	CLASSIFIED PROGRAMS .....		19,443				19,443
	<b>TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE</b> .....		<b>11,966,276</b>		<b>1,111,600</b>		<b>13,077,876</b>
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>						
	<b>PROCUREMENT OF AMMO, AIR FORCE</b>						
	<b>ROCKETS</b>						
001	ROCKETS .....		43,461				43,461
	<b>CARTRIDGES</b>						
002	CARTRIDGES .....		123,886				123,886

	<b>BOMBS</b>			
003	PRACTICE BOMBS .....	52,459		52,459
004	GENERAL PURPOSE BOMBS .....	225,145		225,145
005	JOINT DIRECT ATTACK MUNITION .....	103,041	3592	103,041
	<b>FLARE, IR MJU-7B</b>			
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
	<b>FUZES</b>			
011	FLARES .....	152,515		152,515
012	FUZES .....	61,037		61,037
	<b>WEAPONS</b>			
	<b>SMALL ARMS</b>			
013	SMALL ARMS .....	6,162		6,162
	<b>TOTAL—PROCUREMENT OF AMMUNITION, AIR FORCE</b> .....	<b>822,462</b>		<b>822,462</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>			
	<b>BALLISTIC MISSILES</b>			
	<b>MISSILE REPLACEMENT EQUIPMENT-BALLISTIC</b>			
001	MISSILE REPLACEMENT EQ-BALLISTIC .....	58,139		58,139
	<b>OTHER MISSILES</b>			
	<b>TACTICAL</b>			
002	JASSM .....	52,666		52,666
003	SIDEWINDER (AIM-9X) .....	78,753	219	78,753
004	AMRAM .....	291,827	196	291,827
005	PREDATOR HELLFIRE MISSILE .....	79,699	792	79,699
006	SMALL DIAMETER BOMB .....	134,801	2340	134,801
	<b>INDUSTRIAL FACILITIES</b>			
007	INDUSTRL PREPAREDNS/POL PREVENTION .....	841		841
	<b>MODIFICATION OF IN-SERVICE MISSILES</b>			
	<b>CLASS IV</b>			
008	ADVANCED CRUISE MISSILE .....	32		32
009	MM III MODIFICATIONS .....	199,484		199,484

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
010	AGM-65D MAVERICK .....		258				258
011	AGM-88A HARM .....		30,380				30,380
012	AIR LAUNCH CRUISE MISSILE (ALCM) .....						
	<b>SPARES AND REPAIR PARTS</b>						
	<b>MISSILE SPARES + REPAIR PARTS</b>						
013	INITIAL SPARES/REPAIR PARTS .....		70,185				70,185
	<b>OTHER SUPPORT</b>						
	<b>SPACE PROGRAMS</b>						
014	ADVANCED EHF .....	1	1,843,475			1	1,843,475
015	ADVANCE PROCUREMENT (CY) .....						
016	WIDERAND GAFILLER SATELLITES (SPACE) .....						
017	ADVANCE PROCUREMENT (CY) .....		201,671				201,671
018	SPACEBORNE EQUIP (COMSEC) .....		62,380				62,380
019	GLOBAL POSITIONING (SPACE) .....		9,871				9,871
020	ADVANCE PROCUREMENT (CY) .....		53,140				53,140
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		-193,000	5	1,102,325
	EELV reduction for GPS IF8 .....				[-88,000]		
	EELV reduction for AFSPCA .....				[-105,000]		
025	MEDIUM LAUNCH VEHICLE (SPACE) .....						
026	SBIR HIGH (SPACE) .....						
027	ADVANCE PROCUREMENT (CY) .....	1	307,456			1	307,456
028	NATL POLAR-ORBITING OP ENV SATELLITE .....		159,000				159,000
	<b>SPECIAL PROGRAMS</b>		3,900				3,900
029	DEFENSE SPACE RECONN PROGRAM .....		105,152				105,152
031	SPECIAL UPDATE PROGRAMS .....		311,070				311,070
	<b>CLASSIFIED PROGRAMS</b>						
999	CLASSIFIED PROGRAMS .....		853,559				853,559



	<b>TOTAL—MISSILE PROCUREMENT, AIR FORCE</b> .....	<b>6,300,728</b>	<b>-193,000</b>	<b>6,107,728</b>
	<b>OTHER PROCUREMENT, AIR FORCE</b>			
	<b>VEHICULAR EQUIPMENT</b>			
	<b>CARGO + UTILITY VEHICLES</b>			
002	MEDIUM TACTICAL VEHICLE .....	25,922		25,922
003	CAP VEHICLES .....	897		897
004	<b>SPECIAL PURPOSE VEHICLES</b>			
	SECURITY AND TACTICAL VEHICLES .....	44,603		44,603
005	<b>FIRE FIGHTING EQUIPMENT</b>			
	FIRE FIGHTING/CRASH RESCUE VEHICLES .....	27,760		27,760
006	<b>MATERIALS HANDLING EQUIPMENT</b>			
	HALVERSEN LOADER .....		13,000	13,000
	<i>Procure additional loaders</i> .....		[12,000]	
	<b>BASE MAINTENANCE SUPPORT</b>			
007	RUNWAY SNOW REMOV AND CLEANING EQU .....	24,884		24,884
008	ITEMS LESS THAN \$5,000,000 (VEHICLES) .....	57,243		57,243
999	<b>CLASSIFIED PROGRAMS</b>			
	CLASSIFIED PROGRAMS .....	18,163		18,163
	<b>ELECTRONICS AND TELECOMMUNICATIONS</b>			
	<b>COMM SECURITY EQUIPMENT (COMSEC)</b>			
009	COMSEC EQUIPMENT .....	209,249		209,249
010	MODIFICATIONS (COMSEC) .....	1,570		1,570
	<b>INTELLIGENCE PROGRAMS</b>			
011	INTELLIGENCE TRAINING EQUIPMENT .....	4,230		4,230
012	INTELLIGENCE COMM EQUIPMENT .....	21,965		21,965
	<b>ELECTRONICS PROGRAMS</b>			
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
	<b>SPCL COMM—ELECTRONICS PROJECTS</b>			

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
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		6,200		46,833
	Unmanned modular-threat emitter (UMTE) .....				[3,000]		
	Joint threat emitter (JTE) .....				[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
	<b>AIR FORCE COMMUNICATIONS</b>						
029	BASE INFO INFRASTRUCTURE .....		433,859				433,859
030	USCENTCOM .....		38,958				38,958
031	AUTOMATED TELECOMMUNICATIONS PRG .....						
	<b>DISA PROGRAMS</b>						
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	SPACELEFT RANGE SYSTEM SPACE .....		100,275				100,275
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
	<b>ORGANIZATION AND BASE</b>						
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
	<b>MODIFICATIONS</b>		
046	COMM ELECT MODS .....	64,087	64,087
	<b>OTHER BASE MAINTENANCE AND SUPPORT EQUIP</b>		
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>		
047	NIGHT VISION GOGGLES .....	28,226	28,226
048	ITEMS LESS THAN \$5,000,000 (SAFETY) .....	17,223	17,223
	<b>DEPOT PLANT + MTRLS HANDLING EQ</b>		
049	MECHANIZED MATERIAL HANDLING EQUIP .....	15,449	15,449
	<b>BASE SUPPORT EQUIPMENT</b>		
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
	<b>SPECIAL SUPPORT PROJECTS</b>		
056	DARP RC135 .....	23,132	23,132
057	DISTRIBUTED GROUND SYSTEMS .....	293,640	293,640
059	SPECIAL UPDATE PROGRAM .....	471,334	471,334
060	DEFENSE SPACE RECONNAISSANCE PROG. ....	30,041	30,041
	<b>CLASSIFIED PROGRAMS</b>		
999	CLASSIFIED PROGRAMS .....	13,830,722	13,830,722
	<b>SPARES AND REPAIR PARTS</b>		
061	SPARES AND REPAIR PARTS .....	19,460	19,460
061a	Procurement of computer services/systems .....	-75,000	-75,000
	Eliminate redundant activities .....	[-75,000]	[-75,000]
	<b>TOTAL—OTHER PROCUREMENT, AIR FORCE</b> .....	<b>17,293,141</b>	<b>17,245,341</b>
	<b>MINE RESISTANT AMBUSH PROT VEH FUND</b>		
	<b>MINE RESISTANT AMBUSH PROT VEH FUND</b>		
	MINE RESISTANT AMBUSH PROT VEH FUND .....	1,200,000	1,200,000
	Additional MRAP vehicles to meet new requirement .....	[1,200,000]	[1,200,000]

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	<b>TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND</b> .....				<b>1,200,000</b>		<b>1,200,000</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>						
	<b>MAJOR EQUIPMENT</b>						
	<b>MAJOR EQUIPMENT, AFIS</b> .....		8,858				8,858
001	<b>MAJOR EQUIPMENT, AFIS</b> .....						
002	<b>MAJOR EQUIPMENT, BTA</b> .....						
	<b>MAJOR EQUIPMENT, DCAA</b> .....		1,489				1,489
003	<b>ITEMS LESS THAN \$5 MILLION</b> .....						
	<b>MAJOR EQUIPMENT, DCMA</b> .....		2,012				2,012
004	<b>MAJOR EQUIPMENT</b> .....						
005	<b>MAJOR EQUIPMENT, DHRA</b> .....						
	<b>PERSONNEL ADMINISTRATION</b> .....		10,431				10,431
	<b>MAJOR EQUIPMENT, DISA</b> .....						
017	<b>INTERDICTION SUPPORT</b> .....						
018	<b>INFORMATION SYSTEMS SECURITY</b> .....		13,449				13,449
019	<b>GLOBAL COMMAND AND CONTROL SYSTEM</b> .....		7,053				7,053
020	<b>GLOBAL COMBAT SUPPORT SYSTEM</b> .....		2,820				2,820
021	<b>TELEPORT PROGRAM</b> .....		68,037				68,037
022	<b>ITEMS LESS THAN \$5 MILLION</b> .....		196,232				196,232
023	<b>NET CENTRIC ENTERPRISE SERVICES (NCES)</b> .....		3,051				3,051
024	<b>DEFENSE INFORMATION SYSTEM NETWORK (DISN)</b> .....		89,725				89,725
025	<b>PUBLIC KEY INFRASTRUCTURE</b> .....		1,780				1,780
026	<b>JOINT COMMAND AND CONTROL PROGRAM</b> .....		2,835				2,835
027	<b>CYBER SECURITY INITIATIVE</b> .....		18,188				18,188
	<b>MAJOR EQUIPMENT, DLA</b> .....						
028	<b>MAJOR EQUIPMENT</b> .....		7,728				7,728
	<b>MAJOR EQUIPMENT, DMACT</b> .....						
029	<b>MAJOR EQUIPMENT</b> .....	4	10,149			4	10,149

	<b>MAJOR EQUIPMENT, DODEA</b>		
030	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS .....	1,463	1,463
	<b>MAJOR EQUIPMENT, DEFENSE SECURITY COOPERATION AGENCY</b>		
031	EQUIPMENT .....		
032	VEHICLES .....	50	50
033	OTHER MAJOR EQUIPMENT .....	7,447	7,447
	<b>MAJOR EQUIPMENT, D TSA</b>		
034	MAJOR EQUIPMENT .....	436	436
	<b>MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY</b>		
035	THAAD SYSTEM .....	420,300	420,300
036	SM-3 .....	168,723	168,723
044	<b>MAJOR EQUIPMENT, NSA</b>		
	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) .....	4,013	4,013
047	<b>MAJOR EQUIPMENT, OSD</b>		
048	MAJOR EQUIPMENT, TJS .....	111,487	111,487
	<b>MAJOR EQUIPMENT, WHS</b>		
049	WHS MOTOR VEHICLES .....	13,065	13,065
050	MAJOR EQUIPMENT, WHS .....	26,945	26,945
999	<b>CLASSIFIED PROGRAMS</b>		
	CLASSIFIED PROGRAMS .....	818,766	818,766
	<b>SPECIAL OPERATIONS COMMAND</b>		
	<b>AVIATION PROGRAMS</b>		
051	ROTARY WING UPGRADES AND SUSTAINMENT .....	101,936	101,936
052	MH-47 SERVICE LIFE EXTENSION PROGRAM .....	23,958	23,958
053	MH-60 SOF MODERNIZATION PROGRAM .....	146,820	146,820
054	NON-STANDARD AVIATION .....	227,552	227,552
055	UNMANNED VEHICLES .....	9	9
056	SOF TANKER RECAPITALIZATION .....	34,300	34,300
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

**PROCUREMENT**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
063	C-130 MODIFICATIONS .....		59,950		85,000		144,950
	MC-130W multi-mission modifications .....				[85,000]		
064	AIRCRAFT SUPPORT .....		973				973
	<b>SHIPBUILDING</b>						
065	ADVANCED SEAL DELIVERY SYSTEM (ASDS) .....		5,236				5,236
066	MKS MODI SEAL DELIVERY VEHICLE .....		1,463				1,463
	<b>AMMUNITION PROGRAMS</b>						
067	SOF ORDNANCE REPLENISHMENT .....		61,360				61,360
068	SOF ORDNANCE ACQUISITION .....		26,791				26,791
	<b>OTHER PROCUREMENT PROGRAMS</b>						
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....		55,080				55,080
070	SOF INTELLIGENCE SYSTEMS .....		72,811				72,811
071	SMALL ARMS AND WEAPONS .....		33,235		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 .....			
089	MISCELLANEOUS EQUIPMENT .....	7,576		7,576
090	SOF OPERATIONAL ENHANCEMENTS .....	273,998		273,998
091	PSYOP EQUIPMENT .....	43,081		43,081
	<b>CLASSIFIED PROGRAMS</b>			
999	CLASSIFIED PROGRAMS .....	5,573		5,573
	<b>CHEMICAL/BIOLOGICAL DEFENSE</b>			
	<b>CBDP</b>			
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]	
	<b>TOTAL—PROCUREMENT, DEFENSE-WIDE</b> .....	<b>3,984,352</b>	<b>65,700</b>	<b>4,050,052</b>
	<b>RAPID ACQUISITION FUND</b>			
001	JOINT RAPID ACQUISITION CELL .....	79,300		79,300
	<b>TOTAL—RAPID ACQUISITION FUND</b> .....	<b>79,300</b>		<b>79,300</b>
	<b>Total Procurement</b> .....	<b>105,819,330</b>	<b>1,397,490</b>	<b>107,216,820</b>

**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
<b>AIRCRAFT PROCUREMENT, ARMY</b>							
<b>AIRCRAFT</b>							
<b>FIXED WING</b>							
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
<b>ROTARY WING</b>							
011	UH-60 BLACKHAWK (MYP) .....	4	74,340			4	74,340
013	CH-47 HELICOPTER .....	4	141,200			4	141,200
<b>MODIFICATION OF AIRCRAFT</b>							
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 .....		32,640				32,640



030A	C-124 .....	60,000	60,000
	<b>SPARES AND REPAIR PARTS</b>		
031	SPARE PARTS (AIR) .....	18,200	18,200
	<b>SUPPORT EQUIPMENT AND FACILITIES</b>		
	<b>GROUND SUPPORT AVIONICS</b>		
033	ASE INFRARED CM .....	111,600	111,600
	<b>OTHER SUPPORT</b>		
035	COMMON GROUND EQUIPMENT .....	23,704	23,704
036	AIRCREW INTEGRATED SYSTEMS .....	24,800	24,800
	<b>TOTAL—AIRCRAFT PROCUREMENT, ARMY</b> .....	<b>1,636,229</b>	<b>1,636,229</b>
	<b>MISSILE PROCUREMENT, ARMY</b>		
	<b>OTHER MISSILES</b>		
	<b>AIR-TO-SURFACE MISSILE SYSTEM</b>		
005	HELLFIRE SYS SUMMARY .....	2133	2133
	<b>ANTI-TANK/ASSAULT MISSILE SYSTEM</b>		
006	JAVELIN (AAWS-M) SYSTEM SUMMARY .....	864	864
007	TOW 2 SYSTEM SUMMARY .....	1294	1294
008	GUIDED MLRS ROCKET (GMLRS) .....	678	678
	<b>MODIFICATIONS</b>		
014	MLRS MODS .....	18,772	18,772
015	HIMARS MODIFICATIONS .....	32,319	32,319
	<b>TOTAL—MISSILE PROCUREMENT, ARMY</b> .....	<b>531,570</b>	<b>531,570</b>
	<b>PROCUREMENT OF WEAPONS &amp; TRACKED COMBAT VEHICLES</b>		
	<b>MODIFICATION OF TRACKED COMBAT VEHICLES</b>		
009	F1ST VEHICLE (MOD) .....	36,000	36,000
010	BRADLEY PROGRAM (MOD) .....	243,600	243,600
011	HOWITZER, MED SP FT 155MM M10946 (MOD) .....	37,620	37,620
	<b>WEAPONS AND OTHER COMBAT VEHICLES</b>		
027	XM320 GRENADE LAUNCHER MODULE (GLM) .....	3643	3643
031	COMMON REMOTELY OPERATED WEAPONS STATION (CRO) .....	1000	1000
033	HOWITZER LT WT 155MM (T) .....	36	36
	<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>		

**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
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
	<b>SUPPORT EQUIPMENT &amp; FACILITIES</b>						
043	ITEMS LESS THAN \$5.0M (WOCV-WTCV) .....		5,000				5,000
	<b>TOTAL—PROCUREMENT OF WTCV, ARMY .....</b>		<b>759,466</b>				<b>759,466</b>
	<b>PROCUREMENT OF AMMUNITION, ARMY</b>						
	<b>AMMUNITION</b>						
	<b>SMALL/MEDIUM CALIBER AMMUNITION</b>						
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
	<b>MORTAR AMMUNITION</b>						
008	60MM MORTAR, ALL TYPES .....		20,000				20,000
	<b>ARTILLERY AMMUNITION</b>						
014	CTG, ARTY, 105MM: ALL TYPES .....		9,200				9,200
016	PROJ 155MM EXTENDED RANGE XM982 .....		52,300				52,300
017	MODULAR ARTILLERY CHARGE SYSTEM (MACS), ALL T .....		10,000				10,000
	<b>ARTILLERY FUZES</b>						
018	ARTILLERY FUZES, ALL TYPES .....		7,800				7,800
	<b>MINES</b>						
019	MINES, ALL TYPES .....		5,000				5,000
020	MINE, CLEARING CHARGE, ALL TYPES .....		7,000				7,000
	<b>ROCKETS</b>						

024	ROCKET, HYDRA 70, ALL TYPES .....			169,505	
	<b>OTHER AMMUNITION</b>				
027	SIGNALS, ALL TYPES .....		100		100
	<b>MISCELLANEOUS</b>				
030	NON-LETHAL AMMUNITION, ALL TYPES .....		32,000		32,000
	<b>TOTAL—PROCUREMENT OF AMMUNITION, ARMY</b> .....		<b>370,635</b>		<b>370,635</b>
	<b>OTHER PROCUREMENT, ARMY</b>				
	<b>TACTICAL AND SUPPORT VEHICLES</b>				
	<b>TACTICAL VEHICLES</b>				
001	TACTICAL TRAILERS/DOLLY SETS .....	185	1,948		1,948
002	SEMITRAILERS, FLATBED .....	670	40,403		40,403
003	SEMITRAILERS, TANKERS .....	44	8,651		8,651
004	HI MOB MULTI-PURP WHLD VEH (HMMWV) .....	8444	1,251,038		1,251,038
005	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....	1643	461,657		461,657
007	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV) .....				
009	ARMORED SECURITY VEHICLES (ASV) .....		623,230		623,230
012	TRUCK, TRACTOR, LINE HAUL, M915/M916 .....	259	13,206		13,206
			62,654		62,654
	<b>COMMUNICATIONS AND ELECTRONICS EQUIPMENT</b>				
	<b>COMM-JOINT COMMUNICATIONS</b>				
023	WIN-T—GROUND FORCES TACTICAL NETWORK .....		13,500		13,500
	<b>COMM—SATELLITE COMMUNICATIONS</b>				
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE) .....		53,486		53,486
029	SMART-T (SPACE) .....		26,000		26,000
032	MOD OF IN-SVC EQUIP (TAC SAT) .....		23,900		23,900
	<b>COMM—COMBAT SUPPORT COMM</b>				
032A	MOD-IN-SERVICE PROFILER .....		6,070		6,070
	<b>COMM—COMBAT COMMUNICATIONS</b>				
034	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO) .....		239		239
037	SINCGARS FAMILY .....		128,180		53,180
	<i>Unjustified program growth</i>				-75,000
038	AMC CRITICAL ITEMS—OP43 .....				[-75,000]
046	RADIO, IMPROVED HF (COTS) FAMILY .....		100,000		100,000
047	MEDICAL COMM FOR CRT CASUALTY CARE (MCA) .....		11,286		11,286
	<b>INFORMATION SECURITY</b>				18

**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
050	INFORMATION SYSTEM SECURITY PROGRAM-ISSP .....		32,095				32,095
	<b>COMM—BASE COMMUNICATIONS</b>						
055	INFORMATION SYSTEMS .....		330,342				330,342
057	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM( .....		227,733				227,733
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>						
062	JTY/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 REPRTING AND COLL(CHARCS) (MIP) .....		34,208				34,208
075	ITEMS LESS THAN \$5.0M (MIP) .....		5,064				5,064
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>						
076	LIGHTWEIGHT COUNTER MORTAR RADAR .....		58,590				58,590
077	WARLOCK .....		164,435				164,435
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....		126,030				126,030
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>						
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: LIMBC XM32 .....		3,780				3,780
099	COUNTERFIRE RADARS .....		26,000				26,000
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>						
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
	<b>ELECT EQUIP—SUPPORT</b>		
	CLASSIFIED PROGRAMS .....	760	760
	<b>OTHER SUPPORT EQUIPMENT</b>		
	<b>CHEMICAL DEFENSIVE EQUIPMENT</b>		
129	PROTECTIVE SYSTEMS .....	44,460	44,460
130	CBRN SOLDIER PROTECTION .....	38,811	38,811
	<b>BRIDGING EQUIPMENT</b>		
133	TACTICAL BRIDGE, FLOAT-RIBBON .....	13,525	13,525
136	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT) .....	10,800	10,800
	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>		
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
	<b>PETROLEUM EQUIPMENT</b>		
152	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....	58,554	58,554
	<b>WATER EQUIPMENT</b>		
153	WATER PURIFICATION SYSTEMS .....	3,017	3,017
	<b>MEDICAL EQUIPMENT</b>		
154	COMBAT SUPPORT MEDICAL .....	11,386	11,386
	<b>MAINTENANCE EQUIPMENT</b>		
155	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....	13,365	13,365
156	ITEMS LESS THAN \$5.0M (MAINT EQ) .....	546	546
	<b>CONSTRUCTION EQUIPMENT</b>		
162	LOADERS .....	1,100	1,100
163	HYDRAULIC EXCAVATOR .....	290	290
166	PLANT, ASPHALT MIXING .....	2,500	2,500
167	HIGH MOBILITY ENGINEER EXCAVATOR (HIMEE) FOS .....	16,500	16,500
169	ITEMS LESS THAN \$5.0M (CONST EQUIP) .....	360	360
	<b>RAIL FLOAT CONTAINERIZATION EQUIPMENT</b>		
172	ITEMS LESS THAN \$5.0M (FLOAT/RAIL) .....	3,550	3,550
	<b>GENERATORS</b>		

**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
173	GENERATORS AND ASSOCIATED EQUIP .....		62,210				62,210
	<b>MATERIAL HANDLING EQUIPMENT</b>						
174	ROUGH TERRAIN CONTAINER HANDLER (RTCH) .....		54,360				54,360
175	ALL TERRAIN LIFTING ARMY SYSTEM .....		49,319				49,319
	<b>TRAINING EQUIPMENT</b>						
176	COMBAT TRAINING CENTERS SUPPORT .....		60,200				60,200
177	TRAINING DEVICES, NONSYSTEM .....		28,200				28,200
	<b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>						
182	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE) .....		1,524				1,524
183	TEST EQUIPMENT MODERNIZATION (TEMOD) .....		3,817				3,817
	<b>OTHER SUPPORT EQUIPMENT</b>						
184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....		27,000				27,000
187	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3) .....		555,950				555,950
	<b>TOTAL—OTHER PROCUREMENT, ARMY .....</b>		<b>6,225,966</b>		<b>104,000</b>		<b>6,329,966</b>
	<b>JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND</b>						
	<b>NETWORK ATTACK</b>						
001	ATTACK THE NETWORK .....		812,000		203,100		1,015,100
	Transfer from base budget .....				[203,100]		
	<b>JIEDDO DEVICE DEFEAT</b>						
002	DEFEAT THE DEVICE .....		536,000		199,100		735,100
	Transfer from base budget .....				[199,100]		
	<b>FORCE TRAINING</b>						
003	TRAIN THE FORCE .....		187,000		41,100		228,100
	Transfer from base budget .....				[41,100]		
	<b>STAFF AND INFRASTRUCTURE</b>						
004	OPERATIONS .....				121,550		121,550
	Transfer from base budget .....				[121,550]		

	<b>TOTAL—JOINT IED DEFEAT FUND</b> .....	<b>1,535,000</b>	<b>564,850</b>	<b>2,099,850</b>
	<b>AIRCRAFT PROCUREMENT, NAVY</b>			
	<b>COMBAT AIRCRAFT</b>			
010	UH-1Y/AH-1Z .....	2		55,006
	<b>MODIFICATION OF AIRCRAFT</b>			
028	EA-6 SERIES .....			45,000
029	AV-8 SERIES .....			28,296
030	F-18 SERIES .....			96,000
031	H-46 SERIES .....			17,485
033	H-53 SERIES .....			164,730
034	SH-60 SERIES .....			11,192
035	H-1 SERIES .....			11,217
037	P-3 SERIES .....			74,900
039	E-2 SERIES .....			17,200
041	C-2A .....			14,100
042	C-130 SERIES .....			52,324
049	POWER PLANT CHANGES .....			4,456
052	COMMON ECM EQUIPMENT .....			263,382
054	COMMON DEFENSIVE WEAPON SYSTEM .....			5,500
056	V-22 (TILT/ROTOR ACFT) OSPREY .....			53,500
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>			
057	SPARES AND REPAIR PARTS .....			2,265
	<b>TOTAL—AIRCRAFT PROCUREMENT, NAVY</b> .....	<b>916,553</b>	<b>916,553</b>	<b>916,553</b>
	<b>WEAPONS PROCUREMENT, NAVY</b>			
	<b>OTHER MISSILES</b>			
	<b>TACTICAL MISSILES</b>			
010	HELLFIRE .....	782		73,700
	<b>TOTAL—WEAPONS PROCUREMENT, NAVY</b> .....	<b>782</b>	<b>73,700</b>	<b>73,700</b>
	<b>PROCUREMENT OF AMMUNITION, NAVY &amp; MARINE CORPS</b>			
	<b>PROC AMMO, NAVY</b>			
	<b>NAVY AMMUNITION</b>			

**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
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
	<b>PROC AMMO, MC</b>						
	<b>MARINE CORPS AMMUNITION</b>						
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 .....		63,265				63,265
021	CTG 25MM, ALL TYPES .....		563				563
022	GRENADES, 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
	<b>TOTAL—PROCUREMENT OF AMMUNITION, NAVY &amp; MARINE CORPS ...</b>		<b>710,780</b>				<b>710,780</b>
	<b>OTHER PROCUREMENT, NAVY</b>						
	<b>SHIPS SUPPORT EQUIPMENT</b>						
	<b>OTHER SHIPBOARD EQUIPMENT</b>						
018	UNDERWATER EOD PROGRAMS .....		12,040				12,040



025	<b>SMALL BOATS</b>		
	STANDARD BOATS .....	13,000	13,000
	<b>COMMUNICATIONS AND ELECTRONICS EQUIPMENT</b>		
	AVIATION ELECTRONIC EQUIPMENT .....		
056	MATERIALS .....	400	400
	<b>SHIPBOARD COMMUNICATIONS</b>		
076	SHIP COMMUNICATIONS AUTOMATION .....	1,500	1,500
	<b>AVIATION SUPPORT EQUIPMENT</b>		
	AIRCRAFT SUPPORT EQUIPMENT .....		
092	EXPEDITIONARY AIRFIELDS .....	37,345	37,345
097	AVIATION LIFE SUPPORT .....	17,883	17,883
	<b>ORDNANCE SUPPORT EQUIPMENT</b>		
	OTHER ORDNANCE SUPPORT EQUIPMENT .....		
115	EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....	43,650	43,650
	<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>		
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
	<b>SUPPLY SUPPORT EQUIPMENT</b>		
129	MATERIALS HANDLING EQUIPMENT .....	25	25
	<b>PERSONNEL AND COMMAND SUPPORT EQUIPMENT</b>		
	COMMAND SUPPORT EQUIPMENT .....		
134	COMMAND SUPPORT EQUIPMENT .....	4,000	4,000
139	OPERATING FORCES SUPPORT EQUIPMENT .....	15,452	15,452
140	CAISR EQUIPMENT .....	3,100	3,100
142	PHYSICAL SECURITY EQUIPMENT .....	89,521	89,521
	<b>SPARES AND REPAIR PARTS</b>		
145	SPARES AND REPAIR PARTS .....	2,837	2,837
	<b>TOTAL—OTHER PROCUREMENT, NAVY</b> .....	<b>318,018</b>	<b>318,018</b>
	<b>PROCUREMENT, MARINE CORPS</b>		
	<b>WEAPONS AND COMBAT VEHICLES</b>		

**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	<b>TRACKED COMBAT VEHICLES</b>						
002	LAV PIP .....		58,229				58,229
	<b>ARTILLERY AND OTHER WEAPONS</b>						
006	155MM LIGHTWEIGHT TOWED HOWITZER .....	18	54,000			18	54,000
008	WEAPONS AND COMBAT VEHICLES UNDER \$5 MILLION .....		3,351				3,351
	<b>OTHER SUPPORT</b>						
010	MODIFICATION KITS .....		20,183				20,183
011	WEAPONS ENHANCEMENT PROGRAM .....		9,151				9,151
	<b>GUIDED MISSILES AND EQUIPMENT</b>						
	<b>OTHER SUPPORT</b>						
016	MODIFICATION KITS .....		8,506				8,506
	<b>COMMUNICATIONS &amp; ELECTRONICS EQUIPMENT</b>						
	<b>REPAIR AND TEST EQUIPMENT</b>						
018	REPAIR AND TEST EQUIPMENT .....		11,741				11,741
	<b>OTHER SUPPORT (TEL)</b>						
019	COMBAT SUPPORT SYSTEM .....		462				462
	<b>COMMAND AND CONTROL SYSTEM (NON-TEL)</b>						
021	ITEMS UNDER \$5 MILLION (COMM & ELEC) .....		4,153				4,153
022	AIR OPERATIONS C2 SYSTEMS .....		3,096				3,096
	<b>RADAR + EQUIPMENT (NON-TEL)</b>						
023	RADAR SYSTEMS .....		3,417				3,417
	<b>INTELL/COMM EQUIPMENT (NON-TEL)</b>						
024	FIRE SUPPORT SYSTEM .....		521				521
025	INTELLIGENCE SUPPORT EQUIPMENT .....		37,547				37,547
026	RQ-11 UAV .....		13,000				13,000
	<b>OTHER COMMELEC EQUIPMENT (NON-TEL)</b>						
027	NIGHT VISION EQUIPMENT .....		12,570				12,570
	<b>OTHER SUPPORT (NON-TEL)</b>						
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
	<b>SUPPORT VEHICLES</b>		
035	<b>TACTICAL VEHICLES</b> .....	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
	<b>ENGINEER AND OTHER EQUIPMENT</b>		
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
	<b>MATERIALS HANDLING EQUIPMENT</b>		
048	PHYSICAL SECURITY EQUIPMENT .....	19,720	19,720
050	MATERIAL HANDLING EQUIP .....	56,875	56,875
	<b>GENERAL PROPERTY</b>		
053	TRAINING DEVICES .....	157,734	157,734
055	FAMILY OF CONSTRUCTION EQUIPMENT .....	35,818	35,818
058	RAPID DEPLOYABLE KITCHEN .....	55	55
	<b>OTHER SUPPORT</b>		
059	ITEMS LESS THAN \$5 MILLION .....	39,055	39,055
	<b>TOTAL—PROCUREMENT, MARINE CORPS</b> .....	<b>1,164,445</b>	<b>1,164,445</b>
	<b>AIRCRAFT PROCUREMENT, AIR FORCE</b>		
	<b>AIRLIFT AIRCRAFT</b>		
	<b>OTHER AIRLIFT</b>		
006	C-130J .....	72,000	72,000
	<b>MODIFICATION OF IN-SERVICE AIRCRAFT</b>		
	<b>STRATEGIC AIRCRAFT</b>		
028	B-1B .....	20,500	20,500
	<b>TACTICAL AIRCRAFT</b>		
030	A-10 .....	10,000	10,000

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Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
032	F-16 .....		20,025				20,025
	<b>AIRLIFT AIRCRAFT</b>						
034	C-5 .....		57,400				57,400
037	C-17A .....		132,300				132,300
	<b>OTHER AIRCRAFT</b>						
052	C-130 .....		210,800				210,800
054	C-135 .....		16,916				16,916
056	DARPA .....		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		-40,000		59,200
	<i>Reflect USAF decision to change sensor payload</i> .....				[-40,000]		
	<b>AIRCRAFT SUPPORT EQUIPMENT AND FACILITIES</b>						
	<b>POST PRODUCTION SUPPORT</b>						
076	C-17A .....		11,000				11,000
	<b>OTHER PRODUCTION CHARGES</b>						
085	OTHER PRODUCTION CHARGES .....		114,000				114,000
	<b>TOTAL—AIRCRAFT PROCUREMENT, AIR FORCE</b> .....		<b>936,441</b>		<b>-40,000</b>		<b>896,441</b>
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>						
	<b>PROCUREMENT OF AMMO, AIR FORCE</b>						
	<b>ROCKETS</b>						
001	ROCKETS .....		3,488				3,488
	<b>CARTRIDGES</b>						
002	CARTRIDGES .....		39,236				39,236
	<b>BOMBS</b>						
004	GENERAL PURPOSE BOMBS .....		34,085				34,085
005	JOINT DIRECT ATTACK MUNITION .....	3860	97,978			3860	97,978

007	<b>FLARE, IR MJU-7B</b>				
	EXPLOSIVE ORDNANCE DISPOSAL (EOD) .....		4,800		4,800
	<b>FUZES</b>				
011	FLARES .....		41,000		41,000
012	FUZES .....		14,595		14,595
	<b>WEAPONS</b>				
	<b>SMALL ARMS</b>				
013	SMALL ARMS .....		21,637		21,637
	<b>TOTAL—PROCUREMENT OF AMMUNITION, AIR FORCE</b> .....		<b>256,819</b>		<b>256,819</b>
	<b>MISSILE PROCUREMENT, AIR FORCE</b>				
	<b>OTHER MISSILES</b>				
	<b>TACTICAL</b>				
005	PREDICTOR HELLFIRE MISSILE .....	385	29,325	385	29,325
006	SMALL DIAMETER BOMB .....	100	7,300	100	7,300
	<b>TOTAL—MISSILE PROCUREMENT, AIR FORCE</b> .....		<b>36,625</b>		<b>36,625</b>
	<b>OTHER PROCUREMENT, AIR FORCE</b>				
	<b>VEHICULAR EQUIPMENT</b>				
	<b>CARGO + UTILITY VEHICLES</b>				
002	MEDIUM TACTICAL VEHICLE .....		3,364		3,364
	<b>SPECIAL PURPOSE VEHICLES</b>				
004	SECURITY AND TACTICAL VEHICLES .....		11,337		11,337
	<b>FIRE FIGHTING EQUIPMENT</b>				
005	FIRE FIGHTING/CRASH RESCUE VEHICLES .....		8,026		8,026
	<b>ELECTRONICS AND TELECOMMUNICATIONS</b>				
	<b>SPCL COM-ELECTRONICS PROJECTS</b>				
023	AIR FORCE PHYSICAL SECURITY SYSTEM .....		1,600		1,600
	<b>DISA PROGRAMS</b>				
037	MILSATCOM SPACE .....		714		714
	<b>OTHER BASE MAINTENANCE AND SUPPORT EQUIP</b>				
	<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>				
047	NIGHT VISION GOGGLES .....		14,528		14,528
048	ITEMS LESS THAN \$5,000,000 (SAFETY) .....		4,900		4,900

**PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2010 Request		Senate Change		Senate Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost
	<b>BASE SUPPORT EQUIPMENT</b>						
051	CONTINGENCY OPERATIONS .....		11,300				11,300
	<b>SPECIAL SUPPORT PROJECTS</b>						
060	DEFENSE SPACE RECONNAISSANCE PROG. ....		34,400				34,400
	<b>CLASSIFIED PROGRAMS</b>						
999	CLASSIFIED PROGRAMS .....		2,230,780				2,230,780
	<b>TOTAL—OTHER PROCUREMENT, AIR FORCE .....</b>		<b>2,321,549</b>				<b>2,321,549</b>
	<b>MINE RESISTANT AMBUSH PROT VEH FUND</b>						
	<b>MINE RESISTANT AMBUSH PROT VEH FUND</b>						
	MINE RESISTANT AMBUSH PROT VEH FUND .....		5,456,000				5,456,000
	<b>TOTAL—MINE RESISTANT AMBUSH PROT VEH FUND .....</b>		<b>5,456,000</b>				<b>5,456,000</b>
	<b>PROCUREMENT, DEFENSE-WIDE</b>						
	<b>MAJOR EQUIPMENT</b>						
	<b>MAJOR EQUIPMENT, DISA</b>						
019	GLOBAL COMMAND AND CONTROL SYSTEM .....		1,500				1,500
021	TELEPORT PROGRAM .....		7,411				7,411
	<b>CLASSIFIED PROGRAMS</b>						
999	CLASSIFIED PROGRAMS .....		304,794				304,794
	<b>SPECIAL OPERATIONS COMMAND</b>						
	<b>AVIATION PROGRAMS</b>						
052	MH-47 SERVICE LIFE EXTENSION PROGRAM .....		5,900				5,900
057	SOF U-28 .....		3,000				3,000
060	MQ-1 UAV .....		1,450				1,450
062	STUASLO .....	9	12,000			9	12,000
063	C-130 MODIFICATIONS .....		19,500				19,500

	<b>AMMUNITION PROGRAMS</b>		
067	SOF ORDNANCE REPLENISHMENT .....	51,156	51,156
068	SOF ORDNANCE ACQUISITION .....	17,560	17,560
	<b>OTHER PROCUREMENT PROGRAMS</b>		
069	COMMUNICATIONS EQUIPMENT AND ELECTRONICS .....	2,000	2,000
070	SOF INTELLIGENCE SYSTEMS .....	23,260	23,260
071	SMALL ARMS AND WEAPONS .....	3,800	3,800
076	TACTICAL VEHICLES .....	6,865	6,865
083	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	11,000	11,000
086	SOF TACTICAL RADIO SYSTEMS .....	5,448	5,448
090	SOF OPERATIONAL ENHANCEMENTS .....	11,900	11,900
	<b>CLASSIFIED PROGRAMS</b>		
999	CLASSIFIED PROGRAMS .....	2,886	2,886
	<b>TOTAL—PROCUREMENT, DEFENSE-WIDE</b> .....	<b>491,430</b>	<b>491,430</b>
	<b>Total Procurement</b> .....	<b>628,850</b>	<b>24,370,076</b>

# 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
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, ARMY</b>					
<b>BASIC RESEARCH</b>					
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]	
<b>SUBTOTAL, BASIC RESEARCH, ARMY .....</b>			<b>377,260</b>	<b>17,200</b>	<b>394,460</b>



<b>APPLIED RESEARCH</b>				
005	0602105A	MATERIALS TECHNOLOGY .....	27,206	23,000
		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	2,500
		Nanoelectronic memory, sensor and energy devices .....		[2,500]
007	0602122A	TRACTOR HIP .....	14,324	14,324
008	060211A	AVIATION TECHNOLOGY .....	41,332	43,332
		Manned-unmanned aerial system teaming technologies .....		2,000
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY .....	16,119	[2,000]
010	0602303A	MISSILE TECHNOLOGY .....	50,716	16,119
011	0602307A	ADVANCED WEAPONS TECHNOLOGY .....	19,678	50,716
012	0602308A	ADVANCED CONCEPTS AND SIMULATION .....	17,473	19,678
		Cognitive modeling and simulation research .....		2,000
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY .....	55,937	[2,000]
		Advanced composite materials research .....		63,000
		Army vehicle modernization research .....		[4,000]
		Composite vehicle shelters .....		[25,000]
		Fuel cell APU systems .....		[2,500]
		Hybrid electric vehicle reliability research .....		[3,000]
		Materials research for alternative energy and transportation .....		[2,000]
		Tactical metal fabrication program .....		[1,500]
		Tribology research .....		[3,000]
		Vehicle systems engineering and integration activities .....		[2,000]
014	0602618A	BALLISTICS TECHNOLOGY .....	61,843	[20,000]
		Army vehicle survivability research .....		26,000
		Electromagnetic gun .....		[25,000]
		Reactive armor research .....		[-2,000]
		Chemical, smoke and equipment defeating technology .....		[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	9,000
				50,085

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
018	0602705A	Acoustic gun detection systems .....		[2,000]	
		Acoustic research .....		[3,000]	
		UGV weaponization .....		[4,000]	
		<b>ELECTRONICS AND ELECTRONIC DEVICES</b> .....	61,404	6,000	67,404
		Hybrid battery systems .....		[2,500]	
		Hybrid portable power program .....		[3,500]	
019	0602709A	<b>NIGHT VISION TECHNOLOGY</b> .....	26,893		26,893
020	0602712A	<b>COUNTERMINE SYSTEMS</b> .....	18,945		18,945
021	0602716A	<b>HUMAN FACTORS ENGINEERING TECHNOLOGY</b> .....	18,605		18,605
022	0602720A	<b>ENVIRONMENTAL QUALITY TECHNOLOGY</b> .....	15,902		15,902
023	0602782A	<b>COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY</b> .....	24,833		24,833
024	0602783A	<b>COMPUTER AND SOFTWARE TECHNOLOGY</b> .....	5,639		5,639
025	0602784A	<b>MILITARY ENGINEERING TECHNOLOGY</b> .....	54,818	8,500	63,318
		Ballistic materials for force protection .....		[3,000]	
		Critical infrastructure monitoring and protection research .....		[3,500]	
		Geosciences research .....		[2,000]	
026	0602785A	<b>MANPOWER/PERSONNEL/TRAINING TECHNOLOGY</b> .....	18,701		18,701
027	0602786A	<b>WARFIGHTER TECHNOLOGY</b> .....	27,109	8,500	35,609
		Airbeam shelter protection systems .....		[3,000]	
		Enhanced ballistic protection research .....		[3,000]	
		Thermal resistant fiber research .....		[2,500]	
028	0602787A	<b>MEDICAL TECHNOLOGY</b> .....	99,027	26,500	125,527
		Bioengineering research .....		[2,500]	
		Biomechanics research .....		[3,500]	
		Blast protection for ground soldiers .....		[2,000]	
		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]		
	<b>SUBTOTAL, APPLIED RESEARCH, ARMY .....</b>	<b>177,000</b>	<b>781,197</b>	<b>958,197</b>
	<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>			
029	0603001A WARFIGHTER ADVANCED TECHNOLOGY .....		37,574	37,574
030	0603002A MEDICAL ADVANCED TECHNOLOGY .....	38,000	72,940	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 .....	19,750	60,097	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 .....	-4,500	66,410	61,910
	Electromagnetic gun .....	[-11,500]		
	Lightweight advanced metals program .....	[3,000]		
	Nanotechnology manufacturing research .....	[4,000]		
033	0603005A 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 .....	[3,500]		

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
		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
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		6,657
042	0603125A	COMBATING TERRORISM, TECHNOLOGY DEVELOPMENT .....	11,989	3,500	15,489
		Mid-sized unmanned ground vehicle .....		[3,500]	
043	0603270A	ELECTRONIC WARFARE TECHNOLOGY .....	19,192	2,000	21,192
		Laser systems for light aircraft missile defense .....		[2,000]	

044	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY .....	63,951	3,000	66,951
		<i>Discriminatory imaging research</i> .....		[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
		<i>Bradley third generation FLIR</i> .....		[5,000]	
049	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS .....	15,706		15,706
050	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY .....	5,911	8,500	14,411
		<i>Permafrost tunnel</i> .....		[500]	
		<i>Photovoltaic technology development</i> .....		[8,000]	
051	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY .....	41,561	4,000	45,561
		<i>Wideband digital airborne electronic sensing array</i> .....		[4,000]	
		<b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, ARMY .....</b>	<b>695,217</b>	<b>269,350</b>	<b>964,567</b>
<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
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
		<i>Adaptive robotic technology</i> .....		[3,500]	
		<i>Advanced electronics integration</i> .....		[4,000]	
		<i>Advanced environmental controls</i> .....		[5,000]	
056	0603460A	JOINT AIR-TO-GROUND MISSILE (JAGM) .....			
057	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV .....	17,536		17,536
058	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS—ADV DEV .....	4,920		4,920
059	0603639A	TANK AND MEDIUM CALIBER AMMUNITION .....	33,934		33,934
060	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS) .....	90,299	50,000	140,299
		<i>Advanced Tank Armament Systems</i> .....		[50,000]	
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 .....			
064	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY .....	4,770		4,770
065	0603782A	WARFIGHTER INFORMATION NETWORK—TACTICAL .....	180,673		180,673
066	0603790A	NATO RESEARCH AND DEVELOPMENT .....	5,048		5,048

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
067	0603801A	AVIATION—ADV DEV .....	8,537	50,000	58,537
		Joint Future Theater Lift .....		[50,000]	
068	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV .....	56,373	-10,000	46,373
		Premature JLTV 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
		<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES, ARMY .....</b>	<b>908,206</b>	<b>102,500</b>	<b>1,010,706</b>
<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
073	0604201A	AIRCRAFT AVIONICS .....	92,977		92,977
074	0604202A	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
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	[-58,216]	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	33,209
		<i>Urban training development</i> .....	[3,000]	[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	42,378
		<i>Common guidance control module</i> .....	[7,500]	[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 WARFARE/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	81,534
		<i>Accelerate Paladin integration management</i> .....	[58,216]	[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

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
119	0605625A	MANNED GROUND VEHICLE .....	100,000		100,000
		<b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION, ARMY .....</b>	<b>4,640,455</b>	<b>-285,057</b>	<b>4,355,398</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>			
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
		Program increase .....		[25,600]	
128	0605602A	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



141	0605857A	3D woven preform technology for Army munitions .....			
142	0605898A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT .....	5,191		5,191
143	0909999A	MANAGEMENT HQ—R&D .....	15,866		15,866
		FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS .....			
				[2,200]	
		<b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT, ARMY .....</b>	<b>1,149,112</b>	<b>43,800</b>	<b>1,192,912</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>			
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
		Program delay reduction .....		[-20,000]	
147	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM .....	23,727		23,727
148	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS .....	190,301		190,301
149	0203740A	MANEUVER CONTROL SYSTEM .....	21,394		21,394
150	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS .....	209,401		209,401
151	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	792		792
152	0203758A	DIGITIZATION .....	10,692		10,692
153	0203759A	FORCE XXI BATTLE COMMAND, BRIGADE AND BELOW (FBCB2) .....			
154	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM .....	39,273		39,273
155	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS .....	5,000		5,000
		TOW LBS .....		[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 .....		[-13,258]	
159	0208058A	JOINT HIGH SPEED VESSEL (JHSV) .....	3,082		3,082
160	0301359A	SPECIAL ARMY PROGRAM .....	[ ]		[ ]
161	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES .....	2,144	5,000	7,144
		Collection management tools .....		[5,000]	
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	WWMCS/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	86,000	288,521

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
168	0305208A	AI60 Afghanistan deployment		[86,000]	188,414
169	0305287A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	188,414		188,414
170	0307207A	BASE EXPED TARGETING SURVEILLANCE SYS—COMBINED			210,035
171	0702239A	AERIAL COMMON SENSOR (ACS)	210,035		210,035
172	0708043A	AVIONICS COMPONENT IMPROVEMENT PROGRAM			103,716
		END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	68,466	37,250	103,716
		Combat vehicle manufacturing technology		[30,000]	
		Manufacturing metrology research		[2,750]	
		Smart machine platform initiative		[2,000]	
		Weapon systems repair technologies		[2,500]	
999	9999999	OTHER PROGRAMS	3,883		3,883
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY</b>	<b>1,886,771</b>	<b>99,992</b>	<b>1,986,763</b>
		<b>TOTAL, RDT&amp;E ARMY</b>	<b>10,438,218</b>	<b>424,785</b>	<b>10,863,003</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, NAVY</b>			
		<b>BASIC RESEARCH</b>			
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]	
		<b>SUBTOTAL, BASIC RESEARCH, NAVY</b>	<b>531,291</b>	<b>5,000</b>	<b>536,291</b>
		<b>APPLIED RESEARCH</b>			
004	0602114N	POWER PROJECTION APPLIED RESEARCH	59,787	3,000	62,787

005	0602123N	Energetics research .....		[3,000]	
		<b>FORCE PROTECTION APPLIED RESEARCH</b> .....	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]	
		<b>ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH</b> .....	64,816	[4,000]	
010	0602271N	Photonic digital radar systems .....		3,000	
011	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH .....	48,750	[3,000]	
		Advanced UUV research .....		5,500	
		Laser underwater imaging and communications research .....		[3,500]	
012	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH .....	6,008	[2,000]	
013	0602747N	UNDERSEA WARFARE APPLIED RESEARCH .....	55,694	3,750	6,008
		Littoral glider systems .....		[3,000]	59,444
		Quiet power technologies .....		[750]	
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH .....	40,880	2,000	42,880
		Electromagnetic signature assessment system .....		[2,000]	
		<b>SUBTOTAL, APPLIED RESEARCH, NAVY</b> .....	<b>593,975</b>	<b>54,250</b>	<b>648,225</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b> .....			
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

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
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<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
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
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
		<b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, NAVY .....</b>	<b>720,896</b>	<b>-37,600</b>	<b>683,296</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>			
026	0603207N	AIR/OCEAN TACTICAL APPLICATIONS .....	116,082	1,400	117,482
		Semi-submersible for UUV 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	28,361
		<i>Remote monitoring &amp; troubleshooting project</i> .....	5,820	[5,820]
044	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES .....	28,135	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 .....		
053	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM .....	73,798	66,298
		<i>Model-based management decision tools</i> .....	-7,500	[4,500]
		<i>Premature JLTIV program growth</i> .....		[-12,000]
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
		<i>Fuel cell and hydrogen generation technologies</i> .....		[2,500]
		<i>Molten carbonate fuel cell demonstrator</i> .....		[3,000]
		<i>Solar heat reflective film development</i> .....		[4,750]
		<i>Unjustified request</i> .....		[-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	9,301
		<i>Highly integrated optical interconnects for advanced air vehicles</i> .....	5,000	[4,000]
		<i>RFID technology exploitation</i> .....		[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

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
068	0603790N	NATO RESEARCH AND DEVELOPMENT .....	10,194		10,194
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
		<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES, NAVY .....</b>	<b>4,163,795</b>	<b>19,794</b>	<b>4,183,589</b>
<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
080	0604212N	OTHER HELO DEVELOPMENT .....	54,092		54,092
081	0604214N	AV-8B 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 .....		
099	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING .....	178,459	178,459
100	0604311N	LPD-17 CLASS SYSTEMS INTEGRATION .....	5,304	5,304
101	0604329N	SMALL DIAMETER BOMB (SDB) .....	43,902	43,902
102	0604366N	STANDARD MISSILE IMPROVEMENTS .....	182,197	182,197
103	0604373N	AIRBORNE MCM .....	48,712	48,712
104	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING .....	11,727	11,727
105	0604501N	ADVANCED ABOVE WATER SENSORS .....	236,078	286,078
		Mobile maritime sensor technology development .....	50,000	50,000
106	0604503N	SSN-688 AND TRIDENT MODERNIZATION .....	122,733	127,733
		SSN Communications .....	5,000	5,000
		AIR CONTROL .....	6,533	6,533
107	0604504N	SHIPBOARD AVIATION SYSTEMS .....	80,623	80,623
108	0604512N	COMBAT INFORMATION CENTER CONVERSION .....	13,305	13,305
109	0604518N	NEW DESIGN SSN .....	154,756	163,756
110	0604558N	Common command & control system module .....	11,000	11,000
		Mold-in-place coating development .....	[9,000]	[9,000]
111	0604561N	SSN-21 DEVELOPMENTS .....	59,703	59,703
112	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM .....	13,000	13,000
		Artificial Intelligence-based combat system kernel .....	[5,000]	[5,000]
		Submarine environment for evaluation & development .....	[4,000]	[4,000]
		Weapon acquisition & firing system .....	[4,000]	[4,000]
113	0604567N	SHIP CONTRACT DESIGN/LIVE FIRE T&E .....	89,988	91,988
		Automated fiber optic manufacturing .....	2,000	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
120	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL) .....	35,459	40,459
		AUSV .....	5,000	5,000
121	0604756N	SHIP SELF DEFENSE (ENGAGE; HARD KILL) .....	34,236	46,236

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
122	0604757N	Phalanx Next Generation .....		[12,000]	
		SHIP SELF DEFENSE (ENGAGE; SOFT KILL/IEW) .....	88,895	9,000	97,895
		NULKA decoy R&D .....		[9,000]	
123	0604761N	INTELLIGENCE ENGINEERING .....	14,438		14,438
124	0604771N	MEDICAL DEVELOPMENT .....	9,888	10,500	20,388
		Composite tissue transplantation research .....		[2,000]	
		Custom body implant development .....		[2,000]	
		Multivalent dengue vaccine program .....		[3,500]	
		Orthopedic surgery instrumentation .....		[3,000]	
125	0604777N	NAVIGATION/ID SYSTEM .....	63,184		63,184
126	0604784N	DISTRIBUTED SURVEILLANCE SYSTEM .....			
127	0604800N	JOINT STRIKE FIGHTER (JSF) .....	1,741,296	141,450	1,882,746
		F136 development .....		[219,450]	
		Excess management reserves .....		[-78,000]	
128	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT .....	9,868		9,868
129	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT .....	69,026	12,000	81,026
		Information systems research .....		[7,000]	
		Integrated network-centric technology systems .....		[5,000]	
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) .....	1,162,417		1,162,417
134	0204201N	CG(X) .....	150,022		150,022
135	0204202N	DDG-1000 .....	539,053		539,053
136	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS .....	19,016		19,016
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION, NAVY .....</b>	<b>7,975,882</b>	<b>270,950</b>	<b>8,246,832</b>
137	0604256N	RDT&E MANAGEMENT SUPPORT .....			
		THREAT SIMULATOR DEVELOPMENT .....	25,534		25,534
138	0604258N	TARGET SYSTEMS DEVELOPMENT .....	79,603		79,603



139	0604759N	MAJOR T&E INVESTMENT .....	44,844	5,000	49,844
		<i>Aviation enterprise interoperability upgrades</i> .....		[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 .....			
		<b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT, NAVY .....</b>	<b>982,509</b>	<b>5,000</b>	<b>987,509</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>			
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
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

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
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	0301322N	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
		MUOS 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



**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
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<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
<b>BASIC RESEARCH</b>					
001	0601102F	DEFENSE RESEARCH SCIENCES .....	321,028	2,500	323,528
		Coal transformation research .....		[1,000]	
		Nanotechnology for portable power research .....		[4,500]	
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 .....	[ ]		[ ]
<b>SUBTOTAL, BASIC RESEARCH, AIR FORCE .....</b>			<b>466,111</b>	<b>16,000</b>	<b>482,111</b>
<b>APPLIED RESEARCH</b>					
<b>MEDICAL DEVELOPMENT</b>					
006	0602015F	MATERIALS .....	127,957	19,750	147,707
007	0602102F	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	18,000	214,529

	Hybrid bearing development .....		[1,000]	
	Integrated electrical starter/generator systems .....		[2,500]	
	Lithium battery manufacturing .....		[5,000]	
	Lithium ion technologies for aviation batteries .....		[2,000]	
	Servojet research .....		[3,500]	
	Thermally efficient engine pumping system .....		[4,000]	
011	AEROSPACE SENSORS .....	121,768	9,500	121,768
012	SPACE TECHNOLOGY .....	104,148	[2,000]	113,648
	Reconfigurable electronics research .....		[7,500]	
	Seismic research program .....			
013	CONVENTIONAL MUNITIONS .....	58,289		58,289
014	DIRECTED ENERGY TECHNOLOGY .....	105,677	-5,750	99,927
	Chemical laser technology .....		[-5,750]	
015	COMMAND CONTROL AND COMMUNICATIONS .....			
016	DOMINANT INFORMATION SCIENCES AND METHODS .....	115,278	-4,100	115,278
017	HIGH ENERGY LASER RESEARCH .....	52,754	[2,000]	48,654
	Advanced deformable mirrors for high energy laser weapons .....			
	Chemical laser technology .....		[-6,100]	
	<b>SUBTOTAL, APPLIED RESEARCH, AIR FORCE .....</b>	<b>1,094,651</b>	<b>39,900</b>	<b>1,134,551</b>
	<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>			
	<b>ADVANCED MATERIALS FOR WEAPON SYSTEMS .....</b>			
018	Metals Affordability Initiative .....	37,901	14,000	51,901
	Seawage-derived biofuels program .....		[7,000]	
	Sonic infrared imaging technology development .....		[5,000]	
	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T) .....		[2,000]	
019	ADVANCED AEROSPACE SENSORS .....	2,955		2,955
020	Reconfigurable secure computing technologies .....	51,482	4,000	55,482
	AEROSPACE TECHNOLOGY DEV/DEMO .....		[4,000]	
021	AEROSPACE PROPULSION AND POWER TECHNOLOGY .....	76,844		76,844
022	Alternative energy research .....	175,676	39,500	215,176
	Long range supersonic engine for high speed strike .....		[20,000]	
	Scalable UAV engines .....		[10,000]	
	Silicon carbide power electronics research .....		[3,500]	
023	CREW SYSTEMS AND PERSONNEL PROTECTION TECHNOLOGY .....		[6,000]	

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
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<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
024	0603270F	ELECTRONIC COMBAT TECHNOLOGY .....	31,021		31,021
025	0603401F	ADVANCED SPACECRAFT TECHNOLOGY .....	83,909		83,909
026	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS) .....	5,813		5,813
027	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT .....	24,565		24,565
028	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY .....	14,356		14,356
029	0603605F	ADVANCED WEAPONS TECHNOLOGY .....	30,056		30,056
030	0603680F	MANUFACTURING TECHNOLOGY PROGRAM .....	39,913	3,250	43,163
		<i>Next generation casing initiative</i> .....		[3,250]	
031	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION .....	39,708	2,500	42,208
		<i>Optical interconnects research</i> .....		[2,500]	
032	0603789F	C3I ADVANCED DEVELOPMENT .....			
033	0603924F	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM .....	3,831		3,831
		<b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, AIR FORCE .....</b>	<b>618,030</b>	<b>63,250</b>	<b>681,280</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>			
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	12,500	110,201
		<i>Space protection program</i> .....		[6,500]	
		<i>Space situational awareness</i> .....		[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	-5,000	61,079

047	0603854F	Program decrease .....			
		WIDEAREA GLOBAL SATCOM RDT&E (SPACE) .....	70,956		70,956
048	0603859F	POLLUTION PREVENTION .....	2,896		2,896
049	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS .....	23,174		23,174
050	0604015F	NEXT GENERATION BOMBER .....			
051	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT .....	22,612		22,612
052	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM .....	20,891		20,891
053	0604330F	JOINT DUAL ROLE AIR DOMINANCE MISSILE .....	6,882		6,882
054	0604337F	REQUIREMENTS ANALYSIS AND MATURATION .....	35,533		35,533
055	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT .....	18,778		18,778
056	0604796F	ALTERNATIVE FUELS .....	89,020		89,020
057	0604830F	AUTOMATED AIR-TO-AIR REFUELING .....	43,158		43,158
058	0604856F	COMMON AERO VEHICLE (CAV) .....			
059	0604857F	OPERATIONALLY RESPONSIVE SPACE .....	112,861	170,000	282,861
		ORS smallsat imaging prototyping .....		[115,000]	
		ORS-1 .....		[40,000]	
		RSLV .....		[15,000]	
060	0604858F	TECH TRANSITION PROGRAM .....	9,611		9,611
061	0305178F	NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM (NPOESS) ..	396,641	80,000	476,641
		Program increase .....		[80,000]	
061a	604crrrF	NEXT GENERATION MILSATCOM TECHNOLOGY DEVELOPMENT .....		53,000	53,000
		IRIS .....		[3,000]	
		Next generation MILSATCOM technology development .....		[50,000]	
		<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES, AIR FORCE</b>	<b>1,795,884</b>	<b>310,500</b>	<b>2,106,384</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>			
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

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Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
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) .....	1,999,505	141,450	1,999,505
		F136 development .....	1,838,055	[219,450]	
		Excess management reserves .....		[-78,000]	
085	0604851F	INTERCONTINENTAL BALLISTIC MISSILE .....	60,010		60,010
086	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE) .....	26,545	12,000	38,545
		EELV metric tracking .....		[12,000]	
087	0605011F	RDT&E FOR AGING AIRCRAFT .....			
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]	
090	0605278F	HC/MC-130 RECAP RDT&E .....	20,582		20,582
091	0605452F	JOINT SLAP EXECUTIVE PROGRAM OFFICE .....	34,877		34,877
092	0207434F	LINK-16 SUPPORT AND SUSTAINMENT .....			
093	0207450F	E-10 SQUADRONS .....			
094	0207451F	SINGLE INTEGRATED AIR PICTURE (SIAP) .....	13,466		13,466
095	0207701F	FULL COMBAT MISSION TRAINING .....	99,807		99,807



096	0305176F	COMBAT SURVIVOR EVASDER LOCATOR			
097	0401138F	JOINT CARGO AIRCRAFT (JCA)	9,353	9,353	
098	0401318F	CV-22	19,640	19,640	
099	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)	20,056	20,056	
		<b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION, AIR FORCE</b>	<b>4,219,726</b>	<b>80,475</b>	<b>4,300,201</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>			
100	0604256F	THREAT SIMULATOR DEVELOPMENT	27,789	27,789	
101	0604759F	MAJOR T&E INVESTMENT	60,824	5,000	63,824
		<i>Holloman High Speed Test Track</i>		[5,000]	
102	0605101F	RAND PROJECT AIR FORCE	27,501		27,501
103	0605502F	SMALL BUSINESS INNOVATION RESEARCH			
104	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	25,833		25,833
105	0605807F	TEST AND EVALUATION SUPPORT	736,488	20,000	756,488
		<i>Program increase</i>		[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
		<b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT, AIR FORCE</b>	<b>1,046,524</b>	<b>25,000</b>	<b>1,071,524</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>			
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

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
122	0101314F	NIGHT FIST—USSTRATCOM .....	5,328		5,328
123	0101815F	ADVANCED STRATEGIC PROGRAMS .....	[ ]		[ ]
124	0102323F	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	0207323F	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 CONTROLS 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) CAI .....	19,067		19,067

153	0207445F	FIGHTER TACTICAL DATA LINK .....	72,106	72,106
154	0207446F	BOMBER TACTICAL DATA LINK .....		1,667
155	0207448F	C2ISR TACTICAL DATA LINK .....	1,667	26,792
156	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION .....	26,792	232,670
157	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS) .....	140,670	92,000
		MP-RTIP integration & test on JSTARS aircraft .....		[92,000]
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	GDP COLLECTION MANAGEMENT .....	[ ]	[ ]
170	0302015F	E-4B NATONAL AIRBORNE OPERATIONS CENTER (NAOC) .....	[ ]	[ ]
171	0303112F	AIR FORCE COMMUNICATIONS (AIRCOM) .....	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 (ATCALS) .....	9,006	9,006
187	0305116F	AERIAL TARGETS .....	54,807	54,807
188	0305124F	SPECIAL APPLICATIONS PROGRAM .....	[ ]	[ ]

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
189	0305127F	FOREIGN COUNTERINTELLIGENCE ACTIVITIES .....	[ ]		[ ]
190	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES .....	742		742
191	0305143F	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	0305183F	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	-35,000	38,736
		ISIS .....		[-35,000]	
203	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS .....	143,892	-46,000	97,892
		GORGON STARE .....		[-46,000]	
204	0305207F	MANNED RECONNAISSANCE SYSTEMS .....	12,846		12,846
205	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	82,765		82,765
206	0305219F	MQ-1 PREDATOR A UAV .....	18,101	4,000	22,101
		Sense and avoid .....		[4,000]	
207	0305220F	RQ-4 UAV .....	317,316		317,316
208	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING .....	8,160		8,160
209	0305263F	GPS III SPACE SEGMENT .....	815,095		815,095
210	0305614F	JSPOC MISSION SYSTEM .....	131,271	6,000	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
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 .....	4,916	4,916
226	0401314F	OPERATIONAL SUPPORT AIRLIFT .....		
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	6,376
		<i>Bioelectric signature and passive physiological monitoring</i> .....	5,000	5,000
		<i>(5,000)</i> .....		
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	9999999	OTHER PROGRAMS .....	11,955,084	12,093,084
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE .....</b>	<b>18,751,901</b>	<b>18,917,901</b>
		<b>TOTAL, RDT&amp;E AIR FORCE .....</b>	<b>27,992,827</b>	<b>28,693,952</b>

**RESEARCH, DEVELOPMENT, TEST & EVALUATION, DEFENSE-WIDE**

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
<b>BASIC RESEARCH</b>					
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE .....	48,544		48,544
002	0601101E	DEFENSE RESEARCH SCIENCES .....	226,125		226,125
003	0601111D8Z	GOVERNMENT/INDUSTRY COSPONSORSHIP OF UNIVERSITY RESEARCH .....			
004	0601114D8Z	DEFENSE EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH .....		8,000	8,000
		Program Increase .....		[8,000]	
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM .....	89,980		89,980
006	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	58,974	2,000	60,974
		In-vitro models for bio-defense vaccines .....		[2,000]	
<b>SUBTOTAL, BASIC RESEARCH, DEFENSE-WIDE .....</b>			<b>423,623</b>	<b>10,000</b>	<b>433,623</b>
<b>APPLIED RESEARCH</b>					
007	0602000D8Z	JOINT MUNITIONS TECHNOLOGY .....	22,669		22,669
008	0602227D8Z	MEDICAL FREE ELECTRON LASER .....			
009	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE .....	15,164		15,164
010	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM .....	34,034		34,034
011	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY .....	282,749	-12,000	270,749
		Content distribution .....		[-4,500]	
		CORONET .....		[-7,500]	
012	0602304E	COGNITIVE COMPUTING SYSTEMS .....	142,840		142,840
		Cognitive networking .....			
013	0602383E	BIOLOGICAL WARFARE DEFENSE .....	40,587		40,587
014	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	209,072		209,072
		Chemical and biological infrared detector .....		13,878	
		Biological decontamination research .....		[3,000]	
		Funding for meritorious unfunded TMTI projects .....		[1,000]	
015	0602663D8Z	JOINT DATA MANAGEMENT ADVANCED DEVELOPMENT .....	4,940		4,940
016	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH .....	9,446		9,446
017	0602702E	TACTICAL TECHNOLOGY .....	276,075	-13,000	263,075
		EXACTO .....		[-10,000]	

018	0603715E	Submersible aircraft .....			
		MATERIALS AND BIOLOGICAL TECHNOLOGY .....	2,08,859		2,08,859
019	0603716E	ELECTRONICS TECHNOLOGY .....	223,841		223,841
020	0603718BR	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 .....			
		<b>SUBTOTAL, APPLIED RESEARCH, DEFENSE-WIDE .....</b>	<b>1,776,790</b>	<b>-34,122</b>	<b>1,742,668</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>			
023	0603000DSZ	JOINT MUNITIONS ADVANCED TECHNOLOGY .....	23,538		23,538
024	0603121DSZ	SO/LIC ADVANCED DEVELOPMENT .....	43,808		43,808
025	0603123DSZ	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	0603200DSZ	JOINT ADVANCED CONCEPTS .....	7,817	3,000	10,817
		Joint Future Theater Lift joint advanced concepts .....		[3,000]	
029	0603225DSZ	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT .....	23,276		23,276
030	0603286E	ADVANCED AEROSPACE SYSTEMS .....	338,360	-106,000	232,360
		Dise-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	0603618DSZ	JOINT ELECTRONIC ADVANCED TECHNOLOGY .....	10,838		10,838
034	0603648DSZ	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS .....	198,352	-25,000	173,352
		JCTD new starts .....		[-25,000]	
035	0603663DSZ	NETWORKED COMMUNICATIONS CAPABILITIES .....	28,212		28,212
036	0603663DSZ	JOINT DATA MANAGEMENT RESEARCH .....	4,935		4,935
037	0603663DSZ	BIOMETRICS SCIENCE AND TECHNOLOGY .....	10,993		10,993
038	0603670DSZ	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT .....	11,480		11,480
039	0603680DSZ	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM .....	14,638	10,000	24,638

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
040	0603711D8Z	High performance defense manufacturing technology	9,110	[10,000]	11,110
		JOINT ROBOTICS PROGRAM/AUTONOMOUS SYSTEMS		2,000	
		Robotics training systems		[2,000]	
041	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	19,043	41,250	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	231,286	3,000	224,286
050	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	293,476	[3,000]	283,476
		Deep Green		-10,000	
		Land Warfare Technology		[10,000]	
051	0603764E	LAND WARFARE TECHNOLOGY	186,526		186,526
052	0603765E	CLASSIFIED DARPA PROGRAMS	135,941		135,941
053	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	243,056		233,556
054	0603767E	SENSOR TECHNOLOGY		-7,500	
		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



060	0603828D8Z	Quick Reaction Fund .....			
		Special warfare domain awareness .....			
		JOINT EXPERIMENTATION .....	124,480	[1,800]	119,480
		Space control and GPS experimentation .....			
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	FINANCED 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
		<b>SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT, DEFENSE-WIDE .....</b>	<b>3,570,404</b>	<b>-99,850</b>	<b>3,470,554</b>
<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
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	2,000	207,952
		Real-time non-specific viral agent detector .....		[2,000]	
078	0603884C	BALLISTIC MISSILE DEFENSE SENSORS .....	636,856	5,000	641,856
		Airborne infrared surveillance technology .....		[5,000]	
079	0603886C	BALLISTIC MISSILE DEFENSE SYSTEM INTERCEPTOR .....			
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	-30,000	1,660,758
		Excess to execution .....		[-30,000]	
084	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM .....	180,000		180,000

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
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 WARFIGHTER SUPPORT	60,921		60,921
090	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MIDIOC)	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 MIDCOURSE RADAR			
095	0603911C	BMD EUROPEAN CAPABILITY	50,504		50,504
096	0603912C	BMD EUROPEAN COMMUNICATIONS SUPPORT			
097	0603913C	ISRAELI COOPERATIVE PROGRAMS	119,634	25,000	144,634
		Short-range ballistic missile defense		[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	3,500	8,387
		Corrosion control research		[3,500]	
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 (HS CB) 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
		<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES, DEFENSE-WIDE.</b>	<b>7,438,177</b>	<b>55,500</b>	<b>7,493,677</b>

108	0604051D8Z	<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
		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	0605018BT	DEFENSE INTEGRATED MILITARY HUMAN RESOURCES SYSTEM (DIMHRS)	70,000	70,000
118	0605020BT	BUSINESS TRANSFORMATION AGENCY R&D ACTIVITIES	197,008	197,008
119	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	395	395
120	0605027D8Z	OUSDI(C) 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
		<b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION, DEFENSE-WIDE</b>	<b>1,007,780</b>	<b>1,007,780</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
125	0807708D8Z	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 (AcT)—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)		

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
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	3,000	5,163
		<i>Anti-tamper software systems</i> .....		[3,000]	
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
		<i>Program decrease</i> .....		[-19,600]	
164	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....	20,648		20,648
165	0305193G	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....	[ ]		[ ]

166	0305400DSZ	WARFIGHTING AND INTELLIGENCE-RELATED SUPPORT .....	829	829
167	0804767DSZ	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	0901598DSW	IT SOFTWARE DEV INITIATIVES .....	980	980
		<b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT, DEFENSE-WIDE .....</b>	<b>1,064,848</b>	<b>-12,600</b>
				<b>1,052,248</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>				
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 (OHAISIS) .....	292	292
174	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT) .....	6,198	6,198
175	0607828DSZ	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	0303140DSZ	INFORMATION SYSTEMS SECURITY PROGRAM .....	13,477	13,477
194	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM .....	408,316	410,116
		Software assurance coursework .....	1,800	1,800
		[1,800]		
195	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM .....		
196	0303148K	DISA MISSION SUPPORT OPERATIONS .....	1,205	1,205

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
197	0303149J	CAI FOR THE WARRIOR .....	4,098		4,098
198	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM .....	23,761		23,761
199	0303153K	JOINT SPECTRUM CENTER .....	18,944		18,944
200	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES) .....	1,782		1,782
201	0303260D8Z	JOINT MILITARY DECEPTION INITIATIVE .....	942		942
202	0303610K	TELEPORT PROGRAM .....	5,239		5,239
203	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES .....	16,381		16,381
204	0304345BQ	NATIONAL GEOSPATIAL-INTELLIGENCE PROGRAM (NGP) .....	//		//
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) .....	//		//

238	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	[4,000]	[4,000]
		<i>Technology applications for security enhancement</i>		
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	60,514
		<i>Advanced microcircuit emulation</i>		40,000
		<i>Castings for improved defense readiness</i>		[4,500]
		<i>Industrial Base Innovation Fund</i>		[3,000]
		<i>Insensitive munitions manufacturing</i>		[30,000]
		<i>Insensitive munitions manufacturing</i>		[2,500]
239	0708013S	LOGISTICS SUPPORT ACTIVITIES	2,798	2,798
240	0902298J	MANAGEMENT HEADQUARTERS (MCS)	8,303	8,303
241	1001018D8Z	NATO AGS	74,485	74,485
242	1105219BB	MQ-9 UAV	4,380	4,380
243	1130433BB	STORM		
244	1160279BB	SMALL BUSINESS INNOVATIVE RESEARCH/SMALL BUS TECH TRANSFER PILOT PROG	82,621	82,621
245	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT	6,182	6,182
246	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	21,273	20,273
247	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT		5,000
		<i>Long endurance unmanned ground sensor technologies</i>		[5,000]
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	MC130J 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

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
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
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	99999999	OTHER PROGRAMS .....	4,273,689	4,000	4,277,689
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE .....</b>	<b>5,459,920</b>	<b>44,800</b>	<b>5,504,720</b>
		DARPA execution adjustment .....		-150,000	-150,000
		<b>Total, RDT&amp;E Defense-Wide .....</b>	<b>20,741,542</b>	<b>-186,272</b>	<b>20,555,270</b>
		<b>OPERATIONAL TEST &amp; EVALUATION, DEFENSE</b>			
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
		<b>Total, Operational Test &amp; Evaluation, Defense .....</b>	<b>190,770</b>		<b>190,770</b>
		<b>TOTAL RDT&amp;E .....</b>	<b>78,634,289</b>	<b>1,266,402</b>	<b>79,900,691</b>



**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.**

<b>RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS</b>					
<i>(In Thousands of Dollars)</i>					
<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, ARMY</b>					
<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>					
075	0604270A	ELECTRONIC WARFARE DEVELOPMENT .....	18,598		18,598
<b>SUBTOTAL, SYSTEM DEVELOPMENT &amp; DEMONSTRATION, ARMY .....</b>			<b>18,598</b>		<b>18,598</b>
<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>					
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
<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, ARMY .....</b>			<b>39,364</b>		<b>39,364</b>
<b>TOTAL, RDT&amp;E ARMY .....</b>			<b>57,962</b>		<b>57,962</b>
<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, NAVY</b>					
<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>					
027	0603216N	AVIATION SURVIVABILITY .....	8,000		8,000
041	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT .....	9,000		9,000

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<b>Line</b>	<b>Program Element</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
		<b>SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES, NAVY</b>	<b>17,000</b>		<b>17,000</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>			
188	0301303N	MARITIME INTELLIGENCE	[ ]		[ ]
189	0301323N	COLLECTION MANAGEMENT	[ ]		[ ]
190	0301327N	TECHNICAL RECONNAISSANCE AND SURVEILLANCE	[ ]		[ ]
191	0301372N	CYBER SECURITY INITIATIVE—GDIP	[ ]		[ ]
203	0305207N	MANNEED 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
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, RDT&amp;E</b>	<b>90,180</b>		<b>90,180</b>
		<b>TOTAL, RDT&amp;E NAVY</b>	<b>107,180</b>		<b>107,180</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, AIR FORCE</b>			
		<b>BASIC RESEARCH</b>			
004	0301555F	CLASSIFIED PROGRAMS	[ ]		[ ]
005	0301556F	SPECIAL PROGRAM	[ ]		[ ]
		<b>SUBTOTAL, BASIC RESEARCH, AIR FORCE</b>			
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>			
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	0305143F	APPLIED TECHNOLOGY AND INTEGRATION .....	[ ]	[ ]
196	0305172F	COMBINED ADVANCED APPLICATIONS .....	[ ]	[ ]
206	0305219F	MQ-1 PREDATOR A UAV .....	1,400	1,400
999	99999999	OTHER PROGRAMS .....	17,111	17,111
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, AIR FORCE .....</b>	<b>29,286</b>	<b>29,286</b>
		<b>TOTAL, RDT&amp;E AIR FORCE .....</b>	<b>29,286</b>	<b>29,286</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVALUATION, DEFENSE-WIDE</b>		
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
159	0301555G	CLASSIFIED PROGRAMS .....	[ ]	[ ]
160	0301556G	SPECIAL PROGRAM .....	[ ]	[ ]
165	0305193G	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO) .....	[ ]	[ ]
		<b>SUBTOTAL, RDT&amp;E MANAGEMENT SUPPORT, DEFENSE-WIDE</b>		
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
181	0301301L	GENERAL DEFENSE INTELLIGENCE PROGRAM .....	[ ]	[ ]
182	0301318BB	HUMINT (CONTROLLED) .....	[ ]	[ ]
183	0301371G	CYBER SECURITY INITIATIVE—CCP .....	[ ]	[ ]
184	0301373L	CYBER SECURITY INITIATIVE—GDIP .....	[ ]	[ ]
185	0301553BZ	CLASSIFIED PROGRAMS .....	[ ]	[ ]
186	0301556BZ	SPECIAL PROGRAM .....	[ ]	[ ]
198	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM .....	2,750	2,750

**RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2010 Request	Senate Change	Senate Authorized
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 (HDBT) 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
		<b>SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT, DEFENSE-WIDE</b>	<b>115,826</b>		<b>115,826</b>
		<b>Total, RDT&amp;E Defense-Wide</b>	<b>115,826</b>		<b>115,826</b>
		<b>TOTAL RDT&amp;E</b>	<b>310,254</b>		<b>310,254</b>

**TITLE XLIII—OPERATION AND MAINTENANCE**

**SEC. 4301. OPERATION AND MAINTENANCE.**

**OPERATION AND MAINTENANCE**  
*(In Thousands of Dollars)*

<i>Account</i>	<i>Line</i>	<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
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*Operation and Maintenance, Army*

**OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>					
<b>LAND FORCES</b>					
2020	010	MANEUVER 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
<b>LAND FORCES READINESS</b>					
2020	070	FORCE READINESS OPERATIONS SUPPORT .....	2,088,233	8,000	2,096,233
		<i>Generation III extended cold weather clothing system</i> .....		[8,000]	
2020	080	LAND FORCES SYSTEMS READINESS .....	633,704		633,704
2020	090	LAND FORCES DEPOT MAINTENANCE .....	692,601		692,601
<b>LAND FORCES READINESS SUPPORT</b>					
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 ANCHILLARY MISSIONS .....	460,159		460,159
<b>TOTAL, BA 01: OPERATING FORCES</b> .....			<b>18,921,098</b>	<b>8,000</b>	<b>18,929,098</b>
<b>BUDGET ACTIVITY 02: MOBILIZATION</b>					
<b>MOBILITY OPERATIONS</b>					
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

		<b>TOTAL, BA 02: MOBILIZATION</b> .....	<b>332,210</b>	<b>332,210</b>
		<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b>		
		<b>ACCESSION TRAINING</b>		
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
		<b>BASIC SKILL/ADVANCE TRAINING</b>		
2020	250	SPECIALIZED SKILL TRAINING .....	970,777	970,777
		<i>Rule of law increase</i> .....	[500]	[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
		<b>RECRUITING/OTHER TRAINING</b>		
2020	290	RECRUITING AND ADVERTISING .....	541,852	541,852
2020	300	EXAMINING .....	147,915	147,915
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
		<b>TOTAL, BA 03: TRAINING AND RECRUITING</b> .....	<b>4,707,725</b>	<b>4,707,725</b>
		<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>		
		<b>SECURITY PROGRAMS</b>		
2020	340	SECURITY PROGRAMS .....	1,017,055	1,017,055
		<b>LOGISTICS OPERATIONS</b>		
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

**OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Account</b>	<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
2020	380	AMMUNITION MANAGEMENT .....	434,661		434,661
<b>SERVICEWIDE SUPPORT</b>					
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
<b>SUPPORT OF OTHER NATIONS</b>					
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
<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>			<b>7,313,849</b>	<b>-350,000</b>	<b>6,963,849</b>
2020		<b>Total Operation and Maintenance, Army .....</b>	<b>31,274,882</b>	<b>-342,000</b>	<b>30,932,882</b>
<b>Operation and Maintenance, Navy</b>					
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>					
<b>AIR OPERATIONS</b>					
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	1,252,747
		<i>Aviation depot maintenance increase</i> .....		195,000
1804	070	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	32,083	[195,000]
		<i>Aviation depot maintenance increase</i> .....		32,083
		<b>SHIP OPERATIONS</b>		
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	5,063,394
		<i>Ship depot maintenance increase</i> .....		768,850
		<i>Transfer to Base</i> .....		[200,000]
1804	110	SHIP DEPOT OPERATIONS SUPPORT .....	1,170,785	[568,850]
		<b>COMBAT OPERATIONS/SUPPORT</b>		
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
1804	150	WAREFARE 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	252,188
		<i>Reduction for National Program for Small Unit Excellence</i> .....		-7,000
				[-7,000]
		<b>WEAPONS SUPPORT</b>		
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	460,777
		<i>Gun depot overhauls</i> .....		12,000
1804	260	OTHER WEAPON SYSTEMS SUPPORT .....	326,535	[12,000]
		<b>BASE SUPPORT</b>		
1804	270	ENTERPRISE INFORMATION .....	1,095,587	1,095,587

**OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Account</b>	<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
1804	280	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	1,746,418		1,746,418
1804	290	BASE OPERATING SUPPORT .....	4,058,046		4,058,046
		<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>27,141,499</b>	<b>968,850</b>	<b>28,110,349</b>
		<b>BUDGET ACTIVITY 02: MOBILIZATION</b>			
		<b>READY RESERVE AND PREPOSITIONING FORCES</b>			
1804	300	SHIP PREPOSITIONING AND SURGE .....	407,977		407,977
		<b>ACTIVATIONS/INACTIVATIONS</b>			
1804	310	AIRCRAFT ACTIVATIONS/INACTIVATIONS .....	7,491		7,491
1804	320	SHIP ACTIVATIONS/INACTIVATIONS .....	192,401		192,401
		<b>MOBILIZATION PREPAREDNESS</b>			
1804	330	FLEET HOSPITAL PROGRAM .....	24,546		24,546
1804	340	INDUSTRIAL READINESS .....	2,409		2,409
1804	350	COAST GUARD SUPPORT .....	25,727		25,727
		<b>TOTAL, BA 02: MOBILIZATION .....</b>	<b>660,551</b>		<b>660,551</b>
		<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b>			
		<b>ACCESSION TRAINING</b>			
1804	360	OFFICER ACQUISITION .....	145,027		145,027
1804	370	RECRUIT TRAINING .....	11,011		11,011
1804	380	RESERVE OFFICERS TRAINING CORPS .....	127,490		127,490
		<b>BASIC SKILLS AND ADVANCED TRAINING</b>			
1804	390	SPECIALIZED SKILL TRAINING .....	477,383	850	478,333
		<i>Naval strike air warfare center training .....</i>		[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
		<b>RECRUITING, AND OTHER TRAINING AND EDUCATION</b>		
1804	430	RECRUITING AND ADVERTISING .....	276,564	276,564
1804	440	OFF-DUTY AND VOLUNTARY EDUCATION .....	154,979	154,979
1804	450	CIVILIAN EDUCATION AND TRAINING .....	101,556	101,556
1804	460	JUNIOR ROTC .....	49,161	49,161
		<b>TOTAL, BA 03: TRAINING AND RECRUITING .....</b>	<b>2,932,624</b>	<b>850</b>
		<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>		
		<b>SERVICEWIDE SUPPORT</b>		
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
		<b>LOGISTICS OPERATIONS AND TECHNICAL SUPPORT</b>		
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
		<b>INVESTIGATIONS AND SECURITY PROGRAMS</b>		
1804	610	NAVAL INVESTIGATIVE SERVICE .....	515,989	515,989
		<b>SUPPORT OF OTHER NATIONS</b>		
1804	670	INTERNATIONAL HEADQUARTERS AND AGENCIES .....	5,918	5,918

**OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Account</b>	<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
1804	999	<b>OTHER PROGRAMS</b>			
		OTHER PROGRAMS .....	608,840		608,840
		<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b> .....	<b>4,335,672</b>		<b>4,335,672</b>
		<b>Unobligated balances</b> .....		<i>[-150,000]</i>	<b>-150,000</b>
1804		<b>Total Operation and Maintenance, Navy</b> .....	<b>35,070,346</b>	<b>819,700</b>	<b>35,890,046</b>
1804		<b>Operation and Maintenance, Marine Corps</b>			
		<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
		<b>EXPEDITIONARY FORCES</b>			
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
		<b>USMC PREPOSITIONING</b>			
1106	050	MARITIME PREPOSITIONING .....	72,182		72,182
1106	060	NORWAY PREPOSITIONING .....	5,090		5,090
		<b>BASE SUPPORT</b>			
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**

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**

**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**

**Total Operation and Maintenance, Marine Corps** ..... **11,000**      **5,536,223**

1106  
1106  
**Operation and Maintenance, Air Force**

**OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>					
<b>AIR OPERATIONS</b>					
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	3,500	2,863,443
		Mission essential airfield operations equipment .....		[3,500]	
<b>COMBAT RELATED OPERATIONS</b>					
3400	080	GLOBAL C3I AND EARLY WARNING .....	1,411,813		1,411,813
3400	090	OTHER COMBAT OPS SPT PROGRAMS .....	880,353	3,000	883,353
		National security space institute .....		[3,000]	
3400	110	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES .....	552,148	-13,000	539,148
		Program decrease for Gorgon Stare .....		[-13,000]	
<b>SPACE OPERATIONS</b>					
3400	120	LAUNCH FACILITIES .....	356,367		356,367
3400	130	SPACE CONTROL SYSTEMS .....	725,646		725,646
<b>COCOM</b>					
3400	140	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	608,796		608,796
3400	150	COMBATANT COMMANDERS CORE OPERATIONS .....	216,073		216,073
<b>TOTAL, BA 01: OPERATING FORCES .....</b>			<b>19,607,592</b>	<b>-6,500</b>	<b>19,601,092</b>
<b>BUDGET ACTIVITY 02: MOBILIZATION</b>					
<b>MOBILITY OPERATIONS</b>					

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
		<b>TOTAL, BA 02: MOBILIZATION .....</b>	<b>4,496,948</b>	<b>4,496,948</b>

**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**

**BUDGET ACTIVITY 04: ADMINISTRATION & SERVICEWIDE ACTIVITIES**

**LOGISTICS OPERATIONS**

**OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Account</b>	<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
3400	370	LOGISTICS OPERATIONS .....	1,055,672		1,055,672
3400	380	TECHNICAL SUPPORT ACTIVITIES .....	735,036		735,036
3400	400	DEPOT MAINTENANCE .....	15,411		15,411
3400	410	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	359,562		359,562
3400	420	BASE SUPPORT .....	1,410,097		1,410,097
		<b>SERVICEWIDE ACTIVITIES</b>			
3400	430	ADMINISTRATION .....	646,080		646,080
3400	440	SERVICEWIDE COMMUNICATIONS .....	581,951		581,951
3400	450	OTHER SERVICEWIDE ACTIVITIES .....	1,062,803		1,062,803
3400	460	CIVIL AIR PATROL .....	22,433		22,433
		<b>SECURITY PROGRAMS</b>			
3400	470	SECURITY PROGRAMS .....	1,148,704		1,148,704
		<b>SUPPORT TO OTHER NATIONS</b>			
3400	480	INTERNATIONAL SUPPORT .....	49,987		49,987
		<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b> .....	<b>7,087,736</b>		<b>7,087,736</b>
		Overstatement of civilian pay .....		[-538,100]	-538,100
		Unobligated balances .....		[-150,000]	-150,000
3400		<b>Total Operation and Maintenance, Air Force</b> .....	<b>34,748,159</b>	<b>-694,600</b>	<b>34,053,559</b>

3400 **Operation and Maintenance, Defense-wide**

**BUDGET ACTIVITY 1: OPERATING FORCES**



<b>DEFENSEWIDE ACTIVITIES</b>			
0100	010	JOINT CHIEFS OF STAFF .....	457,169
0100	020	SPECIAL OPERATIONS COMMAND .....	3,611,492
		<b>TOTAL, BUDGET ACTIVITY 1:</b> .....	<b>4,068,661</b>
<b>BUDGET ACTIVITY 3: TRAINING AND RECRUITING</b>			
<b>DEFENSEWIDE ACTIVITIES</b>			
0100	030	DEFENSE ACQUISITION UNIVERSITY .....	115,497
<b>RECRUITING AND OTHER TRAINING EDUCATION</b>			
0100	040	NATIONAL DEFENSE UNIVERSITY .....	103,408
		<b>TOTAL, BUDGET ACTIVITY 3:</b> .....	<b>218,905</b>
<b>BUDGET ACTIVITY 4: ADMIN &amp; SERVICEWIDE ACTIVITIES</b>			
<b>DEFENSEWIDE ACTIVITIES</b>			
0100	060	CIVIL MILITARY PROGRAMS .....	132,231
0100	090	DEFENSE BUSINESS TRANSFORMATION AGENCY .....	139,579
0100	100	DEFENSE CONTRACT AUDIT AGENCY .....	458,316
0100	120	DEFENSE HUMAN RESOURCES ACTIVITY .....	665,743
0100	130	DEFENSE INFORMATION SYSTEMS AGENCY .....	1,322,163
0100	150	DEFENSE LEGAL SERVICES .....	42,532
0100	160	DEFENSE LOGISTICS AGENCY .....	405,873
0100	170	DEFENSE MEDIA ACTIVITY .....	253,667
0100	180	DEFENSE POW/MIA OFFICE .....	20,679
0100	190	DEFENSE TECHNOLOGY SECURITY AGENCY .....	34,325
0100	200	DEFENSE THREAT REDUCTION AGENCY .....	385,453
0100	210	DEPARTMENT OF DEFENSE EDUCATION AGENCY .....	2,302,116
		<i>Family support for military children with autism</i> .....	5,000
			[5,000]
0100	220	DEFENSE CONTRACT MANAGEMENT AGENCY .....	1,058,721
0100	230	DEFENSE SECURITY COOPERATION AGENCY .....	721,756
0100	240	DEFENSE SECURITY SERVICE .....	497,857
0100	260	OFFICE OF ECONOMIC ADJUSTMENT .....	37,166

**OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
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
		<b>OTHER PROGRAMS</b>			
0100	999	OTHER PROGRAMS .....	13,046,209		13,046,209
		<b>TOTAL, BUDGET ACTIVITY 4:</b> .....	<b>24,069,680</b>	<b>40,000</b>	<b>24,109,680</b>
		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		<b>Total Operation and Maintenance, Defense-Wide</b> .....	<b>28,357,246</b>	<b>-711,249</b>	<b>27,645,997</b>
0100					
0100					
0100					
		<b>Operation and Maintenance, Army Reserve</b>			
		<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
		<b>LAND FORCES</b>			
2080	010	MANEUVER UNITS .....	1,403		1,403
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
		<b>LAND FORCES READINESS</b>		
2080	070	FORCE READINESS OPERATIONS SUPPORT .....	290,443	290,443
2080	080	LAND FORCES SYSTEMS READINESS .....	106,569	110,169
		<i>Mobile corrosion protection</i> .....		3,600
2080	090	LAND FORCES DEPOT MAINTENANCE .....	94,499	94,499
		<i>[3,600]</i>		
		<b>LAND FORCES READINESS SUPPORT</b>		
2080	100	BASE OPERATIONS SUPPORT .....	522,310	522,310
2080	110	FACILITIES SUSTAINMENT, RESTORATION, & MODERNIZATION .....	234,748	234,748
		<b>TOTAL, BA 01: OPERATING FORCES</b> .....	<b>2,464,889</b>	<b>2,468,489</b>
		<b>LOGISTICS OPERATIONS</b>		
2080	130	SERVICEWIDE TRANSPORTATION .....	9,291	9,291
		<b>SERVICEWIDE SUPPORT</b>		
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
		<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b> .....	<b>155,307</b>	<b>155,307</b>
2080		<b>Total Operation and Maintenance, Army Reserve</b> .....	<b>2,620,196</b>	<b>2,623,796</b>
2080		<b>Operation and Maintenance, Navy Reserve</b>		
		<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>		
		<b>AIR OPERATIONS</b>		
1806	010	MISSION AND OTHER FLIGHT OPERATIONS .....	570,319	570,319

**OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

<b>Account</b>	<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
1806	020	INTERMEDIATE MAINTENANCE .....	16,596		16,596
1806	030	AIR OPERATIONS AND SAFETY SUPPORT .....	3,171		3,171
1806	040	AIRCRAFT DEPOT MAINTENANCE .....	125,004		125,004
1806	050	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	397		397
		<b>SHIP OPERATIONS</b>			
1806	060	MISSION AND OTHER SHIP OPERATIONS .....	55,873		55,873
1806	070	SHIP OPERATIONS SUPPORT & TRAINING .....	592		592
1806	080	SHIP DEPOT MAINTENANCE .....	41,899		41,899
		<b>COMBAT OPERATIONS SUPPORT</b>			
1806	090	COMBAT COMMUNICATIONS .....	15,241		15,241
1806	100	COMBAT SUPPORT FORCES .....	142,924		142,924
		<b>WEAPONS SUPPORT</b>			
1806	110	WEAPONS MAINTENANCE .....	5,494		5,494
		<b>BASE SUPPORT</b>			
1806	120	ENTERPRISE INFORMATION .....	83,611		83,611
1806	130	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	69,853		69,853
1806	140	BASE OPERATING SUPPORT .....	124,757		124,757
		<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>1,255,731</b>		<b>1,255,731</b>
		<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>			
		<b>SERVICEWIDE SUPPORT</b>			
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

1806	190	<b>LOGISTICS OPERATIONS AND TECHNICAL SUPPORT</b>	
		ACQUISITION AND PROGRAM MANAGEMENT .....	3,593
		<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b> .....	<b>22,770</b>
1806		<b>Total Operation and Maintenance, Navy Reserve</b> .....	<b>1,278,501</b>
1806		<b>Operation and Maintenance, Marine Corps Reserve</b>	
1806		<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>	
		<b>EXPEDITIONARY FORCES</b>	
1107	010	OPERATING FORCES .....	61,117
1107	020	DEPOT MAINTENANCE .....	13,217
1107	030	TRAINING SUPPORT .....	29,373
		<b>BASE SUPPORT</b>	
1107	040	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	25,466
1107	050	BASE OPERATING SUPPORT .....	73,899
		<b>TOTAL, BA 01: OPERATING FORCES</b> .....	<b>203,072</b>
		<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>	
		<b>SERVICEWIDE ACTIVITIES</b>	
1107	060	SPECIAL SUPPORT .....	5,639
1107	070	SERVICEWIDE TRANSPORTATION .....	818
1107	080	ADMINISTRATION .....	10,642
1107	090	RECRUITING AND ADVERTISING .....	8,754
		<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b> .....	<b>25,853</b>
1107		<b>Total Operation and Maintenance, Marine Corps Reserve</b> .....	<b>228,925</b>

**OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
1107					
1107					
		<b>Operation and Maintenance, Air Force Reserve</b>			
		<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
		<b>AIR OPERATIONS</b>			
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
		<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>2,949,532</b>		<b>2,949,532</b>
		<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>			
		<b>SERVICEWIDE ACTIVITIES</b>			
3740	060	ADMINISTRATION .....	77,476		77,476
3740	070	RECRUITING AND ADVERTISING .....	24,553		24,553
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
		<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES .....</b>	<b>129,696</b>		<b>129,696</b>
3740		<b>Total Operation and Maintenance, Air Force Reserve .....</b>	<b>3,079,228</b>		<b>3,079,228</b>
3740					
3740					
		<b>Operation and Maintenance, Army National Guard</b>			

**BUDGET ACTIVITY 01: OPERATING FORCES**

2065	010	<b>LAND FORCES</b>			
		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

2065	070	<b>LAND FORCES READINESS</b>			
		FORCE READINESS OPERATIONS SUPPORT .....	436,799		436,799
2065	080	LAND FORCES SYSTEMS READINESS .....	99,757	3,600	103,357
		<i>Mobile corrosion protection</i> .....		[3,600]	
2065	090	LAND FORCES DEPOT MAINTENANCE .....	379,646		379,646

2065	100	<b>LAND FORCES READINESS SUPPORT</b>			
		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**

2065	140	<b>SERVICEWIDE SUPPORT</b>			
		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**

**Total Operation and Maintenance, Army National Guard** ..... **6,257,034**      **3,600**      **6,260,634**

**OPERATION AND MAINTENANCE**  
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
2065					
2065					
		<b>Operation and Maintenance, Air National Guard</b>			
		<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
		<b>AIR OPERATIONS</b>			
3840	010	AIRCRAFT OPERATIONS .....	3,347,685	2,700	3,350,385
		<i>Controlled humidity protection</i> .....		[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
		<b>TOTAL, BA 01: OPERATING FORCES</b> .....	<b>5,817,814</b>	<b>2,700</b>	<b>5,820,514</b>
		<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>			
		<b>SERVICEWIDE ACTIVITIES</b>			
3840	060	ADMINISTRATION .....	35,174		35,174
3840	070	RECRUITING AND ADVERTISING .....	32,773		32,773
		<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b> .....	<b>67,947</b>		<b>67,947</b>
		<b>Total Operation and Maintenance, Air National Guard</b> .....	<b>5,885,761</b>	<b>2,700</b>	<b>5,888,461</b>
		<b>MISCELLANEOUS APPROPRIATIONS</b>			
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



0810	Program increase .....	[20,000]	
020	ENVIRONMENTAL RESTORATION, ARMY .....	415,864	415,864
030	ENVIRONMENTAL RESTORATION, NAVY .....	285,869	285,869
040	ENVIRONMENTAL RESTORATION, AIR FORCE .....	494,276	494,276
050	ENVIRONMENTAL RESTORATION, DEFENSE .....	11,100	11,100
060	ENVIRONMENTAL RESTORATION FORMERLY USED SITES .....	267,700	267,700
070	OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND .....	5,000	5,000
0118	<b>TOTAL, MISCELLANEOUS APPROPRIATIONS .....</b>	<b>2,107,703</b>	<b>2,127,703</b>
	<b>TOTAL TITLE III—OPERATION AND MAINTENANCE .....</b>	<b>156,444,204</b>	<b>155,556,955</b>

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.**

<b>OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS</b>			
<i>(In Thousands of Dollars)</i>			
<b>Account</b>	<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>
			<b>Senate Change</b>
			<b>Authorized</b>
<b>Operation and Maintenance, Army</b>			
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
2020	140	ADDITIONAL ACTIVITIES .....	36,330,899
2020	150	COMMANDERS EMERGENCY RESPONSE PROGRAM .....	1,500,000
		Program decrease .....	-100,000
2020	160	RESET .....	7,867,551
			[=100,000]
			7,867,551
		<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>45,698,450</b>
			<b>-100,000</b>
			<b>45,598,450</b>

**OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>					
<b>SECURITY PROGRAMS</b>					
2020	340	SECURITY PROGRAMS .....	1,426,309		1,426,309
<b>LOGISTICS OPERATIONS</b>					
2020	350	SERVICEWIDE TRANSPORTATION .....	5,045,902		5,045,902
<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b> .....			<b>6,472,211</b>		<b>6,472,211</b>
2020		<b>Total Operation and Maintenance, Army</b> .....	<b>52,170,661</b>	<b>-100,000</b>	<b>52,070,661</b>
<b>Operation and Maintenance, Navy</b>					
<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>					
<b>AIR OPERATIONS</b>					
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
<b>SHIP OPERATIONS</b>					
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	
				[-568,850]	

<b>COMBAT OPERATIONS/SUPPORT</b>			
1804	COMBAT COMMUNICATIONS .....	20,704	20,704
1804	WARFARE TACTICS .....	15,918	15,918
1804	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	16,889	16,889
1804	COMBAT SUPPORT FORCES .....	1,891,799	1,891,799
1804	EQUIPMENT MAINTENANCE .....	306	306
1804	COMBATANT COMMANDERS CORE OPERATIONS .....	6,929	6,929
1804	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	7,344	7,344
<b>WEAPONS SUPPORT</b>			
1804	IN-SERVICE WEAPONS SYSTEMS SUPPORT .....	68,759	68,759
1804	WEAPONS MAINTENANCE .....	82,496	82,496
1804	OTHER WEAPON SYSTEMS SUPPORT .....	16,902	16,902
<b>BASE SUPPORT</b>			
1804	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	7,629	7,629
1804	BASE OPERATING SUPPORT .....	338,604	338,604
<b>TOTAL, BA 01: OPERATING FORCES</b> .....		<b>5,521,170</b>	<b>4,952,320</b>
<b>BUDGET ACTIVITY 02: MOBILIZATION</b>			
<b>READY RESERVE AND PREPOSITIONING FORCES</b>			
1804	SHIP PREPOSITIONING AND SURGE .....	27,290	27,290
<b>MOBILIZATION PREPAREDNESS</b>			
1804	FLEET HOSPITAL PROGRAM .....	4,336	4,336
1804	COAST GUARD SUPPORT .....	245,039	245,039
<b>TOTAL, BA 02: MOBILIZATION</b> .....		<b>276,665</b>	<b>276,665</b>
<b>BUDGET ACTIVITY 03: TRAINING AND RECRUITING</b>			
<b>BASIC SKILLS AND ADVANCED TRAINING</b>			
1804	SPECIALIZED SKILL TRAINING .....	97,995	97,995
1804	TRAINING SUPPORT .....	5,463	5,463

**OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Account	Line	Item	FY 2010 Request	Senate Change	Senate Authorized
		<b>TOTAL, BA 03: TRAINING AND RECRUITING</b>	<b>103,458</b>		<b>103,458</b>
		<b>BUDGET ACTIVITY 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>			
		<b>SERVICEWIDE SUPPORT</b>			
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
		<b>LOGISTICS OPERATIONS AND TECHNICAL SUPPORT</b>			
1804	540	SERVICEWIDE TRANSPORTATION	223,890		223,890
1804	570	ACQUISITION AND PROGRAM MANAGEMENT	642		642
		<b>INVESTIGATIONS AND SECURITY PROGRAMS</b>			
1804	610	NAVAL INVESTIGATIVE SERVICE	37,452		37,452
		<b>OTHER PROGRAMS</b>			
1804	999	OTHER PROGRAMS	25,299		25,299
		<b>TOTAL, BA 04: ADMINISTRATION &amp; SERVICEWIDE ACTIVITIES</b>	<b>318,290</b>		<b>318,290</b>
1804		<b>Total Operation and Maintenance, Navy</b>	<b>6,219,583</b>	<b>-568,850</b>	<b>5,650,733</b>
1804		<b>Operation and Maintenance, Marine Corps</b>			
		<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			



**OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<b>Account</b>	<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
		<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
		<b>AIR OPERATIONS</b>			
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
		<b>COMBAT RELATED OPERATIONS</b>			
3400	080	GLOBAL C3I AND EARLY WARNING .....	130,885		130,885
3400	090	OTHER COMBAT OPS SPT PROGRAMS .....	407,554		407,554
		<b>SPACE OPERATIONS</b>			
3400	130	SPACE CONTROL SYSTEMS .....	38,677		38,677
		<b>COCOM</b>			
3400	140	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	157,000		157,000
		<b>TOTAL, BA 01: OPERATING FORCES</b> .....	<b>5,707,050</b>		<b>5,707,050</b>
		<b>BUDGET ACTIVITY 02: MOBILIZATION</b>			
		<b>MOBILITY OPERATIONS</b>			
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



**OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<b>Account</b>	<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
<b>Operation and Maintenance, Defense-wide</b>					
<b>BUDGET ACTIVITY 1: OPERATING FORCES</b>					
<b>DEFENSEWIDE ACTIVITIES</b>					
0100	010	JOINT CHIEFS OF STAFF .....	25,000		25,000
0100	020	SPECIAL OPERATIONS COMMAND .....	2,519,935		2,519,935
		<b>TOTAL, BUDGET ACTIVITY 1:</b> .....	<b>2,544,935</b>		<b>2,544,935</b>
<b>BUDGET ACTIVITY 4: ADMIN &amp; SERVICEWIDE ACTIVITIES</b>					
<b>DEFENSEWIDE ACTIVITIES</b>					
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
<b>OTHER PROGRAMS</b>					
0100	999	OTHER PROGRAMS .....	1,998,181		1,998,181
		<b>TOTAL, BUDGET ACTIVITY 4:</b> .....	<b>5,033,365</b>		<b>5,033,365</b>
		<b>Total Operation and Maintenance, Defense-Wide</b> .....	<b>7,578,300</b>		<b>7,578,300</b>
0100					
0100					
0100					



0100

**Operation and Maintenance, Army Reserve**

**BUDGET ACTIVITY 01: OPERATING FORCES**

**LAND FORCES**

2080	030	ECHELONS ABOVE BRIGADE .....	86,881	86,881
2080	050	LAND FORCES OPERATIONS SUPPORT .....	40,675	40,675

**LAND FORCES READINESS**

2080	070	FORCE READINESS OPERATIONS SUPPORT .....	21,270	21,270
2080	080	LAND FORCES SYSTEMS READINESS .....	17,500	17,500

**LAND FORCES READINESS SUPPORT**

2080	100	BASE OPERATIONS SUPPORT .....	38,000	38,000
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**TOTAL, BA 01: OPERATING FORCES**

		.....	<b>204,326</b>	<b>204,326</b>
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**Total Operation and Maintenance, Army Reserve**

2080		.....	<b>204,326</b>	<b>204,326</b>
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2080

2080

**Operation and Maintenance, Navy Reserve**

**BUDGET ACTIVITY 01: OPERATING FORCES**

**AIR OPERATIONS**

1806	010	MISSION AND OTHER FLIGHT OPERATIONS .....	26,673	26,673
1806	020	INTERMEDIATE MAINTENANCE .....	400	400
1806	040	AIRCRAFT DEPOT MAINTENANCE .....	3,600	3,600

**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**

**OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<b>Account</b>	<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
1806	090	COMBAT COMMUNICATIONS .....	3,147		3,147
1806	100	COMBAT SUPPORT FORCES .....	13,428		13,428
		<b>BASE SUPPORT</b>			
1806	140	BASE OPERATING SUPPORT .....	4,478		4,478
		<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>68,059</b>		<b>68,059</b>
1806		<b>Total Operation and Maintenance, Navy Reserve .....</b>	<b>68,059</b>		<b>68,059</b>
1806					
1806		<b>Operation and Maintenance, Marine Corps Reserve</b>			
		<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
		<b>EXPEDITIONARY FORCES</b>			
1107	010	OPERATING FORCES .....	77,849		77,849
		<b>BASE SUPPORT</b>			
1107	050	BASE OPERATING SUPPORT .....	8,818		8,818
		<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>86,667</b>		<b>86,667</b>
1107		<b>Total Operation and Maintenance, Marine Corps Reserve .....</b>	<b>86,667</b>		<b>86,667</b>
1107					
1107		<b>Operation and Maintenance, Air Force Reserve</b>			
		<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			

		<b>AIR OPERATIONS</b>		
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
		<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>125,925</b>	<b>125,925</b>
3740		<b>Total Operation and Maintenance, Air Force Reserve .....</b>	<b>125,925</b>	<b>125,925</b>
3740		<b>Operation and Maintenance, Army National Guard</b>		
3740		<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>		
		<b>LAND FORCES</b>		
2065	010	MANEUVER 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
		<b>LAND FORCES READINESS</b>		
2065	070	FORCE READINESS OPERATIONS SUPPORT .....	94,458	94,458
		<b>LAND FORCES READINESS SUPPORT</b>		
2065	100	BASE OPERATIONS SUPPORT .....	22,536	22,536
2065	120	MANAGEMENT AND OPERATIONAL HQ .....	35,693	35,693
2065	130	ADDITIONAL ACTIVITIES .....		
		<b>TOTAL, BA 01: OPERATING FORCES .....</b>	<b>321,646</b>	<b>321,646</b>
2065		<b>Total Operation and Maintenance, Army National Guard .....</b>	<b>321,646</b>	<b>321,646</b>

**OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

<b>Account</b>	<b>Line</b>	<b>Item</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
2065					
2065					
		<b>Operation and Maintenance, Air National Guard</b>			
		<b>BUDGET ACTIVITY 01: OPERATING FORCES</b>			
		<b>AIR OPERATIONS</b>			
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
		<b>TOTAL, BA 01: OPERATING FORCES</b> .....	<b>289,862</b>		<b>289,862</b>
3840		<b>Total Operation and Maintenance, Air National Guard</b> .....	<b>289,862</b>		<b>289,862</b>
3840					
3840					
		<b>Afghanistan Security Forces Fund</b>			
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	<i>TOTAL, Afghanistan Security Forces Fund</i> .....	7,462,769	7,462,769
	<i>Pakistan Counterinsurgency Capability Fund</i>		
2095	INFRASTRUCTURE .....	41,970	[-41,970]
2095	EQUIPMENT/TRANSPORTATION .....	397,907	[-397,907]
2095	TRAINING AND OPERATIONS .....	67,953	[-67,953]
2095	INFRASTRUCTURE .....	73,000	[-73,000]
2095	EQUIPMENT/TRANSPORTATION .....	107,000	[-107,000]
2095	TRAINING AND OPERATIONS .....	8,170	[-8,170]
2095	HUMANITARIAN ASSISTANCE .....	4,000	[-4,000]
2095	<i>TOTAL, Pakistan Counterinsurgency Capability Fund</i> .....	700,000	-700,000
	<i>MISCELLANEOUS APPROPRIATIONS</i>		
0141	IRAQ FREEDOM FUND .....	115,300	115,300
	<i>TOTAL, MISCELLANEOUS APPROPRIATIONS</i> .....	115,300	115,300
	<i>TOTAL TITLE III—OPERATION AND MAINTENANCE</i> .....	89,071,566	-1,368,850

**TITLE XLIV—OTHER AUTHORIZATIONS**

**SEC. 4401. OTHER AUTHORIZATIONS.**

**OTHER AUTHORIZATIONS***(In Thousands of Dollars)*

<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
<b>REVOLVING AND MANAGEMENT FUNDS</b>			
<b>DEFENSE WORKING CAPITAL FUNDS</b>			
<i>Defense Working Capital Funds .....</i>	141,388		141,388
<i>Defense Commissary Agency .....</i>	1,313,616		1,313,616
<b>NATIONAL DEFENSE SEALIFT FUND</b>			
<i>National Defense Sealift Fund .....</i>	1,642,758	-400,000	1,242,758
<i>T-AKE Program Reduction .....</i>		[-400,000]	
<b>DEFENSE COALITION SUPPORT FUND</b>			
<i>Defense Coalition Support Fund .....</i>	22,000	-22,000	
<b>Total Revolving and Management Funds .....</b>	<b>3,119,762</b>	<b>-422,000</b>	<b>2,697,762</b>
<b>MILITARY PROGRAMS</b>			
<b>DEFENSE HEALTH PROGRAM</b>			
<i>DEFENSE HEALTH PROGRAM—</i>			
<i>O&amp;M .....</i>	26,967,919	26,000	26,993,919
<i>TRICARE Continuation Pending MEDICARE Eligibility ...</i>		[4,000]	
<i>Reimbursement for exceptional travel under TRICARE .....</i>		[10,000]	
<i>TRICARE eligibility for Retired Reservists under the age of 60</i>		[10,000]	
<i>Expansion of survivor eligibility for the TRICARE dental program .....</i>		[2,000]	
<i>DEFENSE HEALTH PROGRAM—</i>			
<i>R&amp;D .....</i>	613,102	-15,300	597,802
<i>Program Reduction (PE 67100HP) .....</i>		[-10,000]	
<i>Cancer Center of Excellence (PE 63115HP) .....</i>		[-5,300]	
<i>DEFENSE HEALTH PROGRAM—</i>			
<i>PROCUREMENT .....</i>	322,142		322,142
<b>Total Defense Health Program .....</b>	<b>27,903,163</b>	<b>10,700</b>	<b>27,913,863</b>
<b>CHEMICAL AGENTS AND MUNITIONS DESTRUCTION</b>			
<i>CHEM DEMILITARIZATION—</i>			
<i>O&amp;M .....</i>	1,146,802		1,146,802
<i>CHEM DEMILITARIZATION—</i>			
<i>RDT&amp;E .....</i>	401,269		401,269
<i>CHEM DEMILITARIZATION—</i>			
<i>PROC .....</i>	12,689		12,689
<b>Total Chemical Agents and Munitions Destruction .....</b>	<b>1,560,760</b>		<b>1,560,760</b>

**OTHER AUTHORIZATIONS***(In Thousands of Dollars)*

<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
<b>DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES</b>			
<i>DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE</i> .....	1,058,984	18,800	1,077,784
<i>High Priority National Guard     Counterdrug Programs</i> .....		[30,000]	
<i>Mobile Sensor Barrier</i> .....		[5,000]	
<i>United States European Com-     mand (EUCOM) Counter-     narcotics Support (Project     Code (PC) 9205)</i> .....		[-8,000]	
<i>EUCOM Headquarters Support     (PC2346)</i> .....		[-800]	
<i>EUCOM Interagency Fusion     Centers (PC2365)</i> .....		[-1,000]	
<i>Relocatable Over-the Horizon-     Radar (PC3217)</i> .....		[-5,000]	
<i>U.S. Special Operations Com-     mand Support to Combatant     Commanders (PC6505)</i> .....		[-200]	
<i>EUCOM Counternarcotics Re-     serve Support (PC9215)</i> .....		[-1,200]	
<b>Total Drug Interdiction and Counter-Drug Activities</b> .....	<b>1,058,984</b>	<b>18,800</b>	<b>1,077,784</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>			
<i>OFFICE OF THE INSPECTOR GENERAL—O&amp;M</i> .....	271,444	15,000	286,444
<i>Second year growth plan</i> .....		[15,000]	
<i>OFFICE OF THE INSPECTOR GENERAL—PROCUREMENT</i> .....	1,000	1,000	2,000
<i>Second year growth plan</i> .....		[1,000]	
<b>Total Office of the Inspector General</b> .....	<b>272,444</b>	<b>16,000</b>	<b>288,444</b>
<b>TOTAL OTHER AUTHORIZA- TIONS</b> .....	<b>33,915,113</b>	<b>-376,500</b>	<b>33,538,613</b>
<b>Memorandum: Civil Program (non-defense)</b>			
<i>Armed Forces Retirement Home (Budget Function 600)</i> .....	134,000		134,000

***SEC. 4402. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.***



<b>OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS</b>			
<i>(In Thousands of Dollars)</i>			
<i>Item</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
<b>REVOLVING AND MANAGEMENT FUNDS</b>			
<b>DEFENSE WORKING CAPITAL FUNDS</b>			
<i>Defense Working Capital Funds .....</i>	<i>396,915</i>		<i>396,915</i>
<b>Total Revolving and Management Funds .....</b>	<b>396,915</b>		<b>396,915</b>
<b>MILITARY PROGRAMS</b>			
<b>DEFENSE HEALTH PROGRAM</b>			
<i>DEFENSE HEALTH PROGRAM— O&amp;M .....</i>	<i>1,155,235</i>		<i>1,155,235</i>
<b>Total Defense Health Program .....</b>	<b>1,155,235</b>		<b>1,155,235</b>
<b>DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES</b>			
<i>DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE .....</i>	<i>324,603</i>		<i>324,603</i>
<b>Total Drug Interdiction and Counter-Drug Activities .....</b>	<b>324,603</b>		<b>324,603</b>
<b>OFFICE OF THE INSPECTOR GENERAL</b>			
<i>OFFICE OF THE INSPECTOR GENERAL—O&amp;M .....</i>	<i>8,876</i>		<i>8,876</i>
<b>Total Office of the Inspector General .....</b>	<b>8,876</b>		<b>8,876</b>
<b>TOTAL OTHER AUTHORIZATIONS .....</b>	<b>1,885,629</b>		<b>1,885,629</b>

# TITLE XLV—MILITARY CONSTRUCTION

## SEC. 4501. MILITARY CONSTRUCTION.

### MILITARY CONSTRUCTION (In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
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	TFT-PREDATOR BEDDOWN-FOG .....	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	WFTBN 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
Def:Wide	CA	EL CENTRO	AIRCRAFT DIRECT FUELING STATION .....	11,000	11,000
Army	CA	FORT IRWIN	MOU 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

**MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Navy	CA	MIRAMAR	AIRCRAFT PARKING APRON MODIFICATION .....	9,280		9,280
Def:Wide	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	TFI-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
Def:Wide	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	4,500	13,000
Air Guard	CO	BUCKLEY ANG BASE	ADD/ALTER WEAPONS RELEASE .....			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/RECE 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 (PFI)	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
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

**MILITARY CONSTRUCTION**  
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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	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	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
Army	GA	FORT STEWART	BRIGADE COMPLEX .....	93,000	-45,000
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
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	TFT-F-22 LOCOMPOSITE REPAIR FACILITY .....	26,000	26,000
Air Guard	HI	HICKAM AFB	TFT-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-PUULOA .....	5,380	5,380
Navy	HI	PEARL HARBOR	PACFLT SUB DRIVE-IN MAG SILENCING FAC (INCR3) .....	8,645	8,645

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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	AEROMEDICAL 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 .....	54,041		53,041
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 COMPLEX .....	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
Def:Wide	MD	FORT MEADE	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 SHP	GATE 2 SECURITY IMPROVEMENTS .....		7,100	7,100
Air Guard	MI	ALPENA CRTC	REPLACE TROOP QUARTERS .....		8,900	8,900
Air Guard	MI	BATTLE CREEK ANG BASE	CNAF BED DOWN FACILITIES .....		14,000	14,000
Air Guard	MI	SELFRIDGE ANG BASE	A-10 SQUAD OPERATIONS FACILITY .....		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 STORAGE 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	MINNESOTA STARBASE FACILITY ALTERATION .....		1,900	1,900
		BASE				
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

**MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Air Guard	MO	ROSECRAWS MEM AP	REPLACE FIRE/CRASH RESCUE STATION PHASE II .....		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
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
Air Guard	MT	MALMSTROM AFB	UPGRADE WEAPONS STORAGE AREA .....		9,600	9,600
Def:Wilde	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 LEJEUNE	BEQ—WALLACE CREEK .....	34,160		34,160
Navy	NC	CAMP LEJEUNE	UTILITY EXPANSION—COURTHOUSE BAY .....	56,280		56,280
Navy	NC	CAMP LEJEUNE	SOI—EAST FACILITIES—CAMP GEIGER .....	56,940		56,940
Navy	NC	CAMP LEJEUNE	FIBLD TRAINING FAC.—DEVIL DOG—SOI .....	37,170		37,170
Navy	NC	CAMP LEJEUNE	ROAD NETWORK—WALLACE CREEK .....	15,130		15,130
Navy	NC	CAMP LEJEUNE	MP WORKING DOG KENNEL—RELOCATION .....	8,370		8,370
Navy	NC	CAMP LEJEUNE	CONSOLIDATED INFO TECH/TELECOM COMPLEX .....	46,120		46,120
Navy	NC	CAMP LEJEUNE	NEW BASE ENTRY POINT AND ROAD (PHASE 1) .....	79,150		79,150
Navy	NC	CAMP LEJEUNE	BEQ—WALLACE CREEK .....	43,480		43,480
Navy	NC	CAMP LEJEUNE	BEQ—WALLACE CREEK .....	44,390		44,390
Navy	NC	CAMP LEJEUNE	BEQ—WALLACE CREEK .....	44,390		44,390
Navy	NC	CAMP LEJEUNE	BEQ—WALLACE CREEK .....	42,110		42,110
Navy	NC	CAMP LEJEUNE	PRE-TRIAL DETAINEE FACILITY .....	18,580		18,580
Navy	NC	CAMP LEJEUNE	PHYSICAL FITNESS CENTER .....	39,760		39,760
Navy	NC	CAMP LEJEUNE	4TH INFANTRY BATTALION OPS COMPLEX .....	55,150		55,150
Navy	NC	CAMP LEJEUNE	ORDNANCE MAGAZINES .....	12,360		12,360
Navy	NC	CHERRY POINT MCAS	EMS/FIRE VEHICLE FACILITY .....	10,600		10,600
Navy	NC	CHERRY POINT MCAS	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
Def:Wide	NC	FORT BRAGG	ALBRITTON 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
Air Force	NC	POPE AFB	GYMNASIUM/OUTDOOR POOL .....	19,920	19,920
Army	NC	SUNNY POINT MOT	POPE AFB AIR TRAFFIC CONTROL TOWER .....	7,700	7,700
Army	NC	SUNNY POINT MOT	TOWERS .....	3,900	3,900
Air Force	NC	GRAND FORKS AFB	LIGHTNING PROTECTION SYSTEM .....	25,000	25,000
Air Force	ND	MINOT AFB	CONSOLIDATED SECURITY FORCES FACILITY .....	1,500	1,500
ARNG	ND	MINOT AFB	MUNITIONS TRAILER STORAGE FACILITY .....	10,000	10,000
Air Guard	NE	LINCOLN	ARMED FORCES RESERVE CENTER (JFHQ) .....	23,000	23,000
Air Force	NE	OFFUTT AIR FORCE BASE	JOINT FORCES OPERATIONS CENTER—ANG SHARE .....	1,500	1,500
Air Guard	NH	PEASE ANGB	STRATCOM GATE .....	10,400	10,400
Air Guard	NJ	108TH AIR REFUEL WING, MCGUIRE AFB	REPLACE SQUADRON OPERATIONS FACILITIES .....	10,000	10,000
Air Force	NM	CANNON AFB	BASE CIVIL ENGINEERING COMPLEX .....	9,700	9,700
Def:Wide	NM	CANNON AFB	WB—CONSOLIDATED COMMUNICATION FAC .....	15,000	15,000
Air Force	NM	HOLLOMAN AFB	SOF FUEL CELL HANGAR (MC-130) .....	41,269	41,269
Air Force	NM	HOLLOMAN AFB	SOF AMU ADDITION (CV-22) .....	11,595	11,595
Air Force	NM	KIRTLAND AFB	F-32A CONSOLIDATED MUNITIONS MAINT (TFJ) .....	5,500	5,500
Air Force	NM	KIRTLAND AFB	FIRE-CRASH RESCUE STATION .....	10,400	10,400
Air Force	NM	KIRTLAND AFB	MC-130J SIMULATOR FACILITY .....	8,000	8,000
ARNG	NM	SANTA FE	HC-130J SIMULATOR FACILITY .....	8,700	8,700
			ARMY AVIATION SUPPORT FACILITY .....	39,000	39,000

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ARNG	NV	CARSON CITY	NATIONAL GUARD ENERGY SUSTAINABLE PROJECTS .....		2,000	2,000
Air Force	NV	CREECH AFB	UAS AT/FP 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
Army	NV	FORT DRUM	WATER SYSTEM EXPANSION .....	6,500		6,500
Army	NV	FORT DRUM	BARRACKS .....	57,000		57,000
Army	NV	FORT DRUM	WARRIOR IN TRANSITION COMPLEX .....	21,000		21,000
AF Reserve	NV	NIAGRA FALLS ARB	INDOOR SMALL ARMS RANGE .....		5,700	5,700
USAR	NV	ROCHESTER	ARMY RESERVE CENTER/LAND .....	13,600		13,600
USAR	OH	CINCINNATI	ARMY RESERVE CENTER/LAND .....	13,000		13,000
Air Guard	OH	MANFIELD LAHIM AIRPORT	TFTI—RED HORSE SQUADRON BEDDOWN .....	11,400		11,400
Air Force	OH	WRIGHT-PATTERSON AFB	INVO TECH COMPLEX PH I .....	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
Air Force	OK	ALTUS AFB	REPAIR TAXIWAYS .....	20,300		20,300
Def:Wide	OK	ALTUS AFB	REPLACE UPLAND 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	MCALESTER	HIGH EXPLOSIVE MAGAZINE, DEPOT LEVEL .....	1,300		1,300
Army	OK	MCALESTER	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
Air Guard	OK	WILL ROGERS AP	TFTI—AIR SUPT OPERS SQDN (ASOS) BEDDN .....	7,300		7,300
ARNG	OR	CLATSOP CTNY, WARRENTON	CAMP RILEA INFRASTRUCTURE (WATER SUPPLY) .....		3,369	3,369
USAR	PA	ASHLEY	ARMY RESERVE CENTER .....	9,800		9,800
FH Com 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 I .....		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 MCENTIRE .....	1,300	1,300	1,300
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	CHARLESTON NWS	ARMY AVIATION SUPPORT FACILITY ADD/ALT .....	26,000		26,000
Army	SC	EASTOVER	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	19,764
Air Force	TX	DYESS AFB	C-130A 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

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Army	TX	FORT BLISS	SCOUT/RECE 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	-5,695	24,600
Def:Wide	TX	FORT BLISS	HOSPITAL REPLACEMENT PHASE 1 (INCR 1) .....	86,975	-24,000	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	12,000	14,000
Air Force	TX	GOODFELLOW AFB	CONSOLIDATED LEARNING CENTER .....			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	-200,000	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-32A RADAR CROSS SECTION TESTING FAC .....	21,053		21,053
Air Guard	UT	HILL AFB	PCC APRON NORTHWEST END TAXIWAY .....		5,100	5,100

Def:Wide	VA	DAHLGREN	AEGIS 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	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 LAP	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
Def:Wide	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

**MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
Army	WA	FORT LEWIS	MODIFIED RECORD FIRE RANGE .....	4,100		4,100
Def:Wide	WA	FORT LEWIS	HEALTH AND DENTAL CLINIC .....	15,636		15,636
Def:Wide	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 SECTY GRP ACT, SUGAR GROVE	EMERGENCY SERVICES CENTER .....		9,560	9,560
Air Guard	WV	SHEPHERD AB, MARTINS- BURG	C-5 TAXIWAY UPGRADES .....		19,500	19,500
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	PERMETER FENCE AND GUARD TOWERS .....	7,000	-7,000	
Def:Wide	BE	BRUSSELS	REPLACE ELEMENTARY SCHOOL (SHAPE) PHASE 1 .....	38,124		38,124
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		12,500
Def:Wide	GE	BOEHLINGEN	NEW ELEMENTARY SCHOOL .....		50,000	50,000
Def:Wide	GR	SOUDA BAY	FUEL STORAGE TANKS & PIPELINE RPL .....	24,000		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 ATFP 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	SPANGDAHELEM AB	CONTINGENCY RESPONSE GROUP COMMAND .....	23,500		23,500
Def:Wide	GY	WEISBADEN	FITNESS CTR .....	5,379		5,379
FH Con Army	GY	WEISBADEN	WIESBADEN HS NEW CAFETERIA AND KITCHEN .....	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	FAMILY HOUSING REPLACEMENT CONST INC 2 .....	11,000		11,000
Army	IT	VICENZA	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 ARIEJAN	APS WAREHOUSES .....	82,000		82,000
Def:Wide	ML	GUAM	HOSPITAL REPLACEMENT (INCR 1) .....	259,156	-59,156	200,000

**MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
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
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 .....	123,013	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 AF	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 AF	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

**MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	Budget Request	Senate Change	Senate Authorized
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
FH Ops Navy	ZU	UNSPECIFIED WORLDWIDE	PRIVATIZATION SUPPORT COSTS .....	27,147		27,147
FHIF	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
			<b>TOTAL FY2010 AUTHORIZATIONS</b> .....	<b>22,946,036</b>	<b>-22,843</b>	<b>22,923,193</b>

Prior Year Savings .....	-112,500
<b>GRAND TOTAL .....</b>	<b>-135,343</b>
	<b>22,946,036</b>
	<b>22,810,693</b>

**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	Hol 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	14,131
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, Incr 2 .....	37,000	37,000

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
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, Incr 2	8,000	8,000
Air Force	125	Eglin AFB	FL	BRAC F-35 Live Orphanance Load Area (LOLA)	6,624	6,624
Air Force	4B, 125	Eglin AFB	FL	OE 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	SFOVL 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	Tarriway Extension	13,000	13,000
Army	9	Benning	GA	Traffic Management Cargo Processing Facility	900	900
Army	17	Benning	GA	AAAFES Troop Store	1,950	1,950
Army	2	Benning	GA	Armed Forces Reserve Center	18,000	18,000
Army	9	Benning	GA	Equipment Concentration Site	43,000	43,000
Army	9	Benning	GA	General Instruction Complex 2, Incr 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, Incr 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	Muscataine	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	CAISR, Phase 2, Incr 2	156,000	156,000
Defense Wide	169	Bethesda (WRNMMIC)	MD	Medical Center Addition—Increment 3	108,850	108,850
Defense Wide	169	Bethesda (WRNMMIC)	MD	Traffic Mitigation Increment 1	18,400	18,400
Defense Wide	169	Bethesda (WRNMMIC)	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, Incr 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, Incr 2 .....	21,384	21,384
Army	176	Detroit Arsenal	MI	Weapons Systems Support and Training .....	8,300	8,300
Army	26	Fl. 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, Incr 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, Incr 2 .....	98,000	98,000
Army	37	Columbus	OH	Armed Forces Reserve Center; Incr 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
Army	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	Toboggana	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, Incr 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, Incr 3 .....	110,000	110,000
Army	10	Bliss	TX	Combat Aviation Brigade Complex, Incr 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

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	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
Army	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) Incr 3	163,750	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, Incr 3	13,000	13,000
Army	168	Belvoir	VA	Infrastructure Support, Incr 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	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	360,533
Army	8	Eustis	VA	Bldg 705 Rentr (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, Incr 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	AAPES 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, Incr 4	30,000	30,000
Army	121	Lee	VA	Combat Service Support School, Ph 2, Incr 3	137,000	137,000
Army	121	Lee	VA	Combat Service Support School, Ph 3, Incr 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 .....	1,300	1,300
Army	121	Lee	VA	USMC Training Facilities .....	23,000	23,000
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	47,560
Navy	181	Norfolk	VA	Building 1558 Renovations for SPAWAR .....	2,510	2,510
Army	47	Elkins	WW	Armed Forces Reserve Center .....	22,000	22,000
Army	47	Fairmont	WW	Armed Forces Reserve Center .....	21,000	21,000
Army	47	Spencer-Ripley	WW	Armed Forces Reserve Center .....	19,540	19,540
Army	PM	Various	WW	Planning and Design .....	26,100	26,100
Army		Various	Various	Environmental .....	147,693	147,693
Navy		Various	Various	Environmental .....	16,529	16,529
Air Force		Various	Various	Environmental .....	19,454	19,454
Army		Various	Various	Operation and Maintenance .....	1,169,334	1,169,334
Navy		Various	Various	Operation and Maintenance .....	322,495	322,495
Air Force		Various	Various	Operation and Maintenance .....	288,459	288,459
Defense Wide		Various	Various	Operation and Maintenance .....	836,715	836,715
Navy		Various	Various	MilPers PCS .....	6,504	6,504
Air Force		Various	Various	MilPers PCS .....	3,970	3,970
Army		Various	Various	Other .....	311,138	311,138
Navy		Various	Various	Other .....	20,115	20,115
Air Force		Various	Various	Other .....	23,443	23,443
Defense Wide		Various	Various	Other .....	412,320	412,320
				Subtotal BRAC 2005 FY 2010, Army .....	4,081,037	4,081,037
				Subtotal BRAC 2005 FY 2010, Navy .....	591,572	591,572
				Subtotal BRAC 2005 FY 2010, Air Force .....	418,260	418,260
				Subtotal BRAC 2005 FY 2010, Defense Wide .....	2,388,629	2,388,629
				<b>Total BRAC 2005 FY 2010 All Categories .....</b>	<b>5,934,740</b>	<b>7,479,498</b>
Army		Various	Various	Base Realignment and Closure IV, Army .....	98,723	98,723
Navy		Various	Various	Base Realignment and Closure IV, Navy .....	168,000	168,000
Air Force		Various	Various	Base Realignment and Closure IV, Air Force .....	127,364	127,364
Defense Wide		Various	Various	Base Realignment and Closure IV, Defense Wide .....	2,081	2,081
				<b>Total BRAC IV for FY 2010 .....</b>	<b>396,768</b>	<b>396,768</b>

## 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
CO	Army	Fort Carson	Family Housing Replacement Construction (1 unit)	707
CO	Air Force	Peterson AFB	Child Development Center	12,500
FL	Air Force	Hurlburt Field	Construct Child Development Center	11,200
FL	Defense Wide	Naval Air Station Jacksonville	Child Development Center	11,000
FL	Navy	Naval Station Mayport	Hospital Alteration	27,210
GA	Army	Fort Stewart (Hunter AAF)	Child Development Center	10,220
GA	Air Force	Moody AFB	Child Youth Services Center	8,600
HI	Navy	Marine Corps Base Hawaii	Child Development Center	11,400
IA	Air Force	Des Moines	Child Development Center	19,360
IL	ARNG	Rock Island	Replace Communication Facility	6,000
KS	Air Force	Forbes	Family Housing New Construction (2 Units)	930
KY	Army	Fort Campbell	Add/Alter Fire Station	4,100
MD	Air Force	Andrews AFB	Warrior in Transition (WT) Complex	43,000
			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	Malstrom AFB	Repair Structural Foundations In Minuteman Village (179 units) .....	26,300
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	ARNG	Raleigh	AFRC Raleigh (JFHQ-NC) .....	39,500
ND	Air Force	Minot AFB	Dormitory (168 Rm) .....	28,300
NE	ARNG	Camp Ashland	Dining Facility Add/Alt .....	2,900
NJ	Air Force	Atlantic City	Construct A6S Arm/Disarm Aprons .....	4,300
NM	Air Force	Cannon AFB	Child Development Center .....	12,000
NV	ARNG	Hawthorne AD	Family Housing Improvement (new water main) .....	950
NV	Air Force	Nellis AFB	Child Development Center .....	13,400
NY	ARNG	Brooklyn (Fl. Hamilton)	Ready Building (WMD CST) .....	1,500
NY	Army	Fort Drum	Child Development Center .....	10,700
OK	ARNG	McAlester AD	Family Housing Replacement Construction (6 units) .....	2,300
OR	ARNG	Camp Withycombe	Storm Seaver .....	1,300
PA	Air Force	Fort Indian Town Gap	Replace Troop Training Qtrs .....	7,000
PA	ARNG	Letterkenny AD	Family Housing New Construction (3 units) .....	1,050
PA	ARNG	Toboyhanna	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	ARNG	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
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

**AMERICAN RECOVERY AND REINVESTMENT ACT MILITARY CONSTRUCTION**  
(In Thousands of Dollars)

State	Account	Installation	Project Title	Senate Authorized
VA	ARNG	Radford AAF	Family Housing Replacement Construction (4 units)	1,300
WA	Navy	Naval Air Station Whidbey Island	Replace Water Distribution System	20,054
WI	ARNG	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	ARNG	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	Authorization	Authorized for Appropriation
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 FACs	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
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	SALERNO	WASTE MANAGEMENT COMPLEX	5,500	5,500
ARMY	AF	SALERNO	ELECTRICAL DISTRIBUTION GRID	2,600	2,600
ARMY	AF	SALERNO	FUEL SYSTEM, PH 1	12,800	12,800
ARMY	AF	SALERNO	DINING FACILITY	4,300	4,300

**MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Service	Country	Location	Project	Authoriza- tion	Authorized for Appro- priation
ARMY	AF	SALERNO	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 .....	4,500	4,500
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	SOUTH PARK 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	GHAZNI	WASTE MANAGEMENT COMPLEX .....	5,500	5,500

ARMY	AF	GARDEZ	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
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	BAGRAM AIR BASE	WASTE MANAGEMENT AREA .....	5,500	5,500
ARMY	AF	ASADABAD	DINING FACILITY .....	2,150	2,150
ARMY	AF	ALTMUR	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 .....	33,000	33,000
ARMY	ZU	UNSPECIFIED WORLDWIDE	MINOR CONSTRUCTION .....	20,000	20,000
ARMY	ZU	UNSPECIFIED WORLDWIDE	PLANNING AND DESIGN .....		
NSA	ZU	UNSPECIFIED WORLDWIDE	CLASSIFIED PROJECT .....		
NSA	ZU	UNSPECIFIED WORLDWIDE	PLANNING & DESIGN .....		

**MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS**  
*(In Thousands of Dollars)*

<i>Service</i>	<i>Country</i>	<i>Location</i>	<i>Project</i>	<i>Authoriza- tion</i>	<i>Authorized for Appro- priation</i>
<b>Grand Total Military Construction</b> .....				<b>1,294,100</b>	<b>1,404,984</b>

**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)*

<i>Program</i>	<i>FY 2010 Request</i>	<i>Senate Change</i>	<i>Senate Authorized</i>
<b>Electricity Delivery &amp; Energy Reliability</b>			
<b>Electricity Delivery &amp; Energy Reliability</b>			
Infrastructure security & energy restoration .....	6,188	-6,188	



**Weapons Activities**

**Directed stockpile work**

**Life extension programs**

W76 Life extension program .....	209,196	209,196
<b>Total, Life extension programs .....</b>	<b>209,196</b>	<b>209,196</b>

**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
W87 Stockpile systems .....	51,817	51,817
W88 Stockpile systems .....	43,043	43,043
<b>Total, Stockpile systems .....</b>	<b>390,300</b>	<b>390,300</b>

**Weapons dismantlement and disposition**

Operation and maintenance .....	84,100	15,000
<b>Total, Weapons dismantlement and disposition .....</b>	<b>84,100</b>	<b>15,000</b>

**Stockpile services**

Production support .....	301,484	301,484
Research and development support .....	37,071	37,071
R&D certification and safety .....	143,076	173,076
Management, technology, and production .....	200,223	200,223
Plutonium infrastructure sustainment .....	149,201	149,201
<b>Total, Stockpile services .....</b>	<b>831,055</b>	<b>861,055</b>
<b>Total, Directed stockpile work .....</b>	<b>1,514,651</b>	<b>1,559,651</b>

**Campaigns:**

**Science campaign**

Advanced certification .....	19,400	24,400
Primary assessment technologies .....	80,181	80,181
Dynamic materials properties .....	86,617	86,617

**DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<b>Program</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
Academic alliances .....	30,251		30,251
Advanced radiography .....	22,328		22,328
Secondary assessment technologies .....	77,913		77,913
<b>Total, Science campaign</b> .....	<b>316,690</b>	<b>5,000</b>	<b>321,690</b>
<b>Engineering campaign</b>			
Enhanced safety .....	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	79,000
<b>Total, Engineering campaign</b> .....	<b>150,000</b>	<b>15,000</b>	<b>165,000</b>
<b>Inertial confinement fusion ignition and high yield campaign</b>			
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	255,429
Omega operations .....		[6,500]	
<b>Total, Inertial confinement fusion and high yield campaign</b> .....	<b>436,915</b>	<b>6,500</b>	<b>443,415</b>
<b>Advanced simulation and computing campaign</b>			
Operation and maintenance .....	556,125	9,000	565,125
<b>Readiness Campaign</b>			
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	-20,000	48,246
Advanced design and production technologies .....	8,699		8,699
<b>Total, Readiness campaign</b> .....	<b>100,000</b>	<b>-20,000</b>	<b>80,000</b>

<b>Total, Campaigns</b> .....	<b>1,559,730</b>	<b>15,500</b>	<b>1,575,230</b>
<b>Readiness in technical base and facilities (RTBF)</b>			
<b>Operation of facilities</b>			
<i>Operation of facilities</i> .....	1,342,303		1,342,303
<b>Total, Operation of facilities</b> .....	<b>1,342,303</b>		<b>1,342,303</b>
<i>Program readiness</i> .....	73,021		73,021
<i>Material recycle and recovery</i> .....	69,542		69,542
<i>Containers</i> .....	23,392		23,392
<i>Storage</i> .....	24,708		24,708
<b>Subtotal, Readiness in technical base and facilities (RTBF)</b> .....	<b>1,532,966</b>		<b>1,532,966</b>
<b>Construction:</b>			
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, LANSC-E-Refurbishment, Los Alamos National Laboratory, NM .....	30,000	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
<b>Total, Construction</b> .....	<b>203,382</b>	<b>10,000</b>	<b>213,382</b>
<b>Total, Readiness in technical base and facilities</b> .....	<b>1,736,348</b>	<b>10,000</b>	<b>1,746,348</b>
<b>Secure transportation asset</b>			
<i>Operation and equipment</i> .....	138,772		138,772
<i>Program direction</i> .....	96,143		96,143
<b>Total, Secure transportation asset</b> .....	<b>234,915</b>		<b>234,915</b>
<b>Nuclear counterterrorism incident response</b> .....	<b>221,936</b>	<b>5,688</b>	<b>227,624</b>
<i>National technical forensics</i> .....		[5,688]	
<b>Facilities and infrastructure recapitalization program</b>			
<i>Operation and maintenance</i> .....	144,959		144,959
<b>Construction:</b>			

**DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
07-D-353, TA 1 heating systems modernization (HSM) Sandia National Laboratory, NM .....	9,963		9,963
<b>Total, Construction</b> .....	<b>9,963</b>		<b>9,963</b>
<b>Total, Facilities and infrastructure recapitalization program</b> .....	<b>154,922</b>		<b>154,922</b>
<b>Site stewardship</b>			
Environmental projects and operations .....	41,288		41,288
Nuclear materials integration .....	20,000		20,000
Stewardship planning .....	29,086		29,086
<b>Total, Site stewardship</b> .....	<b>90,374</b>		<b>90,374</b>
<b>Safeguards and security</b>			
<b>Defense nuclear security</b>			
Operation and maintenance .....	700,044		700,044
<b>Construction:</b>			
10-D-701, Security improvements project Y-12 National Security Complex, Oak Ridge, TN .....	49,000		49,000
<b>Total, Construction</b> .....	<b>49,000</b>		<b>49,000</b>
<b>Total, Defense nuclear security</b> .....	<b>749,044</b>		<b>749,044</b>
Cyber security .....	122,511		122,511
<b>Total, Safeguards and security</b> .....	<b>871,555</b>		<b>871,555</b>
<b>Support to intelligence</b> .....		<b>30,000</b>	<b>30,000</b>
<b>Total, Weapons Activities</b> .....	<b>6,384,431</b>	<b>106,188</b>	<b>6,490,619</b>
<b>Defense Nuclear Nonproliferation</b>			
<b>Nonproliferation and verification research and development</b>			
Operation and maintenance .....	297,300	50,000	347,300

<b>Nonproliferation and international security</b> .....	207,202	-14,000	193,202
Nuclear noncompliance verification .....		[-12,000]	
Global initiatives for proliferation prevention .....		[-2,000]	
<b>International nuclear materials protection and cooperation</b> .....	552,300		552,300
<b>Elimination of weapons-grade plutonium production program</b> .....	24,507		24,507
<b>Fissile materials disposition</b>			
<b>U.S. surplus fissile materials disposition</b>			
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
<b>Total, Operation and maintenance</b> .....	<b>126,662</b>	<b>-2,000</b>	<b>124,662</b>
<b>Construction:</b>			
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
<b>Total, Construction</b> .....	<b>574,238</b>		<b>574,238</b>
<b>Total, U.S. surplus fissile materials disposition</b> .....	<b>700,900</b>	<b>-2,000</b>	<b>698,900</b>
Russian surplus materials disposition .....	1,000	6,000	7,000
<b>Total, Fissile materials disposition</b> .....	<b>701,900</b>	<b>4,000</b>	<b>705,900</b>
<b>Global threat reduction initiative</b> .....	353,500	-40,000	313,500
Gap nuclear material .....		[-40,000]	
<b>Subtotal, Defense Nuclear Nonproliferation</b> .....	<b>2,136,709</b>		<b>2,136,709</b>
<b>Total, Defense Nuclear Nonproliferation</b> .....	<b>2,136,709</b>		<b>2,136,709</b>
<b>Naval Reactors</b>			
<b>Naval reactors development</b>			
<b>Operation and maintenance</b>			
Operation and maintenance .....	935,533		935,533
<b>Total, Operation and maintenance</b> .....	<b>935,533</b>		<b>935,533</b>
<b>Construction:</b>			
10-D-903, KAPL Security upgrades, Schenectady, NY .....	1,500		1,500

**DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

Program	FY 2010 Request	Senate Change	Senate Authorized
10-D-904, NRF infrastructure upgrades, ID .....	700		700
09-D-190, PED, Infrastructure upgrades, KAPL, Schenectady, 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
<b>Total, Construction</b> .....	<b>30,800</b>		<b>30,800</b>
<b>Total, Naval reactors development</b> .....	<b>966,333</b>		<b>966,333</b>
Program direction .....	36,800		36,800
<b>Total, Naval Reactors</b> .....	<b>1,003,133</b>		<b>1,003,133</b>
<b>Office Of The Administrator</b>			
Office of the administrator .....	431,074		431,074
Use of prior year balances .....	-10,320		-10,320
<b>Total, Office Of The Administrator</b> .....	<b>420,754</b>		<b>420,754</b>
<b>Defense Environmental Cleanup</b>			
<b>Closure sites:</b>			
Closure sites administration .....	8,225		8,225
Miamisburg .....	33,243		33,243
<b>Total, Closure sites</b> .....	<b>41,468</b>		<b>41,468</b>
<b>Hanford site:</b>			
<b>2012 accelerated completions</b>			
Nuclear facility D&D river corridor closure project .....	327,955		327,955
Nuclear material stabilization and disposition PPP .....	118,087		118,087
SNF stabilization and disposition .....	55,325		55,325
<b>Total, 2012 accelerated completions</b> .....	<b>501,367</b>		<b>501,367</b>
<b>2035 accelerated completions</b>			
Nuclear facility D&D—remainder of Hanford .....	70,350		70,350
Richland community and regulatory support .....	21,940		21,940

Soil and water remediation—groundwater vadose zone ..... 176,766  
 Solid waste stabilization and disposition 200 area ..... 132,757  
**Total, 2035 accelerated completions** ..... **401,713**  
**Total, Hanford site** ..... **903,080**

**Idaho National Laboratory:**

SNF stabilization and disposition—2012 ..... 14,768  
 Solid waste stabilization and disposition ..... 137,000  
 Radioactive liquid tank waste stabilization and disposition ..... 95,800  
**Construction:**  
 06-D-401, Sodium bearing waste treatment project, Idaho ..... 83,700  
 Soil and water remediation—2012 ..... 71,000  
 Idaho community and regulatory support ..... 3,900  
**Total, Idaho National Laboratory** ..... **406,168**

**NNSA sites**

Lawrence Livermore National Laboratory ..... 910  
 NNSA Service Center/SPRU ..... 17,938  
 Nevada ..... 65,674  
 California site support ..... 238  
 Sandia National Laboratories ..... 2,864  
 Los Alamos National Laboratory ..... 189,000  
**Total, NNSA sites and Nevada off-sites** ..... **276,624**

**Oak Ridge Reservation:**

Building 3019 ..... 38,900  
 Nuclear facility D & D ORNL ..... 38,900  
 Nuclear facility D & D Y-12 ..... 34,000  
 Nuclear facility D & D E. Tennessee technology park ..... 100  
 OR reservation community and regulatory support ..... 6,253  
 Solid waste stabilization and disposition—2012 ..... 35,615  
**Total, Oak Ridge Reservation** ..... **153,768**

**Office of River Protection:**

**Waste treatment and immobilization plant  
 Construction:**

..... 38,900  
 ..... 38,900  
 ..... 34,000  
 ..... 100  
 ..... 6,253  
 ..... 35,615  
**Total** ..... **153,768**

**DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<b>Program</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
01-D-416 Waste treatment and immobilization plant .....			
01-D-16A Low activity waste facility .....	100,000		100,000
01-D-16B Analytical laboratory .....	55,000		55,000
01-D-16C Balance of facilities .....	50,000		50,000
01-D-16D High level waste facility .....	160,000		160,000
01-D-16E Pretreatment facility .....	325,000		325,000
<b>Total, Waste treatment and immobilization plant .....</b>	<b>690,000</b>		<b>690,000</b>
<b>Tank farm activities</b>			
Rad liquid tank waste stabilization and disposition .....	408,000		408,000
<b>Total, Office of River protection .....</b>	<b>1,098,000</b>		<b>1,098,000</b>
<b>Savannah River Site:</b>			
<b>Nuclear material stabilization and disposition</b>			
Nuclear material stabilization and disposition .....	385,310		385,310
<b>Construction:</b>			
08-D-414 Project engineering and design Plutonium Vitrifaction Facility, VL .....	6,315		6,315
<b>Total, Nuclear material stabilization and disposition .....</b>	<b>391,625</b>		<b>391,625</b>
<b>2035 accelerated completions</b>			
SR community and regulatory support .....	18,300		18,300
Spent nuclear fuel stabilization and disposition .....	38,768		38,768
<b>Total, 2035 accelerated completions .....</b>	<b>57,068</b>		<b>57,068</b>
<b>Tank farm activities</b>			
Radioactive liquid tank waste stabilization and disposition .....	527,138		527,138
<b>Construction:</b>			
05-D-405, Salt waste processing facility, Savannah River Site, SC .....	234,118		234,118
<b>Total, Tank farm activities .....</b>	<b>761,256</b>		<b>761,256</b>
<b>Total, Savannah River Site .....</b>	<b>1,209,949</b>		<b>1,209,949</b>



<b>Waste Isolation Pilot Plant</b>			
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
<b>Total, Waste Isolation Pilot Plant .....</b>	<b>220,337</b>		<b>220,337</b>
Program direction .....	355,000		355,000
Program support .....	34,000		34,000
<b>Safeguards and Security:</b>			
Waste Isolation Pilot Project .....	4,644		4,644
Oak Ridge Reservation .....	32,400		32,400
West Valley .....	1,859		1,859
Puducak .....	8,190		8,190
Portsmouth .....	17,509		17,509
Richland/Hanford Site .....	82,771		82,771
Savannah River Site .....	132,064		132,064
<b>Total, Safeguards and Security .....</b>	<b>279,437</b>		<b>279,437</b>
Technology development .....	55,000		55,000
Uranium enrichment D&D fund contribution .....	463,000		463,000
General reduction .....	-100,000		-100,000
<b>Subtotal, Defense environmental cleanup .....</b>	<b>5,495,831</b>		<b>5,395,831</b>
<b>Total, Defense Environmental Cleanup .....</b>	<b>5,495,831</b>		<b>5,395,831</b>
<b>Other Defense Activities</b>			
<b>Health, safety and security</b>			
Health, safety and security .....	337,757		337,757
Program direction .....	112,125		112,125
<b>Total, Health, safety and security .....</b>	<b>449,882</b>		<b>449,882</b>
<b>Office of Legacy Management</b>			
Legacy management .....	177,618		177,618
Program direction .....	12,184		12,184

**DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

<b>Program</b>	<b>FY 2010 Request</b>	<b>Senate Change</b>	<b>Senate Authorized</b>
<b>Total, Office of Legacy Management</b> .....	<b>189,802</b>		<b>189,802</b>
<b>Nuclear energy infrastructure</b>			
<b>Idaho facilities management</b>			
INL infrastructure operation and maintenance .....	83,358		83,358
<b>Total, Infrastructure</b> .....	<b>83,358</b>		<b>83,358</b>
<b>Total, Nuclear energy</b> .....	<b>83,358</b>		<b>83,358</b>
<b>Defense related administrative support</b> .....	122,982		122,982
<b>Office of hearings and appeals</b> .....	6,444		6,444
<b>Total, Other Defense Activities</b> .....	<b>852,468</b>		<b>852,468</b>
<b>Defense Nuclear Waste Disposal</b>			
Defense nuclear waste disposal .....	98,400		98,400
<b>Total, Department of Energy</b> .....	<b>16,397,914</b>		<b>16,397,914</b>

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 crime*  
25 *motivated by bias is that it devastates not just the ac-*

1 *tual victim and the family and friends of the victim,*  
2 *but frequently savages the community sharing the*  
3 *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 commit*  
15 *such violence.*

16 *(D) Channels, facilities, and instrumental-*  
17 *ities of interstate commerce are used to facilitate*  
18 *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 to*  
25 *and after the adoption of the 13th amendment to the*

1     *Constitution of the United States, through widespread*  
2     *public and private violence directed at persons be-*  
3     *cause of their race, color, or ancestry, or perceived*  
4     *race, color, or ancestry. Accordingly, eliminating ra-*  
5     *cially motivated violence is an important means of*  
6     *eliminating, to the extent possible, the badges, inci-*  
7     *idents, and relics of slavery and involuntary servitude.*

8             (8) *Both at the time when the 13th, 14th, and*  
9     *15th amendments to the Constitution of the United*  
10    *States were adopted, and continuing to date, members*  
11    *of certain religious and national origin groups were*  
12    *and are perceived to be distinct “races”. Thus, in*  
13    *order to eliminate, to the extent possible, the badges,*  
14    *incidents, and relics of slavery, it is necessary to pro-*  
15    *hibit assaults on the basis of real or perceived reli-*  
16    *gions or national origins, at least to the extent such*  
17    *religions or national origins were regarded as races*  
18    *at the time of the adoption of the 13th, 14th, and 15th*  
19    *amendments to the Constitution of the United States.*

20             (9) *Federal jurisdiction over certain violent*  
21    *crimes motivated by bias enables Federal, State, and*  
22    *local authorities to work together as partners in the*  
23    *investigation and prosecution of such crimes.*

24             (10) *The problem of crimes motivated by bias is*  
25    *sufficiently serious, widespread, and interstate in na-*

1        *ture as to warrant Federal assistance to States, local*  
2        *jurisdictions, and Indian tribes.*

3        **SEC. 4703. DEFINITION OF HATE CRIME.**

4        *In this division—*

5                (1) *the term “crime of violence” has the meaning*  
6        *given that term in section 16, title 18, United States*  
7        *Code;*

8                (2) *the term “hate crime” has the meaning given*  
9        *such term in section 280003(a) of the Violent Crime*  
10        *Control and Law Enforcement Act of 1994 (28 U.S.C.*  
11        *994 note); and*

12                (3) *the term “local” means a county, city, town,*  
13        *township, parish, village, or other general purpose po-*  
14        *litical subdivision of a State.*

15        **SEC. 4704. SUPPORT FOR CRIMINAL INVESTIGATIONS AND**  
16                        **PROSECUTIONS BY STATE, LOCAL, AND TRIB-**  
17                        **AL LAW ENFORCEMENT OFFICIALS.**

18        (a) *ASSISTANCE OTHER THAN FINANCIAL ASSIST-*  
19        *ANCE.—*

20                (1) *IN GENERAL.—At the request of State, local,*  
21        *or tribal law enforcement agency, the Attorney Gen-*  
22        *eral may provide technical, forensic, prosecutorial, or*  
23        *any other form of assistance in the criminal inves-*  
24        *tigation or prosecution of any crime that—*

25                        (A) *constitutes a crime of violence;*

1           (B) constitutes a felony under the State,  
2           local, or tribal laws; and

3           (C) is motivated by prejudice based on the  
4           actual or perceived race, color, religion, national  
5           origin, gender, sexual orientation, gender iden-  
6           tity, or disability of the victim, or is a violation  
7           of the State, local, or tribal hate crime laws.

8           (2) *PRIORITY.*—In providing assistance under  
9           paragraph (1), the Attorney General shall give pri-  
10          ority to crimes committed by offenders who have com-  
11          mitted crimes in more than one State and to rural  
12          jurisdictions that have difficulty covering the extraor-  
13          dinary expenses relating to the investigation or pros-  
14          ecution of the crime.

15          (b) *GRANTS.*—

16           (1) *IN GENERAL.*—The Attorney General may  
17          award grants to State, local, and tribal law enforce-  
18          ment agencies for extraordinary expenses associated  
19          with the investigation and prosecution of hate crimes.

20           (2) *OFFICE OF JUSTICE PROGRAMS.*—In imple-  
21          menting the grant program under this subsection, the  
22          Office of Justice Programs shall work closely with  
23          grantees to ensure that the concerns and needs of all  
24          affected parties, including community groups and  
25          schools, colleges, and universities, are addressed

1     *through the local infrastructure developed under the*  
2     *grants.*

3           (3) *APPLICATION.*—

4           (A) *IN GENERAL.*—*Each State, local, and*  
5     *tribal law enforcement agency that desires a*  
6     *grant under this subsection shall submit an ap-*  
7     *plication to the Attorney General at such time,*  
8     *in such manner, and accompanied by or con-*  
9     *taining such information as the Attorney Gen-*  
10    *eral shall reasonably require.*

11          (B) *DATE FOR SUBMISSION.*—*Applications*  
12    *submitted pursuant to subparagraph (A) shall be*  
13    *submitted during the 60-day period beginning on*  
14    *a date that the Attorney General shall prescribe.*

15          (C) *REQUIREMENTS.*—*A State, local, and*  
16    *tribal law enforcement agency applying for a*  
17    *grant under this subsection shall—*

18           (i) *describe the extraordinary purposes*  
19    *for which the grant is needed;*

20           (ii) *certify that the State, local govern-*  
21    *ment, or Indian tribe lacks the resources*  
22    *necessary to investigate or prosecute the*  
23    *hate crime;*

24           (iii) *demonstrate that, in developing a*  
25    *plan to implement the grant, the State,*



1            *local, and tribal law enforcement agency*  
2            *has consulted and coordinated with non-*  
3            *profit, nongovernmental victim services pro-*  
4            *grams that have experience in providing*  
5            *services to victims of hate crimes; and*

6            *(iv) certify that any Federal funds re-*  
7            *ceived under this subsection will be used to*  
8            *supplement, not supplant, non-Federal*  
9            *funds that would otherwise be available for*  
10           *activities funded under this subsection.*

11           *(4) DEADLINE.—An application for a grant*  
12           *under this subsection shall be approved or denied by*  
13           *the Attorney General not later than 180 business days*  
14           *after the date on which the Attorney General receives*  
15           *the application.*

16           *(5) GRANT AMOUNT.—A grant under this sub-*  
17           *section shall not exceed \$100,000 for any single juris-*  
18           *isdiction in any 1-year period.*

19           *(6) REPORT.—Not later than December 31, 2010,*  
20           *the Attorney General shall submit to Congress a re-*  
21           *port describing the applications submitted for grants*  
22           *under this subsection, the award of such grants, and*  
23           *the purposes for which the grant amounts were ex-*  
24           *pended.*

1           (7) *AUTHORIZATION OF APPROPRIATIONS.*—

2           *There is authorized to be appropriated to carry out*  
3           *this subsection \$5,000,000 for each of fiscal years*  
4           *2010 and 2011.*

5 **SEC. 4705. GRANT PROGRAM.**

6           (a) *AUTHORITY TO AWARD GRANTS.*—*The Office of*  
7           *Justice Programs of the Department of Justice may award*  
8           *grants, in accordance with such regulations as the Attorney*  
9           *General may prescribe, to State, local, or tribal programs*  
10           *designed to combat hate crimes committed by juveniles, in-*  
11           *cluding programs to train local law enforcement officers in*  
12           *identifying, investigating, prosecuting, and preventing hate*  
13           *crimes.*

14           (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
15           *authorized to be appropriated such sums as may be nec-*  
16           *essary to carry out this section.*

17 **SEC. 4706. AUTHORIZATION FOR ADDITIONAL PERSONNEL**  
18                           **TO ASSIST STATE, LOCAL, AND TRIBAL LAW**  
19                           **ENFORCEMENT.**

20           *There are authorized to be appropriated to the Depart-*  
21           *ment of Justice, including the Community Relations Serv-*  
22           *ice, for fiscal years 2010, 2011, and 2012 such sums as are*  
23           *necessary to increase the number of personnel to prevent*  
24           *and respond to alleged violations of section 249 of title 18,*

1 *United States Code, as added by section 4707 of this divi-*  
2 *sion.*

3 **SEC. 4707. PROHIBITION OF CERTAIN HATE CRIME ACTS.**

4 (a) *IN GENERAL.*—Chapter 13 of title 18, *United*  
5 *States Code, is amended by adding at the end the following:*

6 **“§249. Hate crime acts**

7 “(a) *IN GENERAL.*—

8 “(1) *OFFENSES INVOLVING ACTUAL OR PER-*  
9 *CEIVED RACE, COLOR, RELIGION, OR NATIONAL ORI-*  
10 *GIN.*—Whoever, whether or not acting under color of  
11 *law, willfully causes bodily injury to any person or,*  
12 *through the use of fire, a firearm, a dangerous weap-*  
13 *on, or an explosive or incendiary device, attempts to*  
14 *cause bodily injury to any person, because of the ac-*  
15 *tual or perceived race, color, religion, or national ori-*  
16 *gin of any person—*

17 “(A) *shall be imprisoned not more than 10*  
18 *years, fined in accordance with this title, or*  
19 *both; and*

20 “(B) *shall be imprisoned for any term of*  
21 *years or for life, fined in accordance with this*  
22 *title, or both, if—*

23 “(i) *death results from the offense; or*

24 “(ii) *the offense includes kidnapping or*  
25 *an attempt to kidnap, aggravated sexual*

1                   *abuse or an attempt to commit aggravated*  
2                   *sexual abuse, or an attempt to kill.*

3                   “(2) *OFFENSES INVOLVING ACTUAL OR PER-*  
4                   *CEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEX-*  
5                   *UAL ORIENTATION, GENDER IDENTITY, OR DIS-*  
6                   *ABILITY.—*

7                   “(A) *IN GENERAL.—Whoever, whether or*  
8                   *not acting under color of law, in any cir-*  
9                   *cumstance described in subparagraph (B) or*  
10                   *paragraph (3), willfully causes bodily injury to*  
11                   *any person or, through the use of fire, a firearm,*  
12                   *a dangerous weapon, or an explosive or incen-*  
13                   *diary device, attempts to cause bodily injury to*  
14                   *any person, because of the actual or perceived re-*  
15                   *ligion, national origin, gender, sexual orienta-*  
16                   *tion, gender identity or disability of any per-*  
17                   *son—*

18                   “(i) *shall be imprisoned not more than*  
19                   *10 years, fined in accordance with this title,*  
20                   *or both; and*

21                   “(ii) *shall be imprisoned for any term*  
22                   *of years or for life, fined in accordance with*  
23                   *this title, or both, if—*

1 title, or both, and shall be subject to the penalty  
2 of death in accordance with chapter 228 (if  
3 death results from the offense), if—

4 “(i) death results from the offense; or

5 “(ii) the offense includes kidnapping or  
6 an attempt to kidnap, aggravated sexual  
7 abuse or an attempt to commit aggravated  
8 sexual abuse, or an attempt to kill.

9 “(2) OFFENSES INVOLVING ACTUAL OR PER-  
10 CEIVED RELIGION, NATIONAL ORIGIN, GENDER, SEX-  
11 UAL ORIENTATION, GENDER IDENTITY, OR DIS-  
12 ABILITY.—

13 “(A) IN GENERAL.—Whoever, whether or  
14 not acting under color of law, in any cir-  
15 cumstance described in subparagraph (B) or  
16 paragraph (3), willfully causes bodily injury to  
17 any person or, through the use of fire, a firearm,  
18 a dangerous weapon, or an explosive or incen-  
19 diary device, attempts to cause bodily injury to  
20 any person, because of the actual or perceived re-  
21 ligion, national origin, gender, sexual orienta-  
22 tion, gender identity or disability of any per-  
23 son—

1           “(i) shall be imprisoned not more than  
2           10 years, fined in accordance with this title,  
3           or both; and

4           “(ii) shall be imprisoned for any term  
5           of years or for life, fined in accordance with  
6           this title, or both, and shall be subject to the  
7           penalty of death in accordance with chapter  
8           228 (if death results from the offense), if—

9                   “(I) death results from the offense;  
10                   or

11                   “(II) the offense includes kidnap-  
12                   ping or an attempt to kidnap, aggra-  
13                   vated sexual abuse or an attempt to  
14                   commit aggravated sexual abuse, or an  
15                   attempt to kill.

16           “(B) CIRCUMSTANCES DESCRIBED.—For  
17           purposes of subparagraph (A), the circumstances  
18           described in this subparagraph are that—

19                   “(i) the conduct described in subpara-  
20                   graph (A) occurs during the course of, or as  
21                   the result of, the travel of the defendant or  
22                   the victim—

23                           “(I) across a State line or na-  
24                           tional border; or

1                   “(II) using a channel, facility, or  
2                   instrumentality of interstate or foreign  
3                   commerce;

4                   “(ii) the defendant uses a channel, fa-  
5                   cility, or instrumentality of interstate or  
6                   foreign commerce in connection with the  
7                   conduct described in subparagraph (A);

8                   “(iii) in connection with the conduct  
9                   described in subparagraph (A), the defend-  
10                  ant employs a firearm, dangerous weapon,  
11                  explosive or incendiary device, or other  
12                  weapon that has traveled in interstate or  
13                  foreign commerce; or

14                  “(iv) the conduct described in subpara-  
15                  graph (A)—

16                  “(I) interferes with commercial or  
17                  other economic activity in which the  
18                  victim is engaged at the time of the  
19                  conduct; or

20                  “(II) otherwise affects interstate  
21                  or foreign commerce.

22                  “(3) OFFENSES OCCURRING IN THE SPECIAL  
23                  MARITIME OR TERRITORIAL JURISDICTION OF THE  
24                  UNITED STATES.—Whoever, within the special mari-  
25                  time or territorial jurisdiction of the United States,

1       *commits an offense described in paragraph (1) or (2)*  
2       *shall be subject to the same penalties as prescribed in*  
3       *those paragraphs.*

4       “(b) *CERTIFICATION REQUIREMENT.*—

5               “(1) *IN GENERAL.*—*No prosecution of any of-*  
6       *fense described in this subsection may be undertaken*  
7       *by the United States, except under the certification in*  
8       *writing of the Attorney General, or his designee,*  
9       *that—*

10               “(A) *the State does not have jurisdiction;*

11               “(B) *the State has requested that the Fed-*  
12       *eral Government assume jurisdiction;*

13               “(C) *the verdict or sentence obtained pursu-*  
14       *ant to State charges left demonstratively*  
15       *unvindicated the Federal interest in eradicating*  
16       *bias-motivated violence; or*

17               “(D) *a prosecution by the United States is*  
18       *in the public interest and necessary to secure*  
19       *substantial justice.*

20               “(2) *RULE OF CONSTRUCTION.*—*Nothing in this*  
21       *subsection shall be construed to limit the authority of*  
22       *Federal officers, or a Federal grand jury, to inves-*  
23       *tigate possible violations of this section.*

24       “(c) *DEFINITIONS.*—*In this section—*



1           “(1) the term ‘bodily injury’ has the meaning  
2 given such term in section 1365(h)(4) of this title, but  
3 does not include solely emotional or psychological  
4 harm to the victim;

5           “(2) the term ‘explosive or incendiary device’ has  
6 the meaning given such term in section 232 of this  
7 title;

8           “(3) the term ‘firearm’ has the meaning given  
9 such term in section 921(a) of this title; and

10           “(4) the term ‘gender identity’ for the purposes  
11 of this chapter means actual or perceived gender-re-  
12 lated characteristics.”.

13       (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*  
14 *analysis for chapter 13 of title 18, United States Code, is*  
15 *amended by adding at the end the following:*

“249. Hate crime acts.”.

16 **SEC. 4708. STATISTICS.**

17       (a) *IN GENERAL.*—*Subsection (b)(1) of the first section*  
18 *of the Hate Crime Statistics Act (28 U.S.C. 534 note) is*  
19 *amended by inserting “gender and gender identity,” after*  
20 *“race,”.*

21       (b) *DATA.*—*Subsection (b)(5) of the first section of the*  
22 *Hate Crime Statistics Act (28 U.S.C. 534 note) is amended*  
23 *by inserting “, including data about crimes committed by,*  
24 *and crimes directed against, juveniles” after “data acquired*  
25 *under this section”.*

1 **SEC. 4709. SEVERABILITY.**

2 *If any provision of this division, an amendment made*  
3 *by this division, or the application of such provision or*  
4 *amendment to any person or circumstance is held to be un-*  
5 *constitutional, the remainder of this division, the amend-*  
6 *ments made by this division, and the application of the pro-*  
7 *visions of such to any person or circumstance shall not be*  
8 *affected thereby.*

9 **SEC. 4710. RULE OF CONSTRUCTION.**

10 *For purposes of construing this division and the*  
11 *amendments made by this division the following shall*  
12 *apply:*

13 (1) *RELEVANT EVIDENCE.*—*Courts may consider*  
14 *relevant evidence of speech, beliefs, or expressive con-*  
15 *duct to the extent that such evidence is offered to*  
16 *prove an element of a charged offense or is otherwise*  
17 *admissible under the Federal Rules of Evidence. Noth-*  
18 *ing in this division is intended to affect the existing*  
19 *rules of evidence.*

20 (2) *VIOLENT ACTS.*—*This division applies to vio-*  
21 *lent acts motivated by actual or perceived race, color,*  
22 *religion, national origin, gender, sexual orientation,*  
23 *gender identity or disability of a victim.*

24 **SEC. 4711. CONSTRUCTION AND APPLICATION.**

25 *Nothing in this division, or an amendment made by*  
26 *this division, shall be construed or applied in a manner*

1 *that infringes on any rights under the first amendment to*  
2 *the Constitution of the United States, or substantially bur-*  
3 *dens any exercise of religion (regardless of whether com-*  
4 *pelled by, or central to, a system of religious belief), speech,*  
5 *expression, association, if such exercise of religion, speech,*  
6 *expression, or association was not intended to—*

7           (1) *plan or prepare for an act of physical vio-*  
8 *lence; or*

9           (2) *incite an imminent act of physical violence*  
10 *against another.*

11           (3) *FREE EXPRESSION.—Nothing in this divi-*  
12 *sion shall be construed to allow prosecution based*  
13 *solely upon an individual's expression of racial, reli-*  
14 *gious, political, or other beliefs or solely upon an in-*  
15 *dividual's membership in a group advocating or es-*  
16 *pousing such beliefs.*

17           (4) *FIRST AMENDMENT.—Nothing in this divi-*  
18 *sion, or an amendment made by this division, shall*  
19 *be construed to diminish any rights under the first*  
20 *amendment to the Constitution of the United States.*

21           (5) *CONSTITUTIONAL PROTECTIONS.—Nothing in*  
22 *this division shall be construed to prohibit any con-*  
23 *stitutionally protected speech, expressive conduct or*  
24 *activities (regardless of whether compelled by, or cen-*  
25 *tral to, a system of religious belief), including the ex-*

1     *ercise of religion protected by the first amendment to*  
2     *the Constitution of the United States and peaceful*  
3     *picketing or demonstration. The Constitution does not*  
4     *protect speech, conduct or activities consisting of*  
5     *planning for, conspiring to commit, or committing an*  
6     *act of violence.*

7     **SEC. 4712. LIMITATION ON PROSECUTIONS.**

8     *(a) IN GENERAL.—All prosecutions under section 249*  
9     *of title 18, United States Code, as added by this Act, shall*  
10    *be undertaken pursuant to guideline, issued by the Attorney*  
11    *General—*

12            *(1) to guide the exercise of the discretion of Fed-*  
13            *eral prosecutors and the Attorney General in their de-*  
14            *isions whether to seek death sentences under such sec-*  
15            *tion when the crime results in a loss of life; and*

16            *(2) that identify with particularity the the type*  
17            *facts of such cases that will support the classification*  
18            *of individual cases in term of their culpability and*  
19            *death eligibility as low, medium, and high.*

20     *(b) REQUIREMENTS FOR DEATH PENALTY.—If the*  
21     *Government seeks a death sentence in crime under section*  
22     *249 of title 18, United States Code, as added by this Act,*  
23     *that results in a loss of life—*

24            *(1) the Attorney General shall certify with par-*  
25            *ticularity in the information or indictment how the*

1 *facts of the case support the Government's judgment*  
2 *that the case is properly classified among the cases*  
3 *involving a hate crime that resulted in a victim's*  
4 *death;*

5 *(2) the Attorney General shall document in a fil-*  
6 *ing to the court—*

7 *(A) the facts of the crime (including date of*  
8 *offense and arrest and location of the offense),*  
9 *charges, convictions, and sentences of all state*  
10 *and Federal hate crimes (committed before or*  
11 *after the effective date of this legislation) that re-*  
12 *sulted in a loss of life and were known to the As-*  
13 *stant United States Attorney or the Attorney*  
14 *General; and*

15 *(B) the actual or perceived race, color, na-*  
16 *tional origin, ethnicity, religion, gender, sexual*  
17 *orientation, gender identity, or disability of the*  
18 *defendant and all victims; and*

19 *(3)(A) the court, either at the close of the guilt*  
20 *trial or at the close of the penalty trial, shall conduct*  
21 *a proportionality review in which it shall examine*  
22 *whether the prosecutorial death seeking and death sen-*  
23 *tencing rates in comparable cases in Federal prosecu-*  
24 *tions are both greater than 50 percent; and*

1           (B) if the United States fails to satisfy the test  
2 under subparagraph (A), by a preponderance of the  
3 evidence, the court shall dismiss the Government's ac-  
4 tion seeking a death sentence in the case.

5 **SEC. 4713. GUIDELINES FOR HATE-CRIMES OFFENSES.**

6           Section 249(a) of title 18, United States Code, as  
7 added by section \_\_\_\_\_ of this Act, is amended by adding  
8 at the end the following:

9           “(4) **GUIDELINES.**—All prosecutions conducted  
10 by the United States under this section shall be un-  
11 dertaken pursuant to guidelines issued by the Attor-  
12 ney General, or the designee of the Attorney General,  
13 to be included in the United States Attorneys' Man-  
14 ual that shall establish neutral and objective criteria  
15 for determining whether a crime was committed be-  
16 cause of the actual or perceived status of any per-  
17 son.”.

18 **SEC. 4714. ATTACKS ON UNITED STATES SERVICEMEN.**

19           (a) **IN GENERAL.**—Chapter 67 of title 18, United  
20 States Code, is amended by adding at the end the following:

21 **“§ 1389. Prohibition on attacks on United States serv-**  
22 **icemen on account of service**

23           “(a) **IN GENERAL.**—Whoever knowingly assaults or  
24 batters a United States serviceman or an immediate family  
25 member of a United States serviceman, or who knowingly

1 *destroys or injures the property of such serviceman or im-*  
2 *mediate family member, on account of the military service*  
3 *of that serviceman or status of that individual as a United*  
4 *States serviceman, or who attempts or conspires to do so,*  
5 *shall—*

6           “(1) *in the case of a simple assault, or destruc-*  
7 *tion or injury to property in which the damage or at-*  
8 *tempted damage to such property is not more than*  
9 *\$500, be fined under this title in an amount not less*  
10 *than \$500 nor more than \$10,000 and imprisoned not*  
11 *more than 2 years;*

12           “(2) *in the case of destruction or injury to prop-*  
13 *erty in which the damage or attempted damage to*  
14 *such property is more than \$500, be fined under this*  
15 *title in an amount not less than \$1000 nor more than*  
16 *\$100,000 and imprisoned not more than 5 years; and*

17           “(3) *in the case of a battery, or an assault re-*  
18 *sulting in bodily injury, be fined under this title in*  
19 *an amount not less than \$2500 and imprisoned not*  
20 *less than 6 months nor more than 10 years.*

21           “(b) *EXCEPTION.—This section shall not apply to con-*  
22 *duct by a person who is subject to the Uniform Code of*  
23 *Military Justice.*

24           “(c) *DEFINITIONS.—In this section—*

1           “(1) the term ‘Armed Forces’ has the meaning  
2 given that term in section 1388;

3           “(2) the term ‘immediate family member’ has the  
4 meaning given that term in section 115; and

5           “(3) the term ‘United States serviceman’—

6           “(A) means a member of the Armed Forces;

7           and

8           “(B) includes a former member of the  
9 Armed Forces during the 5-year period begin-  
10 ning on the date of the discharge from the Armed  
11 Forces of that member of the Armed Forces.”.

12       (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*  
13 *table of sections for chapter 67 of title 18, United States*  
14 *Code, is amended by adding at the end the following:*

“1389. *Prohibition on attacks on United States servicemen on account of service.*”.

15           ***DIVISION F—SBIR/STTR***  
16           ***REAUTHORIZATION***

17       ***SEC. 5001. SHORT TITLE.***

18           *This division may be cited as the “SBIR/STTR Reau-*  
19 *thorization Act of 2009”.*

20       ***SEC. 5002. DEFINITIONS.***

21           *In this division—*

22           (1) the terms “Administration” and “Adminis-  
23 trator” mean the Small Business Administration and  
24 the Administrator thereof, respectively;



1           (2) *the terms “extramural budget”, “Federal*  
2 *agency”, “Small Business Innovation Research Pro-*  
3 *gram”, “SBIR”, “Small Business Technology Trans-*  
4 *fer Program”, and “STTR” have the meanings given*  
5 *such terms in section 9 of the Small Business Act (15*  
6 *U.S.C. 638); and*

7           (3) *the term “small business concern” has the*  
8 *same meaning as under section 3 of the Small Busi-*  
9 *ness Act (15 U.S.C. 632).*

10 **TITLE        LI—REAUTHORIZATION**  
11 **OF THE SBIR AND STTR PRO-**  
12 **GRAMS**

13 **SEC. 5101. EXTENSION OF TERMINATION DATES.**

14       (a) *SBIR.*—*Section 9(m) of the Small Business Act*  
15 *(15 U.S.C. 638(m)) is amended by striking “2008” and in-*  
16 *serting “2017”.*

17       (b) *STTR.*—*Section 9(n)(1)(A) of the Small Business*  
18 *Act (15 U.S.C. 638(n)(1)(A)) is amended by striking*  
19 *“2009” and inserting “2017”.*

20 **SEC. 5102. STATUS OF THE OFFICE OF TECHNOLOGY.**

21       Section 9(b) of the Small Business Act (15 U.S.C.  
22 638(b)) is amended—

23           (1) *in paragraph (7), by striking “and” at the*  
24 *end;*

1           (2) in paragraph (8), by striking the period at  
2 the end and inserting “; and”;

3           (3) by redesignating paragraph (8) as para-  
4 graph (9); and

5           (4) by adding at the end the following:

6           “(10) to maintain an Office of Technology to  
7 carry out the responsibilities of the Administration  
8 under this section, which shall be—

9           “(A) headed by the Assistant Administrator  
10 for Technology, who shall report directly to the  
11 Administrator; and

12           “(B) independent from the Office of Govern-  
13 ment Contracting of the Administration and suf-  
14 ficiently staffed and funded to comply with the  
15 oversight, reporting, and public database respon-  
16 sibilities assigned to the Office of Technology by  
17 the Administrator.”.

18 **SEC. 5103. SBIR ALLOCATION INCREASE.**

19           Section 9(f) of the Small Business Act (15 U.S.C.  
20 638(f)) is amended—

21           (1) in paragraph (1)—

22           (A) in the matter preceding subparagraph  
23 (A), by striking “Each” and inserting “Except  
24 as provided in paragraph (2)(C), each”;

1           *(B) in subparagraph (B), by striking “and”*  
2           *at the end; and*

3           *(C) by striking subparagraph (C) and in-*  
4           *serting the following:*

5           *“(C) not less than 2.5 percent of such budget*  
6           *in each of fiscal years 2009 and 2010;*

7           *“(D) not less than 2.6 percent of such budg-*  
8           *et in fiscal year 2011;*

9           *“(E) not less than 2.7 percent of such budg-*  
10          *et in fiscal year 2012;*

11          *“(F) not less than 2.8 percent of such budg-*  
12          *et in fiscal year 2013;*

13          *“(G) not less than 2.9 percent of such budg-*  
14          *et in fiscal year 2014;*

15          *“(H) not less than 3.0 percent of such budg-*  
16          *et in fiscal year 2015;*

17          *“(I) not less than 3.1 percent of such budget*  
18          *in fiscal year 2016;*

19          *“(J) not less than 3.2 percent of such budget*  
20          *in fiscal year 2017;*

21          *“(K) not less than 3.3 percent of such budg-*  
22          *et in fiscal year 2018;*

23          *“(L) not less than 3.4 percent of such budg-*  
24          *et in fiscal year 2019; and*

1           “(M) not less than 3.5 percent of such budg-  
2           et in fiscal year 2020 and each fiscal year there-  
3           after,”; and

4           (2) in paragraph (2)—

5           (A) by redesignating subparagraphs (A)  
6           and (B) as clauses (i) and (ii), respectively, and  
7           adjusting the margins accordingly;

8           (B) by striking “A Federal agency” and in-  
9           serting the following:

10           “(A) *IN GENERAL.*—A Federal agency”; and

11           (C) by adding at the end the following:

12           “(B) *DEPARTMENT OF DEFENSE AND DE-*  
13           *PARTMENT OF ENERGY.*—For the Department of  
14           Defense and the Department of Energy, to the  
15           greatest extent practicable, the percentage of the  
16           extramural budget in excess of 2.5 percent re-  
17           quired to be expended with small business con-  
18           cerns under subparagraphs (D) through (M) of  
19           paragraph (1)—

20           “(i) may not be used for new Phase I  
21           or Phase II awards; and

22           “(ii) shall be used for activities that  
23           further the readiness levels of technologies  
24           developed under Phase II awards, including  
25           conducting testing and evaluation to pro-

1           *mote the transition of such technologies into*  
2           *commercial or defense products, or systems*  
3           *furthering the mission needs of the Depart-*  
4           *ment of Defense or the Department of En-*  
5           *ergy, as the case may be.”.*

6 **SEC. 5104. STTR ALLOCATION INCREASE.**

7           *Section 9(n)(1)(B) of the Small Business Act (15*  
8 *U.S.C. 638(n)(1)(B)) is amended—*

9           (1) *in clause (i), by striking “and” at the end;*

10           (2) *in clause (ii), by striking “thereafter.” and*  
11 *inserting “through fiscal year 2010;”; and*

12           (3) *by adding at the end the following:*

13                           *“(iii) 0.4 percent for fiscal years 2011*  
14                           *and 2012;*

15                           *“(iv) 0.5 percent for fiscal years 2013*  
16                           *and 2014; and*

17                           *“(v) 0.6 percent for fiscal year 2015*  
18                           *and each fiscal year thereafter.”.*

19 **SEC. 5105. SBIR AND STTR AWARD LEVELS.**

20           (a) *SBIR ADJUSTMENTS.—Section 9(j)(2)(D) of the*  
21 *Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended—*

22           (1) *by striking “\$100,000” and inserting*  
23 *“\$150,000”; and*

24           (2) *by striking “\$750,000” and inserting*  
25 *“\$1,000,000”.*

1       (b) *STTR ADJUSTMENTS*.—Section 9(p)(2)(B)(ix) of  
2 *the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is*  
3 *amended—*

4           (1) *by striking “\$100,000” and inserting*  
5 *“\$150,000”; and*

6           (2) *by striking “\$750,000” and inserting*  
7 *“\$1,000,000”.*

8       (c) *TRIENNIAL ADJUSTMENTS*.—Section 9 of the *Small*  
9 *Business Act (15 U.S.C. 638) is amended—*

10           (1) *in subsection (j)(2)(D)—*

11                   (A) *by striking “5 years” and inserting “3*  
12 *years”; and*

13                   (B) *by striking “and programmatic consid-*  
14 *erations”; and*

15           (2) *in subsection (p)(2)(B)(ix) by striking*  
16 *“greater or lesser amounts to be awarded at the dis-*  
17 *cretion of the awarding agency,” and inserting “an*  
18 *adjustment for inflation of such amounts once every*  
19 *3 years.”.*

20       (d) *LIMITATION ON CERTAIN AWARDS*.—Section 9 of  
21 *the Small Business Act (15 U.S.C. 638) is amended by add-*  
22 *ing at the end the following:*

23           “(aa) *LIMITATION ON CERTAIN AWARDS*.—

24                   “(1) *LIMITATION*.—No Federal agency may issue  
25 *an award under the SBIR program or the STTR pro-*

1     *gram if the size of the award exceeds the award guide-*  
2     *lines established under this section by more than 50*  
3     *percent.*

4             “(2) *MAINTAINANCE OF INFORMATION.—Participating agencies shall maintain information on awards exceeding the guidelines established under this section, including—*

8                     “(A) *the amount of each award;*

9                     “(B) *a justification for exceeding the award*  
10                    *amount;*

11                    “(C) *the identity and location of each*  
12                    *award recipient; and*

13                    “(D) *whether a recipient has received any*  
14                    *venture capital investment and, if so, whether*  
15                    *the recipient is majority-owned and controlled*  
16                    *by multiple venture capital companies.*

17             “(3) *REPORTS.—The Administrator shall include the information described in paragraph (2) in the annual report of the Administrator to Congress.*

20             “(4) *RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to prevent a Federal agency from supplementing an award under the SBIR program or the STTR program using funds of the Federal agency that are not part of the SBIR program or the STTR program of the Federal agency.”.*

1 **SEC. 5106. AGENCY AND PROGRAM COLLABORATION.**

2 *Section 9 of the Small Business Act (15 U.S.C. 638),*  
3 *as amended by this division, is amended by adding at the*  
4 *end the following:*

5 “(bb) *SUBSEQUENT PHASES.*—

6 “(1) *AGENCY COLLABORATION.*—*A small business*  
7 *concern that received an award from a Federal agen-*  
8 *cy under this section shall be eligible to receive an*  
9 *award for a subsequent phase from another Federal*  
10 *agency, if the head of each relevant Federal agency or*  
11 *the relevant component of the Federal agency makes*  
12 *a written determination that the topics of the relevant*  
13 *awards are the same and both agencies report the*  
14 *awards to the Administrator for inclusion in the pub-*  
15 *lic database under subsection (k).*

16 “(2) *SBIR AND STTR COLLABORATION.*—*A small*  
17 *business concern which received an award under this*  
18 *section under the SBIR program or the STTR pro-*  
19 *gram may receive an award under this section for a*  
20 *subsequent phase in either the SBIR program or the*  
21 *STTR program and the participating agency or*  
22 *agencies shall report the awards to the Administrator*  
23 *for inclusion in the public database under subsection*  
24 *(k).”.*



1 **SEC. 5107. ELIMINATION OF PHASE II INVITATIONS.**

2 (a) *IN GENERAL.*—Section 9(e) of the Small Business  
3 Act (15 U.S.C. 638(e)) is amended—

4 (1) in paragraph (4)(B), by striking “to further”  
5 and inserting: “which shall not include any invita-  
6 tion, pre-screening, pre-selection, or down-selection  
7 process for eligibility for the second phase, that will  
8 further”; and

9 (2) in paragraph (6)(B), by striking “to further  
10 develop proposed ideas to” and inserting “which shall  
11 not include any invitation, pre-screening, pre-selec-  
12 tion, or down-selection process for eligibility for the  
13 second phase, that will further develop proposals  
14 that”.

15 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—  
16 The Small Business Act (15 U.S.C. 638) is amended—

17 (1) in section 9—

18 (A) in subsection (e)—

19 (i) in paragraph (8), by striking  
20 “and” at the end;

21 (ii) in paragraph (9)—

22 (I) by striking “the second or the  
23 third phase” and inserting “Phase II  
24 or Phase III”; and

25 (II) by striking the period at the  
26 end and inserting a semicolon; and

1                   (iii) by adding at the end the fol-  
2                   lowing:

3                   “(10) the term ‘Phase I’ means—

4                   “(A) with respect to the SBIR program, the  
5                   first phase described in paragraph (4)(A); and

6                   “(B) with respect to the STTR program, the  
7                   first phase described in paragraph (6)(A);

8                   “(11) the term ‘Phase II’ means—

9                   “(A) with respect to the SBIR program, the  
10                  second phase described in paragraph (4)(B); and

11                  “(B) with respect to the STTR program, the  
12                  second phase described in paragraph (6)(B); and

13                  “(12) the term ‘Phase III’ means—

14                  “(A) with respect to the SBIR program, the  
15                  third phase described in paragraph (4)(C); and

16                  “(B) with respect to the STTR program, the  
17                  third phase described in paragraph (6)(C).”;

18                  (B) in subsection (j)—

19                   (i) in paragraph (1)(B), by striking  
20                   “phase two” and inserting “Phase II”;

21                   (ii) in paragraph (2)—

22                   (I) in subparagraph (B)—

23                   (aa) by striking “the third  
24                   phase” each place it appears and  
25                   inserting “Phase III”; and

1                    *(bb) by striking “the second*  
2 *phase” and inserting “Phase II”;*  
3 *(II) in subparagraph (D)—*

4                    *(aa) by striking “the first*  
5 *phase” and inserting “Phase I”;*  
6 *and*

7                    *(bb) by striking “the second*  
8 *phase” and inserting “Phase II”;*  
9 *(III) in subparagraph (F), by*  
10 *striking “the third phase” and insert-*  
11 *ing “Phase III”;*

12                    *(IV) in subparagraph (G)—*

13                    *(aa) by striking “the first*  
14 *phase” and inserting “Phase I”;*  
15 *and*

16                    *(bb) by striking “the second*  
17 *phase” and inserting “Phase II”;*  
18 *and*

19                    *(V) in subparagraph (H)—*

20                    *(aa) by striking “the first*  
21 *phase” and inserting “Phase I”;*

22                    *(bb) by striking “second*  
23 *phase” each place it appears and*  
24 *inserting “Phase II”; and*

1                   (cc) by striking “third  
2                   phase” and inserting “Phase III”;  
3                   and

4                   (iii) in paragraph (3)—

5                   (I) in subparagraph (A)—

6                   (aa) by striking “the first  
7                   phase (as described in subsection  
8                   (e)(4)(A))” and inserting “Phase  
9                   I”;

10                  (bb) by striking “the second  
11                  phase (as described in subsection  
12                  (e)(4)(B))” and inserting “Phase  
13                  II”; and

14                  (cc) by striking “the third  
15                  phase (as described in subsection  
16                  (e)(4)(C))” and inserting “Phase  
17                  III”; and

18                  (II) in subparagraph (B), by  
19                  striking “second phase” and inserting  
20                  “Phase II”;

21                  (C) in subsection (k)—

22                  (i) by striking “first phase” each place  
23                  it appears and inserting “Phase I”; and

24                  (ii) by striking “second phase” each  
25                  place it appears and inserting “Phase II”;

1           (D) in subsection (l)(2)—

2                 (i) by striking “the first phase” and  
3                 inserting “Phase I”; and

4                 (ii) by striking “the second phase” and  
5                 inserting “Phase II”;

6           (E) in subsection (o)(13)—

7                 (i) in subparagraph (B), by striking  
8                 “second phase” and inserting “Phase II”;  
9                 and

10                (ii) in subparagraph (C), by striking  
11                “third phase” and inserting “Phase III”;

12           (F) in subsection (p)—

13                 (i) in paragraph (2)(B)—

14                         (I) in clause (vi)—

15                                 (aa) by striking “the second  
16                                 phase” and inserting “Phase II”;  
17                                 and

18                                 (bb) by striking “the third  
19                                 phase” and inserting “Phase III”;  
20                                 and

21                         (II) in clause (ix)—

22                                 (aa) by striking “the first  
23                                 phase” and inserting “Phase I”;  
24                                 and

1                    (bb) by striking “the second  
2                    phase” and inserting “Phase II”;  
3                    and

4                    (ii) in paragraph (3)—

5                    (I) by striking “the first phase (as  
6                    described in subsection (e)(6)(A))” and  
7                    inserting “Phase I”;

8                    (II) by striking “the second phase  
9                    (as described in subsection (e)(6)(B))”  
10                   and inserting “Phase II”; and

11                   (III) by striking “the third phase  
12                   (as described in subsection (e)(6)(A))”  
13                   and inserting “Phase III”;

14                   (G) in subsection (q)(3)—

15                   (i) in subparagraph (A)—

16                   (I) in the subparagraph heading,  
17                   by striking “FIRST PHASE” and insert-  
18                   ing “PHASE I”; and

19                   (II) by striking “first phase” and  
20                   inserting “Phase I”; and

21                   (ii) in subparagraph (B)—

22                   (I) in the subparagraph heading,  
23                   by striking “SECOND PHASE” and in-  
24                   serting “PHASE II”; and

1                   (II) by striking “second phase”  
2                   and inserting “Phase II”;

3                   (H) in subsection (r)—

4                   (i) in the subsection heading, by strik-  
5                   ing “THIRD PHASE” and inserting “PHASE  
6                   III”;

7                   (ii) in paragraph (1)—

8                   (I) in the first sentence—

9                   (aa) by striking “for the sec-  
10                  ond phase” and inserting “for  
11                  Phase II”;

12                  (bb) by striking “third  
13                  phase” and inserting “Phase III”;  
14                  and

15                  (cc) by striking “second  
16                  phase period” and inserting  
17                  “Phase II period”; and

18                  (II) in the second sentence—

19                  (aa) by striking “second  
20                  phase” and inserting “Phase II”;  
21                  and

22                  (bb) by striking “third  
23                  phase” and inserting “Phase III”;  
24                  and

1                   (iii) in paragraph (2), by striking  
2                   “third phase” and inserting “Phase III”;  
3                   and

4                   (I) in subsection (u)(2)(B), by striking “the  
5                   first phase” and inserting “Phase I”;

6                   (2) in section 34—

7                   (A) in subsection (c)(2)(B)(ii), by striking  
8                   “first phase and second phase SBIR awards”  
9                   and inserting “Phase I and Phase II SBIR  
10                  awards (as defined in section 9(e))”; and

11                  (B) in subsection (e)(2)(A)—

12                  (i) in clause (i), by striking “first  
13                  phase awards” and all that follows and in-  
14                  serting “Phase I awards (as defined in sec-  
15                  tion 9(e));”; and

16                  (ii) by striking “first phase” each  
17                  place it appears and inserting “Phase I”;  
18                  and

19                  (3) in section 35(c)(2)(B)(vii), by striking “third  
20                  phase” and inserting “Phase III”.

21 **SEC. 5108. MAJORITY-VENTURE INVESTMENTS IN SBIR**  
22 **FIRMS.**

23                  (a) *IN GENERAL.*—Section 9 of the Small Business Act  
24                  (15 U.S.C. 638), as amended by this division, is amended  
25                  by adding at the end the following:



1       “(cc) *MAJORITY-VENTURE INVESTMENTS IN SBIR*  
2 *FIRMS.*—

3           “(1) *AUTHORITY AND DETERMINATION.*—

4               “(A) *IN GENERAL.*—Upon a written deter-  
5 *mination provided not later than 30 days in ad-*  
6 *vance to the Administrator and to the Committee*  
7 *on Small Business and Entrepreneurship of the*  
8 *Senate and the Committee on Small Business of*  
9 *the House of Representatives—*

10                   “(i) *the Director of the National Insti-*  
11 *tutes of Health may award not more than*  
12 *18 percent of the SBIR funds of the Na-*  
13 *tional Institutes of Health allocated in ac-*  
14 *cordance with this Act, in the first full fis-*  
15 *cal year beginning after the date of enact-*  
16 *ment of this subsection, and each fiscal year*  
17 *thereafter, to small business concerns that*  
18 *are owned in majority part by venture cap-*  
19 *ital companies and that satisfy the quali-*  
20 *fication requirements under paragraph (2)*  
21 *through competitive, merit-based procedures*  
22 *that are open to all eligible small business*  
23 *concerns; and*

24                   “(ii) *the head of any other Federal*  
25 *agency participating in the SBIR program*

1           *may award not more than 8 percent of the*  
2           *SBIR funds of the Federal agency allocated*  
3           *in accordance with this Act, in the first full*  
4           *fiscal year beginning after the date of enact-*  
5           *ment of this subsection, and each fiscal year*  
6           *thereafter, to small business concerns that*  
7           *are majority owned by venture capital com-*  
8           *panies and that satisfy the qualification re-*  
9           *quirements under paragraph (2) through*  
10          *competitive, merit-based procedures that are*  
11          *open to all eligible small business concerns.*

12           “(B) *DETERMINATION.*—*A written deter-*  
13          *mination made under subparagraph (A) shall*  
14          *explain how the use of the authority under that*  
15          *subparagraph will induce additional venture*  
16          *capital funding of small business innovations,*  
17          *substantially contribute to the mission of the*  
18          *funding Federal agency, demonstrate a need for*  
19          *public research, and otherwise fulfill the capital*  
20          *needs of small business concerns for additional*  
21          *financing for the SBIR project.*

22           “(2) *QUALIFICATION REQUIREMENTS.*—*The Ad-*  
23          *ministrator shall establish requirements relating to*  
24          *the affiliation by small business concerns with venture*  
25          *capital companies, which may not exclude a United*

1 *States small business concern from participation in*  
2 *the program under paragraph (1) on the basis that*  
3 *the small business concern is owned in majority part*  
4 *by, or controlled by, more than 1 United States ven-*  
5 *ture capital company, so long as no single venture*  
6 *capital company owns more than 49 percent of the*  
7 *small business concern.*

8 “(3) *REGISTRATION.—A small business concern*  
9 *that is majority owned and controlled by multiple*  
10 *venture capital companies and qualified for partici-*  
11 *ipation in the program authorized under paragraph*  
12 *(1) shall—*

13 “(A) *register with the Administrator on the*  
14 *date that the small business concern submits an*  
15 *application for an award under the SBIR pro-*  
16 *gram; and*

17 “(B) *indicate whether the small business*  
18 *concern is registered under subparagraph (A) in*  
19 *any SBIR proposal.*

20 “(4) *COMPLIANCE.—A Federal agency described*  
21 *in paragraph (1) shall collect data regarding the*  
22 *number and dollar amounts of phase I, phase II, and*  
23 *all other categories of awards under the SBIR pro-*  
24 *gram, and the Administrator shall report on the data*  
25 *and the compliance of each such Federal agency with*

1     *the maximum amounts under paragraph (1) as part*  
2     *of the annual report by the Administration under*  
3     *subsection (b)(7).*

4             “(5) *ENFORCEMENT.*—*If a Federal agency*  
5     *awards more than the amount authorized under para-*  
6     *graph (1) for a purpose described in paragraph (1),*  
7     *the amount awarded in excess of the amount author-*  
8     *ized under paragraph (1) shall be transferred to the*  
9     *funds for general SBIR programs from the non-SBIR*  
10    *research and development funds of the Federal agency*  
11    *within 60 days of the date on which the Federal agen-*  
12    *cy awarded more than the amount authorized under*  
13    *paragraph (1) for a purpose described in paragraph*  
14    *(1).”.*

15            (b) *TECHNICAL AND CONFORMING AMENDMENT.*—*Sec-*  
16    *tion 3 of the Small Business Act (15 U.S.C. 632) is amend-*  
17    *ed by adding at the end the following:*

18            “(t) *VENTURE CAPITAL COMPANY.*—*In this Act, the*  
19    *term ‘venture capital company’ means an entity described*  
20    *in clause (i), (v), or (vi) of section 121.103(b)(5) of title*  
21    *13, Code of Federal Regulations (or any successor thereto).”.*

22            (c) *ASSISTANCE FOR DETERMINING AFFILIATES.*—*Not*  
23    *later than 30 days after the date of enactment of this Act,*  
24    *the Administrator shall post on the website of the Adminis-*  
25    *tration (with a direct link displayed on the homepage of*

1 *the website of the Administration or the SBIR website of*  
2 *the Administration)—*

3           (1) *a clear explanation of the SBIR affiliation*  
4 *rules under part 121 of title 13, Code of Federal Reg-*  
5 *ulations; and*

6           (2) *contact information for officers or employees*  
7 *of the Administration who—*

8                   (A) *upon request, shall review an issue re-*  
9 *lating to the rules described in paragraph (1);*  
10 *and*

11                   (B) *shall respond to a request under sub-*  
12 *paragraph (A) not later than 20 business days*  
13 *after the date on which the request is received.*

14 **SEC. 5109. SBIR AND STTR SPECIAL ACQUISITION PREF-**  
15 **ERENCE.**

16 *Section 9(r) of the Small Business Act (15 U.S.C.*  
17 *638(r)) is amended by adding at the end the following:*

18           “(4) *PHASE III AWARDS.—To the greatest extent*  
19 *practicable, Federal agencies and Federal prime con-*  
20 *tractors shall issue Phase III awards relating to tech-*  
21 *nology, including sole source awards, to the SBIR*  
22 *and STTR award recipients that developed the tech-*  
23 *nology.”.*

1 **SEC. 5110. COLLABORATING WITH FEDERAL LABORATORIES**  
2 **AND RESEARCH AND DEVELOPMENT CEN-**  
3 **TERS.**

4 *Section 9 of the Small Business Act (15 U.S.C. 638),*  
5 *as amended by this division, is amended by adding at the*  
6 *end the following:*

7 “(dd) *COLLABORATING WITH FEDERAL LABORA-*  
8 *TORIES AND RESEARCH AND DEVELOPMENT CENTERS.—*

9 “(1) *AUTHORIZATION.—Subject to the limita-*  
10 *tions under this section, the head of each partici-*  
11 *pating Federal agency may make SBIR and STTR*  
12 *awards to any eligible small business concern that—*

13 “(A) *intends to enter into an agreement*  
14 *with a Federal laboratory or federally funded re-*  
15 *search and development center for portions of the*  
16 *activities to be performed under that award; or*

17 “(B) *has entered into a cooperative research*  
18 *and development agreement (as defined in sec-*  
19 *tion 12(d) of the Stevenson-Wydler Technology*  
20 *Innovation Act of 1980 (15 U.S.C. 3710a(d)))*  
21 *with a Federal laboratory.*

22 “(2) *PROHIBITION.—No Federal agency shall—*

23 “(A) *condition an SBIR or STTR award*  
24 *upon entering into agreement with any Federal*  
25 *laboratory or any federally funded laboratory or*  
26 *research and development center for any portion*

1           of the activities to be performed under that  
2           award;

3           “(B) approve an agreement between a small  
4           business concern receiving a SBIR or STTR  
5           award and a Federal laboratory or federally  
6           funded laboratory or research and development  
7           center, if the small business concern performs a  
8           lesser portion of the activities to be performed  
9           under that award than required by this section  
10          and by the SBIR Policy Directive and the STTR  
11          Policy Directive of the Administrator; or

12          “(C) approve an agreement that violates  
13          any provision, including any data rights protec-  
14          tions provision, of this section or the SBIR and  
15          the STTR Policy Directives.

16          “(3) IMPLEMENTATION.—Not later than 180  
17          days after the date of enactment of this subsection, the  
18          Administrator shall modify the SBIR Policy Direc-  
19          tive and the STTR Policy Directive issued under this  
20          section to ensure that small business concerns—

21                 “(A) have the flexibility to use the resources  
22                 of the Federal laboratories and federally funded  
23                 research and development centers; and

24                 “(B) are not mandated to enter into agree-  
25                 ment with any Federal laboratory or any feder-

1            *ally funded laboratory or research and develop-*  
2            *ment center as a condition of an award.”.*

3 **SEC. 5111. NOTICE REQUIREMENT.**

4            *The head of any Federal agency involved in a case or*  
5 *controversy before any Federal judicial or administrative*  
6 *tribunal concerning the SBIR program or the STTR pro-*  
7 *gram shall provide timely notice, as determined by the Ad-*  
8 *ministrator, of the case or controversy to the Administrator.*

9 **TITLE LII—OUTREACH AND COM-**  
10 **MERCIALIZATION                    INITIA-**  
11 **TIVES**

12 **SEC. 5201. RURAL AND STATE OUTREACH.**

13            *(a) OUTREACH.—Section 9 of the Small Business Act*  
14 *(15 U.S.C. 638) is amended by inserting after subsection*  
15 *(r) the following:*

16            *“(s) OUTREACH.—*

17                    *“(1) DEFINITION OF ELIGIBLE STATE.—In this*  
18 *subsection, the term ‘eligible State’ means a State—*

19                            *“(A) for which the total value of contracts*  
20 *awarded to the State under this section during*  
21 *the most recent fiscal year for which data is*  
22 *available was less than \$5,000,000; and*

23                            *“(B) that certifies to the Administrator that*  
24 *the State will, upon receipt of assistance under*  
25 *this subsection, provide matching funds from*



1           *non-Federal sources in an amount that is not*  
2           *less than 50 percent of the amount provided*  
3           *under this subsection.*

4           “(2) *PROGRAM AUTHORITY.*—*Of amounts made*  
5           *available to carry out this section for each of fiscal*  
6           *years 2010 through 2014, the Administrator may ex-*  
7           *pend with eligible States not more than \$5,000,000 in*  
8           *each such fiscal year in order to increase the partici-*  
9           *ipation of small business concerns located in those*  
10          *States in the programs under this section.*

11          “(3) *AMOUNT OF ASSISTANCE.*—*The amount of*  
12          *assistance provided to an eligible State under this*  
13          *subsection in any fiscal year—*

14                  “(A) *shall be equal to not more than 50 per-*  
15                  *cent of the total amount of matching funds from*  
16                  *non-Federal sources provided by the State; and*

17                  “(B) *shall not exceed \$100,000.*

18          “(4) *USE OF ASSISTANCE.*—*Assistance provided*  
19          *to an eligible State under this subsection shall be used*  
20          *by the State, in consultation with State and local de-*  
21          *partments and agencies, for programs and activities*  
22          *to increase the participation of small business con-*  
23          *cerns located in the State in the programs under this*  
24          *section, including—*

1           “(A) the establishment of quantifiable per-  
2           formance goals, including goals relating to—

3                   “(i) the number of program awards  
4                   under this section made to small business  
5                   concerns in the State; and

6                   “(ii) the total amount of Federal re-  
7                   search and development contracts awarded  
8                   to small business concerns in the State;

9           “(B) the provision of competition outreach  
10           support to small business concerns in the State  
11           that are involved in research and development;  
12           and

13                   “(C) the development and dissemination of  
14                   educational and promotional information relat-  
15                   ing to the programs under this section to small  
16                   business concerns in the State.”.

17           (b) *FEDERAL AND STATE PROGRAM EXTENSION.*—  
18           Section 34 of the Small Business Act (15 U.S.C. 657d) is  
19           amended—

20                   (1) in subsection (h), by striking “2001 through  
21                   2005” each place it appears and inserting “2010  
22                   through 2014”; and

23                   (2) in subsection (i), by striking “2005” and in-  
24                   serting “2014”.

1       (c) *MATCHING REQUIREMENTS.*—Section 34(e)(2) of  
2 *the Small Business Act (15 U.S.C. 657d(e)(2)) is amend-*  
3 *ed—*

4           (1) *in subparagraph (A)—*

5               (A) *in clause (i), by striking “50 cents” and*  
6 *inserting “35 cents”; and*

7               (B) *in clause (iii), by striking “75 cents”*  
8 *and inserting “50 cents”;*

9           (2) *in subparagraph (B), by striking “50 cents”*  
10 *and inserting “35 cents”;*

11           (3) *by redesignating subparagraphs (C) and (D)*  
12 *as subparagraphs (D) and (E), respectively; and*

13           (4) *by inserting after subparagraph (B) the fol-*  
14 *lowing:*

15               “(C) *RURAL AREAS.*—

16                   “(i) *IN GENERAL.*—*Except as provided*  
17 *in clause (ii), the non-Federal share of the*  
18 *cost of the activity carried out using an*  
19 *award or under a cooperative agreement*  
20 *under this section shall be 35 cents for each*  
21 *Federal dollar that will be directly allocated*  
22 *by a recipient described in paragraph (A)*  
23 *to serve small business concerns located in*  
24 *a rural area.*

1           “(ii) *ENHANCED RURAL AWARDS.*—*For*  
2           *a recipient located in a rural area that is*  
3           *located in a State described in subpara-*  
4           *graph (A)(i), the non-Federal share of the*  
5           *cost of the activity carried out using an*  
6           *award or under a cooperative agreement*  
7           *under this section shall be 15 cents for each*  
8           *Federal dollar that will be directly allocated*  
9           *by a recipient described in paragraph (A)*  
10           *to serve small business concerns located in*  
11           *the rural area.*

12           “(iii) *DEFINITION OF RURAL AREA.*—  
13           *In this subparagraph, the term ‘rural area’*  
14           *has the meaning given that term in section*  
15           *1393(a)(2)) of the Internal Revenue Code of*  
16           *1986.’’.*

17 **SEC. 5202. SBIR–STEM WORKFORCE DEVELOPMENT GRANT**  
18 **PILOT PROGRAM.**

19           (a) *PILOT PROGRAM ESTABLISHED.*—*From amounts*  
20           *made available to carry out this section, the Administrator*  
21           *shall establish a SBIR–STEM Workforce Development*  
22           *Grant Pilot Program to encourage the business community*  
23           *to provide workforce development opportunities for college*  
24           *students, in the fields of science, technology, engineering,*

1 *and math (in this section referred to as “STEM college stu-*  
2 *dents”), by providing a SBIR bonus grant.*

3 (b) *ELIGIBLE ENTITIES DEFINED.*—*In this section the*  
4 *term “eligible entity” means a grantee receiving a grant*  
5 *under the SBIR Program on the date of the bonus grant*  
6 *under subsection (a) that provides an internship program*  
7 *for STEM college students.*

8 (c) *AWARDS.*—*An eligible entity shall receive a bonus*  
9 *grant equal to 10 percent of either a Phase I or Phase II*  
10 *grant, as applicable, with a total award maximum of not*  
11 *more than \$10,000 per year.*

12 (d) *EVALUATION.*—*Following the fourth year of fund-*  
13 *ing under this section, the Administrator shall submit a*  
14 *report to Congress on the results of the SBIR–STEM Work-*  
15 *force Development Grant Pilot Program.*

16 (e) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
17 *authorized to be appropriated to carry out this section—*

18 (1) *\$1,000,000 for fiscal year 2011;*

19 (2) *\$1,000,000 for fiscal year 2012;*

20 (3) *\$1,000,000 for fiscal year 2013;*

21 (4) *\$1,000,000 for fiscal year 2014; and*

22 (5) *\$1,000,000 for fiscal year 2015.*

23 **SEC. 5203. TECHNICAL ASSISTANCE FOR AWARDEES.**

24 *Section 9(q)(3) of the Small Business Act (15 U.S.C.*  
25 *638(q)(3)) is amended—*

1           (1) in subparagraph (A), by striking “\$4,000”  
2 and inserting “\$5,000”;

3           (2) in subparagraph (B)—

4                 (A) by striking “, with funds available from  
5 their SBIR awards,”; and

6                 (B) by striking “\$4,000 per year” and in-  
7 serting “\$5,000 per year, which shall be in addi-  
8 tion to the amount of the recipient’s award”;  
9 and

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

11                 “(C) *FLEXIBILITY*.—In carrying out sub-  
12 paragraphs (A) and (B), each Federal agency  
13 shall provide the allowable amounts to a recipi-  
14 ent that meets the eligibility requirements under  
15 the applicable subparagraph, if the recipient re-  
16 quests to seek technical assistance from an indi-  
17 vidual or entity other than the vendor selected  
18 under paragraph (2) by the Federal agency.

19                 “(D) *LIMITATION*.—A Federal agency may  
20 not—

21                         “(i) use the amounts authorized under  
22 subparagraph (A) or (B) unless the vendor  
23 selected under paragraph (2) provides the  
24 technical assistance to the recipient; or

1                   “(ii) enter a contract with a vendor  
2                   under paragraph (2) under which the  
3                   amount provided for technical assistance is  
4                   based on total number of Phase I or Phase  
5                   II awards.”.

6 **SEC. 5204. COMMERCIALIZATION PROGRAM AT DEPART-**  
7                   **MENT OF DEFENSE.**

8                   Section 9(y) of the Small Business Act (15 U.S.C.  
9 638(y)), as amended by section 834 of this Act, is amend-  
10 ed—

11                   (1) in paragraph (1), by adding at the end the  
12 following: “The authority to create and administer a  
13 Commercialization Program under this subsection  
14 may not be construed to eliminate or replace any  
15 other SBIR program or STTR program that enhances  
16 the insertion or transition of SBIR or STTR tech-  
17 nologies, including any such program in effect on the  
18 date of enactment of the National Defense Authoriza-  
19 tion Act for Fiscal Year 2006 (Public Law 109–163;  
20 119 Stat. 3136).”;

21                   (2) by redesignating paragraph (5) as para-  
22 graph (7); and

23                   (3) by inserting after paragraph (4) the fol-  
24 lowing:

1           “(5) *INSERTION INCENTIVES.—For any contract*  
2 *with a value of not less than \$100,000,000, the Sec-*  
3 *retary of Defense is authorized to—*

4           “(A) *establish goals for the transition of*  
5 *Phase III technologies in subcontracting plans;*  
6 *and*

7           “(B) *require a prime contractor on such a*  
8 *contract to report the number and dollar amount*  
9 *of contracts entered into by that prime con-*  
10 *tractor for Phase III SBIR or STTR projects.*

11           “(6) *GOAL FOR SBIR AND STTR TECHNOLOGY IN-*  
12 *sertion.—The Secretary of Defense shall—*

13           “(A) *set a goal to increase the number of*  
14 *Phase II SBIR contracts and the number of*  
15 *Phase II STTR contracts awarded by that Sec-*  
16 *retary that lead to technology transition into*  
17 *programs of record or fielded systems;*

18           “(B) *use incentives in effect on the date of*  
19 *enactment of the SBIR/STTR Reauthorization*  
20 *Act of 2009, or create new incentives, to encour-*  
21 *age agency program managers and prime con-*  
22 *tractors to meet the goal under subparagraph*  
23 *(A); and*

24           “(C) *include in the annual report to Con-*  
25 *gress the percentage of contracts described in sub-*





1           *ing unusually high regulatory, systems integra-*  
2           *tion, or other costs relating to development or*  
3           *manufacturing of identifiable, highly promising*  
4           *small business technologies or a class of such*  
5           *technologies expected to substantially advance the*  
6           *mission of the agency.*

7           “(B) *DETERMINATION.*—*The Administrator*  
8           *shall—*

9                   “(i) *make a determination regarding*  
10                   *an application submitted under subpara-*  
11                   *graph (A) not later than 30 days before the*  
12                   *first day of the fiscal year for which the ap-*  
13                   *plication is submitted;*

14                   “(ii) *publish the determination in the*  
15                   *Federal Register; and*

16                   “(iii) *make a copy of the determina-*  
17                   *tion and any related materials available to*  
18                   *the Committee on Small Business and En-*  
19                   *trepreneurship of the Senate and the Com-*  
20                   *mittee on Small Business of the House of*  
21                   *Representatives.*

22           “(3) *MAXIMUM AMOUNT OF AWARD.*—*The head of*  
23           *a Federal agency may not make an award under a*  
24           *pilot program in excess of 3 times the dollar amounts*

1 *generally established for Phase II awards under sub-*  
2 *section (j)(2)(D) or (p)(2)(B)(ix).*

3 “(4) *MATCHING.*—*The head of a Federal agency*  
4 *may not make an award under a pilot program for*  
5 *SBIR or STTR Phase II technology that will be ac-*  
6 *quired by the Federal Government unless new private,*  
7 *Federal non-SBIR, or Federal non-STTR funding*  
8 *that at least matches the award from the Federal*  
9 *agency is provided for the SBIR or STTR Phase II*  
10 *technology.*

11 “(5) *ELIGIBILITY FOR AWARD.*—*The head of a*  
12 *Federal agency may make an award under a pilot*  
13 *program to any applicant that is eligible to receive*  
14 *a Phase III award related to technology developed in*  
15 *Phase II of an SBIR or STTR project.*

16 “(6) *REGISTRATION.*—*Any applicant that re-*  
17 *ceives an award under a pilot program shall register*  
18 *with the Administrator in a registry that is available*  
19 *to the public.*

20 “(7) *TERMINATION.*—*The authority to establish*  
21 *a pilot program under this section expires at the end*  
22 *of fiscal year 2014.*

23 “(8) *DEFINITIONS.*—*In this section—*

24 “(A) *the term ‘covered Federal agency’—*

1                   “(i) means a Federal agency partici-  
2                   pating in the SBIR program or the STTR  
3                   program; and

4                   “(ii) does not include the Department  
5                   of Defense; and

6                   “(B) the term ‘pilot program’ means the  
7                   program established under paragraph (1).”.

8 **SEC. 5206. NANOTECHNOLOGY INITIATIVE.**

9           (a) *IN GENERAL.*—Section 9 of the Small Business Act  
10 (15 U.S.C. 638), as amended by this division, is amended  
11 by adding at the end the following:

12           “(ff) *NANOTECHNOLOGY INITIATIVE.*—Each Federal  
13 agency participating in the SBIR or STTR program shall  
14 encourage the submission of applications for support of  
15 nanotechnology related projects to such program.”.

16           (b) *SUNSET.*—Effective October 1, 2014, subsection (ff)  
17 of the Small Business Act, as added by subsection (a) of  
18 this section, is repealed.

19 **SEC. 5207. ACCELERATING CURES.**

20           The Small Business Act (15 U.S.C. 631 et seq.) is  
21 amended—

22           (1) by redesignating section 44 as section 45;

23           and

24           (2) by inserting after section 43 the following:

1 **“SEC. 44. SMALL BUSINESS INNOVATION RESEARCH PRO-**  
2 **GRAM.**

3 “(a) *NIH CURES PILOT.*—

4 “(1) *ESTABLISHMENT.*—*An independent advisory board shall be established at the National Academy of Sciences (in this section referred to as the ‘advisory board’) to conduct periodic evaluations of the SBIR program (as that term is defined in section 9) of each of the National Institutes of Health (referred to in this section as the ‘NIH’) institutes and centers for the purpose of improving the management of the SBIR program through data-driven assessment.*

13 “(2) *MEMBERSHIP.*—

14 “(A) *IN GENERAL.*—*The advisory board shall consist of—*

16 “(i) *the Director of the NIH;*

17 “(ii) *the Director of the SBIR program of the NIH;*

18 “(iii) *senior NIH agency managers, selected by the Director of NIH;*

19 “(iv) *industry experts, selected by the Council of the National Academy of Sciences in consultation with the Associate Administrator for Technology of the Administration and the Director of the Office of Science and Technology Policy; and*

1                   “(v) owners or operators of small busi-  
2                   ness concerns that have received an award  
3                   under the SBIR program of the NIH, se-  
4                   lected by the Associate Administrator for  
5                   Technology of the Administration.

6                   “(B) NUMBER OF MEMBERS.—The total  
7                   number of members selected under clauses (iii),  
8                   (iv), and (v) of subparagraph (A) shall not ex-  
9                   ceed 10.

10                  “(C) EQUAL REPRESENTATION.—The total  
11                  number of members of the advisory board selected  
12                  under clauses (i), (ii), (iii), and (iv) of subpara-  
13                  graph (A) shall be equal to the number of mem-  
14                  bers of the advisory board selected under sub-  
15                  paragraph (A)(v).

16                  “(b) ADDRESSING DATA GAPS.—In order to enhance  
17                  the evidence-base guiding SBIR program decisions and  
18                  changes, the Director of the SBIR program of the NIH shall  
19                  address the gaps and deficiencies in the data collection con-  
20                  cerns identified in the 2007 report of the National Acad-  
21                  emies of Science entitled ‘An Assessment of the Small Busi-  
22                  ness Innovation Research Program at the NIH’.

23                  “(c) PILOT PROGRAM.—

24                  “(1) IN GENERAL.—The Director of the SBIR  
25                  program of the NIH may initiate a pilot program,

1     *under a formal mechanism for designing, imple-*  
2     *menting, and evaluating pilot programs, to spur in-*  
3     *novation and to test new strategies that may enhance*  
4     *the development of cures and therapies.*

5             “(2) *CONSIDERATIONS.—The Director of the*  
6     *SBIR program of the NIH may consider conducting*  
7     *a pilot program to include individuals with successful*  
8     *SBIR program experience in study sections, hiring*  
9     *individuals with small business development experi-*  
10    *ence for staff positions, separating the commercial*  
11    *and scientific review processes, and examining the*  
12    *impact of the trend toward larger awards on the over-*  
13    *all program.*

14            “(d) *REPORT TO CONGRESS.—The Director of the NIH*  
15    *shall submit an annual report to Congress and the advisory*  
16    *board on the activities of the SBIR program of the NIH*  
17    *under this section.*

18            “(e) *SBIR GRANTS AND CONTRACTS.—*

19                “(1) *IN GENERAL.—In awarding grants and*  
20    *contracts under the SBIR program of the NIH each*  
21    *SBIR program manager shall place an emphasis on*  
22    *applications that identify products and services that*  
23    *may enhance the development of cures and therapies.*

24                “(2) *EXAMINATION OF COMMERCIALIZATION AND*  
25    *OTHER METRICS.—The advisory board shall evaluate*

1     *the implementation of the requirement under para-*  
2     *graph (1) by examining increased commercialization*  
3     *and other metrics, to be determined and collected by*  
4     *the SBIR program of the NIH.*

5             “(3) *PHASE I AND II.*—*To the greatest extent*  
6     *practicable, the Director of the SBIR program of the*  
7     *NIH shall reduce the time period between Phase I*  
8     *and Phase II funding of grants and contracts under*  
9     *the SBIR program of the NIH to 6 months.*

10            “(f) *LIMIT.*—*Not more than a total of 1 percent of the*  
11     *extramural budget (as defined in section 9 of the Small*  
12     *Business Act (15 U.S.C. 638)) of the NIH for research or*  
13     *research and development may be used for the pilot program*  
14     *under subsection (c) and to carry out subsection (e).*

15            “(g) *SUNSET.*—*This section shall cease to be effective*  
16     *on the date that is 5 years after the date of enactment of*  
17     *the SBIR/STTR Reauthorization Act of 2009.”.*

## 18            ***TITLE LIII—OVERSIGHT AND*** 19            ***EVALUATION***

### 20     ***SEC. 5301. STREAMLINING ANNUAL EVALUATION REQUIRE-*** 21            ***MENTS.***

22            *Section 9(b) of the Small Business Act (15 U.S.C.*  
23     *638(b)), as amended by section \_\_102 of this division, is*  
24     *amended—*

25            *(1) in paragraph (7)—*



1           (A) by striking “STTR programs, including  
2           the data” and inserting the following: “STTR  
3           programs, including—

4           “(A) the data”;

5           (B) by striking “(g)(10), (o)(9), and (o)(15),  
6           the number” and all that follows through “under  
7           each of the SBIR and STTR programs, and a  
8           description” and inserting the following: “(g)(8)  
9           and (o)(9); and

10           “(B) the number of proposals received from,  
11           and the number and total amount of awards to,  
12           HUBZone small business concerns and firms  
13           with venture capital investment (including those  
14           majority owned and controlled by multiple ven-  
15           ture capital firms) under each of the SBIR and  
16           STTR programs;

17           “(C) a description of the extent to which  
18           each Federal agency is increasing outreach and  
19           awards to firms owned and controlled by women  
20           and social or economically disadvantaged indi-  
21           viduals under each of the SBIR and STTR pro-  
22           grams;

23           “(D) general information about the imple-  
24           mentation and compliance with the allocation of  
25           funds required under subsection (cc) for firms

1           *majority owned and controlled by multiple ven-*  
2           *ture capital firms under each of the SBIR and*  
3           *STTR programs;*

4           “(E) a detailed description of appeals of  
5           Phase III awards and notices of noncompliance  
6           with the SBIR and the STTR Policy Directives  
7           filed by the Administrator with Federal agencies;  
8           and

9           “(F) a description”; and

10           (2) by inserting after paragraph (7) the fol-  
11           *lowing:*

12           “(8) to coordinate the implementation of elec-  
13           tronic databases at each of the Federal agencies par-  
14           ticipating in the SBIR program or the STTR pro-  
15           gram, including the technical ability of the partici-  
16           pating agencies to electronically share data;”.

17 **SEC. 5302. DATA COLLECTION FROM AGENCIES FOR SBIR.**

18           Section 9(g) of the Small Business Act (15 U.S.C.  
19           638(g)) is amended—

20           (1) by striking paragraph (10);

21           (2) by redesignating paragraphs (8) and (9) as  
22           paragraphs (9) and (10), respectively;

23           (3) by inserting after paragraph (7) the fol-  
24           *lowing:*

1           “(8) collect annually, and maintain in a com-  
2 mon format in accordance with the simplified report-  
3 ing requirements under subsection (v), such informa-  
4 tion from awardees as is necessary to assess the SBIR  
5 program, including information necessary to main-  
6 tain the database described in subsection (k), includ-  
7 ing—

8           “(A) whether an awardee—

9           “(i) has venture capital or is majority  
10 owned and controlled by multiple venture  
11 capital firms, and, if so—

12           “(I) the amount of venture capital  
13 that the awardee has received as of the  
14 date of the award; and

15           “(II) the amount of additional  
16 capital that the awardee has invested  
17 in the SBIR technology;

18           “(ii) has an investor that—

19           “(I) is an individual who is not a  
20 citizen of the United States or a lawful  
21 permanent resident of the United  
22 States, and if so, the name of any such  
23 individual; or

24           “(II) is a person that is not an  
25 individual and is not organized under

1           *the laws of a State or the United*  
2           *States, and if so the name of any such*  
3           *person;*

4           “(iii) *is owned by a woman or has a*  
5           *woman as a principal investigator;*

6           “(iv) *is owned by a socially or eco-*  
7           *nomically disadvantaged individual or has*  
8           *a socially or economically disadvantaged*  
9           *individual as a principal investigator;*

10          “(v) *received assistance under the*  
11          *FAST program under section 34 or the out-*  
12          *reach program under subsection (s);*

13          “(vi) *is a faculty member or a student*  
14          *of an institution of higher education, as*  
15          *that term is defined in section 101 of the*  
16          *Higher Education Act of 1965 (20 U.S.C.*  
17          *1001); or*

18          “(vii) *is located in a State described in*  
19          *subsection (u)(3); and*

20          “(B) *a justification statement from the*  
21          *agency, if an awardee receives an award in an*  
22          *amount that is more than the award guidelines*  
23          *under this section;”;* and

24          (4) *in paragraph (10), as so redesignated, by*  
25          *adding “and” at the end.*

1 **SEC. 5303. DATA COLLECTION FROM AGENCIES FOR STTR.**

2 *Section 9(o) of the Small Business Act (15 U.S.C.*  
3 *638(o)) is amended—*

4 *(1) by striking paragraph (9) and inserting the*  
5 *following:*

6 *“(9) collect annually, and maintain in a com-*  
7 *mon format in accordance with the simplified report-*  
8 *ing requirements under subsection (v), such informa-*  
9 *tion from applicants and awardees as is necessary to*  
10 *assess the STTR program outputs and outcomes, in-*  
11 *cluding information necessary to maintain the data-*  
12 *base described in subsection (k), including—*

13 *“(A) whether an applicant or awardee—*

14 *“(i) has venture capital or is majority*  
15 *owned and controlled by multiple venture*  
16 *capital firms, and, if so—*

17 *“(I) the amount of venture capital*  
18 *that the applicant or awardee has re-*  
19 *ceived as of the date of the application*  
20 *or award, as applicable; and*

21 *“(II) the amount of additional*  
22 *capital that the applicant or awardee*  
23 *has invested in the SBIR technology;*

24 *“(ii) has an investor that—*

25 *“(I) is an individual who is not a*  
26 *citizen of the United States or a lawful*

1           *permanent resident of the United*  
2           *States, and if so, the name of any such*  
3           *individual; or*

4           *“(II) is a person that is not an*  
5           *individual and is not organized under*  
6           *the laws of a State or the United*  
7           *States, and if so the name of any such*  
8           *person;*

9           *“(iii) is owned by a woman or has a*  
10          *woman as a principal investigator;*

11          *“(iv) is owned by a socially or eco-*  
12          *nomically disadvantaged individual or has*  
13          *a socially or economically disadvantaged*  
14          *individual as a principal investigator;*

15          *“(v) received assistance under the*  
16          *FAST program under section 34 or the out-*  
17          *reach program under subsection (s);*

18          *“(vi) is a faculty member or a student*  
19          *of an institution of higher education, as*  
20          *that term is defined in section 101 of the*  
21          *Higher Education Act of 1965 (20 U.S.C.*  
22          *1001); or*

23          *“(vii) is located in a State in which*  
24          *the total value of contracts awarded to*  
25          *small business concerns under all STTR*

1            *programs is less than the total value of con-*  
2            *tracts awarded to small business concerns*  
3            *in a majority of other States, as determined*  
4            *by the Administrator in biennial fiscal*  
5            *years, beginning with fiscal year 2008,*  
6            *based on the most recent statistics compiled*  
7            *by the Administrator; and*

8            *“(B) if an awardee receives an award in an*  
9            *amount that is more than the award guidelines*  
10           *under this section, a statement from the agency*  
11           *that justifies the award amount;”;*

12           *(2) in paragraph (14), by adding “and” at the*  
13           *end;*

14           *(3) by striking paragraph (15); and*

15           *(4) by redesignating paragraph (16) as para-*  
16           *graph (15).*

17 **SEC. 5304. PUBLIC DATABASE.**

18           *Section 9(k)(1) of the Small Business Act (15 U.S.C.*  
19           *638(k)(1)) is amended—*

20           *(1) in subparagraph (D), by striking “and” at*  
21           *the end;*

22           *(2) in subparagraph (E), by striking the period*  
23           *at the end and inserting “; and”; and*

24           *(3) by adding at the end the following:*

1           “(F) for each small business concern that  
2           has received a Phase I or Phase II SBIR or  
3           STTR award from a Federal agency, whether the  
4           small business concern—

5                   “(i) has venture capital and, if so,  
6                   whether the small business concern is reg-  
7                   istered as majority owned and controlled by  
8                   multiple venture capital companies as re-  
9                   quired under subsection (cc)(3);

10                   “(ii) is owned by a woman or has a  
11                   woman as a principal investigator;

12                   “(iii) is owned by a socially or eco-  
13                   nomically disadvantaged individual or has  
14                   a socially or economically disadvantaged  
15                   individual as a principal investigator;

16                   “(iv) received assistance under the  
17                   FAST program under section 34 or the out-  
18                   reach program under subsection (s); or

19                   “(v) is owned by a faculty member or  
20                   a student of an institution of higher edu-  
21                   cation, as that term is defined in section  
22                   101 of the Higher Education Act of 1965  
23                   (20 U.S.C. 1001).”.



1 **SEC. 5305. GOVERNMENT DATABASE.**

2 *Section 9(k)(2) of the Small Business Act (15 U.S.C.*  
3 *638(k)(2)) is amended—*

4 *(1) by redesignating subparagraphs (C), (D),*  
5 *and (E) as subparagraphs (D), (E), and (F), respec-*  
6 *tively;*

7 *(2) by inserting after subparagraph (B) the fol-*  
8 *lowing:*

9 *“(C) includes, for each awardee—*

10 *“(i) the name, size, location, and any*  
11 *identifying number assigned to the awardee*  
12 *by the Administrator;*

13 *“(ii) whether the awardee has venture*  
14 *capital, and, if so—*

15 *“(I) the amount of venture capital*  
16 *as of the date of the award;*

17 *“(II) the percentage of ownership*  
18 *of the awardee held by a venture cap-*  
19 *ital firm, including whether the*  
20 *awardee is majority owned and con-*  
21 *trolled by multiple venture capital*  
22 *firms; and*

23 *“(III) the amount of additional*  
24 *capital that the awardee has invested*  
25 *in the SBIR technology, which infor-*

1                    *mation shall be collected on an annual*  
2                    *basis;*

3                    *“(iii) the names and locations of any*  
4                    *affiliates of the awardee;*

5                    *“(iv) the number of employees of the*  
6                    *awardee;*

7                    *“(v) the number of employees of the af-*  
8                    *filiates of the awardee; and*

9                    *“(vi) the names of, and the percentage*  
10                   *of ownership of the awardee held by—*

11                   *“(I) any individual who is not a*  
12                   *citizen of the United States or a lawful*  
13                   *permanent resident of the United*  
14                   *States; or*

15                   *“(II) any person that is not an*  
16                   *individual and is not organized under*  
17                   *the laws of a State or the United*  
18                   *States;”;* and

19                   *(3) in subparagraph (D), as so redesignated—*

20                   *(A) in clause (i), by striking “and” at the*  
21                   *end; and*

22                   *(B) by adding at the end, the following:*

23                   *“(iv) whether the applicant was major-*  
24                   *ity owned and controlled by multiple ven-*  
25                   *ture capital firms; and*

1                   “(v) the number of employees of the ap-  
2                   plicant;”.

3 **SEC. 5306. ACCURACY IN FUNDING BASE CALCULATIONS.**

4           (a) *IN GENERAL.*—Not later than 1 year after the date  
5 of enactment of this Act, and every 3 years thereafter, the  
6 Comptroller General of the United States shall—

7           (1) conduct a fiscal and management audit of  
8 the SBIR program and the STTR program for the  
9 applicable period to—

10           (A) determine whether Federal agencies  
11 comply with the expenditure amount require-  
12 ments under subsections (f)(1) and (n)(1) of sec-  
13 tion 9 of the Small Business Act (15 U.S.C.  
14 638), as amended by this division;

15           (B) assess the extent of compliance with the  
16 requirements of section 9(i)(2) of the Small Busi-  
17 ness Act (15 U.S.C. 638(i)(2)) by Federal agen-  
18 cies participating in the SBIR program or the  
19 STTR program and the Administration;

20           (C) assess whether it would be more con-  
21 sistent and effective to base the amount of the al-  
22 locations under the SBIR program and the  
23 STTR program on a percentage of the research  
24 and development budget of a Federal agency,

1           *rather than the extramural budget of the Federal*  
2           *agency; and*

3                     *(D) determine the portion of the extramural*  
4           *research or research and development budget of a*  
5           *Federal agency that each Federal agency spends*  
6           *for administrative purposes relating to the SBIR*  
7           *program or STTR program, and for what spe-*  
8           *cific purposes, including the portion, if any, of*  
9           *such budget the Federal agency spends for sala-*  
10          *ries and expenses, travel to visit applicants, out-*  
11          *reach events, marketing, and technical assist-*  
12          *ance; and*

13                     *(2) submit a report to the Committee on Small*  
14          *Business and Entrepreneurship of the Senate and the*  
15          *Committee on Small Business of the House of Rep-*  
16          *resentatives regarding the audit conducted under*  
17          *paragraph (1), including the assessments required*  
18          *under subparagraphs (B) and (C), and the deter-*  
19          *mination made under subparagraph (D) of para-*  
20          *graph (1).*

21                     *(b) DEFINITION OF APPLICABLE PERIOD.—In this sec-*  
22          *tion, the term “applicable period” means—*

23                     *(1) for the first report submitted under this sec-*  
24          *tion, the period beginning on October 1, 2000, and*  
25          *ending on September 30 of the last full fiscal year be-*

1 *fore the date of enactment of this Act for which infor-*  
2 *mation is available; and*

3 *(2) for the second and each subsequent report*  
4 *submitted under this section, the period—*

5 *(A) beginning on October 1 of the first fiscal*  
6 *year after the end of the most recent full fiscal*  
7 *year relating to which a report under this sec-*  
8 *tion was submitted; and*

9 *(B) ending on September 30 of the last full*  
10 *fiscal year before the date of the report.*

11 **SEC. 5307. CONTINUED EVALUATION BY THE NATIONAL**  
12 **ACADEMY OF SCIENCES.**

13 *Section 108 of the Small Business Reauthorization Act*  
14 *of 2000 (15 U.S.C. 638 note) is amended by adding at the*  
15 *end the following:*

16 *“(e) EXTENSIONS AND ENHANCEMENTS OF AUTHOR-*  
17 *ITY.—*

18 *“(1) IN GENERAL.—Not later than 6 months*  
19 *after the date of enactment of the SBIR/STTR Reau-*  
20 *thorization Act of 2009, the head of each agency de-*  
21 *scribed in subsection (a), in consultation with the*  
22 *Small Business Administration, shall cooperatively*  
23 *enter into an agreement with the National Academy*  
24 *of Sciences for the National Research Council to con-*  
25 *duct a study described in subsection (a)(1) and make*

1 *recommendations described in subsection (a)(2) not*  
2 *later than 4 years after the date of enactment of the*  
3 *SBIR/STTR Reauthorization Act of 2009, and every*  
4 *4 years thereafter.*

5 “(2) *REPORTING.*—*An agreement under para-*  
6 *graph (1) shall require that not later than 4 years*  
7 *after the date of enactment of the SBIR/STTR Reau-*  
8 *thorization Act of 2009, and every 4 years thereafter,*  
9 *the National Research Council shall submit to the*  
10 *head of the agency entering into the agreement, the*  
11 *Committee on Small Business and Entrepreneurship*  
12 *of the Senate, and the Committee on Small Business*  
13 *of the House of Representatives a report regarding the*  
14 *study conducted under paragraph (1) and containing*  
15 *the recommendations described in paragraph (1).”.*

16 **SEC. 5308. TECHNOLOGY INSERTION REPORTING REQUIRE-**  
17 **MENTS.**

18 *Section 9 of the Small Business Act (15 U.S.C. 638),*  
19 *as amended by this division, is amended by adding at the*  
20 *end the following:*

21 “(gg) *PHASE III REPORTING.*—*The annual SBIR or*  
22 *STTR report to Congress by the Administration under sub-*  
23 *section (b)(7) shall include, for each Phase III award made*  
24 *by the Federal agency—*

1           “(1) *the name of the agency or component of the*  
2 *agency or the non-Federal source of capital making*  
3 *the Phase III award;*

4           “(2) *the name of the small business concern or*  
5 *individual receiving the Phase III award; and*

6           “(3) *the dollar amount of the Phase III award.*”.

7 **SEC. 5309. INTELLECTUAL PROPERTY PROTECTIONS.**

8       (a) *IN GENERAL.*—*The Comptroller General of the*  
9 *United States shall conduct a study of the SBIR program*  
10 *to assess whether—*

11           (1) *Federal agencies comply with the data rights*  
12 *protections for SBIR awardees and the technologies of*  
13 *SBIR awardees under section 9 of the Small Business*  
14 *Act (15 U.S.C. 638);*

15           (2) *the laws and policy directives intended to*  
16 *clarify the scope of data rights, including in proto-*  
17 *types and mentor-protégé relationships and agree-*  
18 *ments with Federal laboratories, are sufficient to pro-*  
19 *tect SBIR awardees; and*

20           (3) *there is an effective grievance tracking proc-*  
21 *ess for SBIR awardees who have grievances against*  
22 *a Federal agency regarding data rights and a process*  
23 *for resolving those grievances.*

24       (b) *REPORT.*—*Not later than 18 months after the date*  
25 *of enactment of this Act, the Comptroller General shall sub-*

1 *mit to the Committee on Small Business and Entrepreneur-*  
2 *ship of the Senate and the Committee on Small Business*  
3 *of the House of Representatives a report regarding the study*  
4 *conducted under subsection (a).*

5 ***TITLE LIV—POLICY DIRECTIVES***

6 ***SEC. 5401. CONFORMING AMENDMENTS TO THE SBIR AND***  
7 ***THE STTR POLICY DIRECTIVES.***

8 *(a) IN GENERAL.—Not later than 180 days after the*  
9 *date of enactment of this Act, the Administrator shall pro-*  
10 *mulgate amendments to the SBIR Policy Directive and the*  
11 *STTR Policy Directive to conform such directives to this*  
12 *division and the amendments made by this division.*

13 *(b) PUBLISHING SBIR POLICY DIRECTIVE AND THE*  
14 *STTR POLICY DIRECTIVE IN THE FEDERAL REGISTER.—*  
15 *Not later than 180 days after the date of enactment of this*  
16 *Act, the Administrator shall publish the amended SBIR*  
17 *Policy Directive and the amended STTR Policy Directive*  
18 *in the Federal Register.*

19 ***SEC. 5402. PRIORITIES FOR CERTAIN RESEARCH INITIA-***  
20 ***TIVES.***

21 *(a) IN GENERAL.—Section 9 of the Small Business Act*  
22 *(15 U.S.C. 638), as amended by this Act, is amended by*  
23 *adding at the end the following:*

24 *“(hh) RESEARCH INITIATIVES.—To the extent that*  
25 *such projects relate to the mission of the Federal agency,*



1 *each Federal agency participating in the SBIR program*  
2 *or STTR program shall encourage the submission of appli-*  
3 *cations for support of projects relating to security, energy,*  
4 *transportation, or improving the security and quality of*  
5 *the water supply of the United States to such program.”.*

6 (b) *SUNSET.—Effective October 1, 2014, section 9(hh)*  
7 *of the Small Business Act, as added by subsection (a) of*  
8 *this section, is repealed.*

9 **SEC. 5403. REPORT ON SBIR AND STTR PROGRAM GOALS.**

10 *Section 9 of the Small Business Act (15 U.S.C. 638),*  
11 *as amended by this Act, is amended by adding at the end*  
12 *the following:*

13 *“(i) ANNUAL REPORT ON SBIR AND STTR PROGRAM*  
14 *GOALS.—*

15 *“(1) DEVELOPMENT OF METRICS.—The head of*  
16 *each Federal agency required to participate in the*  
17 *SBIR program or the STTR program shall develop*  
18 *metrics to evaluate the effectiveness, and the benefit to*  
19 *the people of the United States, of the SBIR program*  
20 *and the STTR program of the Federal agency that—*

21 *“(A) are science-based and statistically*  
22 *driven;*

23 *“(B) reflect the mission of the Federal agen-*  
24 *cy; and*

1           “(C) *include factors relating to the economic*  
2           *impact of the programs.*

3           “(2) *EVALUATION.—The head of each Federal*  
4           *agency described in paragraph (1) shall conduct an*  
5           *annual evaluation using the metrics developed under*  
6           *paragraph (1) of—*

7                   “(A) *the SBIR program and the STTR pro-*  
8                   *gram of the Federal agency; and*

9                   “(B) *the benefits to the people of the United*  
10                  *States of the SBIR program and the STTR pro-*  
11                  *gram of the Federal agency.*

12           “(3) *REPORT.—*

13                   “(A) *IN GENERAL.—The head of each Fed-*  
14                   *eral agency described in paragraph (1) shall sub-*  
15                   *mit to the appropriate committees of Congress*  
16                   *and the Administrator an annual report describ-*  
17                   *ing in detail the results of an evaluation con-*  
18                   *ducted under paragraph (2).*

19                   “(B) *PUBLIC AVAILABILITY OF REPORT.—*  
20                   *The head of each Federal agency described in*  
21                   *paragraph (1) shall make each report submitted*  
22                   *under subparagraph (A) available to the public*  
23                   *online.*

1           “(C) *DEFINITION.*—*In this paragraph, the*  
 2           *term ‘appropriate committees of Congress’*  
 3           *means—*

4                     “(i) *the Committee on Small Business*  
 5                     *and Entrepreneurship of the Senate; and*

6                     “(ii) *the Committee on Small Business*  
 7                     *and the Committee on Science and Tech-*  
 8                     *nology of the House of Representatives.”.*

9   **SEC. 5404. COMPETITIVE SELECTION PROCEDURES FOR**  
 10                   **SBIR AND STTR PROGRAMS.**

11           *Section 9 of the Small Business Act (15 U.S.C. 638),*  
 12           *as amended by this Act, is amended by adding at the end*  
 13           *the following:*

14           “(jj) *COMPETITIVE SELECTION PROCEDURES FOR*  
 15           *SBIR AND STTR PROGRAMS.*—*All funds awarded, appro-*  
 16           *priated, or otherwise made available in accordance with*  
 17           *subsection (f) or (n) must be awarded pursuant to competi-*  
 18           *tive and merit-based selection procedures.”.*

19   **DIVISION G—MARITIME ADMIN-**  
 20           **ISTRATION AUTHORIZATION**  
 21           **TITLE LX—MARITIME**  
 22           **ADMINISTRATION**

23   **SEC. 6001. SHORT TITLE.**

24           *This title may be cited as the “Maritime Administra-*  
 25           *tion Authorization Act of 2010”.*

1 **SEC. 6002. COOPERATIVE AGREEMENTS, ADMINISTRATIVE**  
2 **EXPENSES, AND CONTRACTING AUTHORITY.**

3 *Section 109 of title 49, United States Code, is amend-*  
4 *ed—*

5 *(1) by striking the headline for subsection (h)*  
6 *and inserting the following:*

7 *“(h) CONTRACTS, COOPERATIVE AGREEMENTS, AND*  
8 *AUDITS.—”.*

9 *(2) by striking the heading for paragraph (1) of*  
10 *subsection (h) and inserting the following:*

11 *“(1) CONTRACTS AND COOPERATIVE AGREE-*  
12 *MENTS.—”.*

13 *(3) by striking “make contracts” in subsection*  
14 *(h)(1) and inserting “make contracts and cooperative*  
15 *agreements”*

16 *(4) by striking “section and” in subsection*  
17 *(h)(1)(A) and inserting “section,”;*

18 *(5) by striking “title 46;” in subsection (h)(1)(A)*  
19 *and insert “title 46, and all other Maritime Adminis-*  
20 *tration programs;”; and*

21 *(6) by redesignating subsection (i) as subsection*  
22 *(j) and inserting after subsection (h) the following:*

23 *“(i) GRANT ADMINISTRATIVE EXPENSES.—Except as*  
24 *otherwise provided by law, the administrative and related*  
25 *expenses for the administration of any grant programs by*  
26 *the Maritime Administrator may not exceed 3 percent..”.*

1 **SEC. 6003. USE OF FUNDING FOR DOT MARITIME HERITAGE**  
2 **PROPERTY.**

3 *Section 6(a)(1) of the National Maritime Heritage Act*  
4 *of 1994 (16 U.S.C. 5405(a)(1)) is amended by striking sub-*  
5 *paragraph (C) and inserting the following:*

6 *“(C) The remainder, whether collected before*  
7 *or after the date of enactment of the Maritime*  
8 *Administration Authorization Act of 2010, shall*  
9 *be available to the Secretary to carry out the*  
10 *Program, as provided in subsection (b) of this*  
11 *section or, if otherwise determined by the Mari-*  
12 *time Administrator, for use in the preservation*  
13 *and presentation to the public of maritime herit-*  
14 *age property of the Maritime Administration.”.*

15 **SEC. 6004. LIQUIDATION OF UNUSED LEAVE BALANCE AT**  
16 **THE MERCHANT MARINE ACADEMY.**

17 *The Maritime Administration may use appropriated*  
18 *funds to make a lump-sum payment at a rate of pay that*  
19 *existed on the date of termination or day before conversion*  
20 *to the Civil Service for any unused annual leave accrued*  
21 *by a non-appropriated fund instrumentality employee who*  
22 *was terminated if determined ineligible for conversion, or*  
23 *converted to the Civil Service as a United States Merchant*  
24 *Marine Academy employee during fiscal year 2009.*

1 **SEC. 6005. PERMANENT AUTHORITY TO HIRE ADJUNCT**  
2 **PROFESSORS AT THE MERCHANT MARINE**  
3 **ACADEMY.**

4 (a) *IN GENERAL.*—Chapter 513 of title 46, United  
5 States Code, is amended by adding at the end thereof the  
6 following:

7 **“§51317. Adjunct professors**

8 “(a) *IN GENERAL.*—The Maritime Administrator  
9 may, subject to the availability of appropriations, contract  
10 with individuals as personal services contractors to provide  
11 services as adjunct professors at the United States Merchant  
12 Marine Academy, if the Maritime Administrator deter-  
13 mines that there is a need for adjunct professors and the  
14 need is not of permanent duration.”.

15 (b) *CONTRACT REQUIREMENTS.*—Each contract under  
16 this section—

17 “(1) shall be approved by the Maritime Adminis-  
18 trator; and

19 “(1) shall be for a duration, including options,  
20 of not to exceed one year unless the Maritime Admin-  
21 istration finds that exceptional circumstances justify  
22 an extension, which may not exceed one additional  
23 year.

24 “(c) *LIMITATION ON NUMBER OF CONTRACTORS.*—In  
25 awarding contracts under this section, the Maritime Ad-  
26 ministrator shall ensure that not more than 25 individuals

1 *actively provide services in any one academic trimester, or*  
 2 *equivalent, as contractors under subsection (a).*

3 “(d) *EXISTING CONTRACTS.*—*Any contract entered*  
 4 *into before the date of enactment of the Maritime Adminis-*  
 5 *tration Authorization Act of 2010 for the services of an ad-*  
 6  *adjunct professor at the Academy shall remain in effect for*  
 7 *the trimester (or trimesters) for which the services were con-*  
 8 *tracted.”.*

9 (b) *CONFORMING AMENDMENTS.*—

10 (1) *The table of contents for chapter 513 of title*  
 11 *46, United States Code, is amended by adding at the*  
 12 *end thereof the following:*

*“51317. Adjunct professors.”.*

13 (2) *Section 3506 of the Duncan Hunter National*  
 14 *Defense Authorization Act for Fiscal Year 2009 (46*  
 15 *U.S.C. 53101 note) is repealed.*

16 **SEC. 6006. USE OF MIDSHIPMAN FEES.**

17 *Section 51314 of title 46, United States Code, is*  
 18 *amended—*

19 (1) *by striking “1994.” in subsection (b) and in-*  
 20 *serting “1994, or for calculators, computers, personal*  
 21 *and academic supplies, midshipman services such as*  
 22 *barber, tailor, or laundry services, and U.S. Coast*  
 23 *Guard license fees.”; and*

24 (2) *by adding at the end thereof the following:*

25 “(c) *USE AND ACCOUNTING.*—

1           “(1) *USE.*—*Midshipman fees collected by the*  
2           *Academy shall be credited to the Maritime Adminis-*  
3           *tration’s Operations and Training appropriations, to*  
4           *remain available until expended, for those expenses*  
5           *directly related to the purposes of the fees. Fees col-*  
6           *lected in excess of actual expenses may be returned to*  
7           *the midshipmen through a mechanism approved by*  
8           *the Maritime Administrator.*

9           “(3) *ACCOUNTING.*—*The Maritime Administra-*  
10          *tion shall maintain a separate and detailed account-*  
11          *ing of fee revenue and all associated expenses.”.*

12 **SEC. 6007. CONSTRUCTION OF VESSELS IN THE UNITED**  
13                                   **STATES POLICY.**

14          *Section 50101(a)(4) of title 46, United States Code,*  
15          *is amended by inserting “constructed in the United States*  
16          *after “vessels”.*

17 **SEC. 6008. PORT INFRASTRUCTURE DEVELOPMENT PRO-**  
18                                   **GRAM.**

19          *Section 50302 of title 46, United States Code, is*  
20          *amended by adding at the end thereof the following:*

21          “(c) *PORT INFRASTRUCTURE DEVELOPMENT PRO-*  
22          *GRAM.*—

23                 “(1) *ESTABLISHMENT OF PROGRAM.*—*The Sec-*  
24                 *retary of Transportation, through the Maritime Ad-*  
25                 *ministration, shall establish a port infrastructure de-*



1     *velopment program for the improvement of port fa-*  
2     *cilities.*

3             “(2) *AUTHORITY OF THE ADMINISTRATOR.—In*  
4     *order to carry out any program established under*  
5     *paragraph (1), the Maritime Administrator may—*

6             “(A) *receive funds provided for the program*  
7     *from non-Federal and private entities that have*  
8     *a specific agreement or contract with the Mari-*  
9     *time Administration to further the purposes of*  
10    *this subsection;*

11            “(B) *coordinate with other Federal agencies*  
12    *to expedite the process established under the Na-*  
13    *tional Environmental Policy Act of 1969 (42*  
14    *U.S.C. 4321 et seq.) for the improvement of port*  
15    *facilities to relieve port congestion, to increase*  
16    *port security, or to provide greater access to port*  
17    *facilities;*

18            “(C) *seek to coordinate all reviews or re-*  
19    *quirements with appropriate local, State, and*  
20    *Federal agencies; and*

21            “(D) *provide such technical assistance to*  
22    *port authorities or commissions or their subdivi-*  
23    *sions and agents as needed for project planning,*  
24    *design, and construction.*

1           “(3) *PORT INFRASTRUCTURE DEVELOPMENT*  
2 *FUND.*—

3           “(A) *ESTABLISHMENT.*—*There is a Port In-*  
4 *frastructure Development Fund for use by the*  
5 *Administrator in carrying out the port infra-*  
6 *structure development program. The Fund shall*  
7 *be available to the Administrator*

8                   “(i) *to administer and carry out the*  
9 *program;*

10                   “(ii) *to receive non-Federal and pri-*  
11 *ivate funds from entities which have specific*  
12 *agreements or contracts with the Adminis-*  
13 *trator; and*

14                   “(iii) *to make refunds for projects that*  
15 *will not be completed.*

16           “(B) *CREDITS.*—*There shall be deposited*  
17 *into the Fund*

18                   “(i) *funds from non-Federal and pri-*  
19 *ivate entities which have agreements or con-*  
20 *tracts with the Administrator and which*  
21 *shall remain in the Fund until expended;*  
22 *and*

23                   “(ii) *such amounts as may be appro-*  
24 *priated or transferred to the Fund under*  
25 *this subsection.*

1           “(C) *TRANSFERS.*—Amounts appropriated  
2           or otherwise made available for any fiscal year  
3           for an intermodal or marine facility comprising  
4           a component of the program shall be transferred  
5           to the Fund and administered by the Adminis-  
6           trator.

7           “(D) *ADMINISTRATIVE EXPENSES.*—Admin-  
8           istrative and related expenses for the program  
9           for any fiscal year may not exceed 3 percent of  
10          the amount available to the program for that fis-  
11          cal year.

12          “(E) *AUTHORIZATION OF APPROPRIA-*  
13          *TIONS.*—There are authorized to be appropriated  
14          to the Fund such sums as may be necessary to  
15          carry out the program, taking into account  
16          amounts received under subparagraph (A)(ii)..”.

17 **SEC. 6009. REEFS FOR MARINE LIFE CONSERVATION PRO-**  
18 **GRAM.**

19          (a) *IN GENERAL.*—Section 3 of Public Law 92–09402  
20          (16 U.S.C. 1220) is amended by adding at the end thereof  
21          the following:

22          “(d) Any territory, possession, or Commonwealth of  
23          the United States, and any foreign country, may apply to  
24          the Secretary for an obsolete vessel to be used for an artifi-  
25          cial reef under this section. The application process and

1 reefing of any such obsolete vessel shall be performed in a  
 2 manner consistent with the process jointly developed by the  
 3 Secretary of Transportation and the Administrator of the  
 4 Environmental Protection Agency under section 3504(b) of  
 5 Public Law 107–09314 (16 U.S.C. 1220 note).”.

6 (b) *LIMITATION.*—Section 7 of Public Law 92–09402  
 7 (16 U.S.C. 1220c–091) is amended by adding at the end  
 8 thereof the following:

9 “(d) *LIMITATION.*—The Secretary may not provide as-  
 10 sistance under this section to a foreign country to which  
 11 an obsolete ship is transferred under this Act.”.

12 **SEC. 6010. STUDENT INCENTIVE PAYMENT AGREEMENTS.**

13 Section 51509(b) of title 46, United States Code, is  
 14 amended by striking “paid before the start of each academic  
 15 year,” and inserting “paid,”

16 **SEC. 6011. UNITED STATES MERCHANT MARINE ACADEMY**

17 **GRADUATE PROGRAM RECEIPT, DISBURSE-**  
 18 **MENT, AND ACCOUNTING FOR NON-APPRO-**  
 19 **PRIATED FUNDS.**

20 Section 51309(b) of title 46, United States Code, is  
 21 amended by inserting after “body.” the following: “Non-ap-  
 22 propriated funds received for this purpose shall be credited  
 23 to the Maritime Administration’s Operations and Training  
 24 appropriation, to remain available until expended, for those  
 25 expenses directly related to the purpose of such receipts. The

1 *Superintendent shall maintain a separate and detailed ac-*  
2 *counting of non-appropriated fund receipts and all associ-*  
3 *ated expenses.”.*

4 **SEC. 6012. AMERICA’S SHORT SEA TRANSPORTATION**  
5 **GRANTS FOR THE DEVELOPMENT OF MARINE**  
6 **HIGHWAYS.**

7 (a) *IN GENERAL.*—Chapter 556 of title 46, United  
8 States Code, is amended by redesignating sections 55602  
9 through 55605 as sections 55603 through 55606 and by in-  
10 serting after section 55601 the following:

11 **“§55602. Short sea transportation grant program”.**

12 “(a) *IN GENERAL.*—The Secretary of Transportation  
13 shall establish and implement a short sea transportation  
14 grant program.

15 “(b) *PURPOSE.*—The purposes of the program are to  
16 make grants to States and other public entities and spon-  
17 sors of short sea transportation projects designated by the  
18 Secretary—

19 “(1) *to facilitate and support marine transpor-*  
20 *tation initiatives at the State and local levels to fa-*  
21  *facilitate commerce, mitigate landside congestion, re-*  
22 *duce the transportation energy consumption, reduce*  
23 *harmful emissions, improve safety, assist in environ-*  
24 *mental mitigation efforts, and improve transportation*  
25 *system resiliency; and*

1           “(2) to provide capital funding to address short  
2 sea transportation infrastructure and freight trans-  
3 portation needs for ports, vessels, and intermodal  
4 cargo facilities.

5           “(c) *ELIGIBLE PROJECTS.*—To be eligible for a grant  
6 under the program, a project—

7           “(1) shall be designed to help relieve congestion,  
8 improve transportation safety, facilitate domestic and  
9 international trade, or encourage public-private part-  
10 nerships; and

11           “(2) may include development, modification, and  
12 construction of marine and intermodal cargo facili-  
13 ties, vessels, port infrastructure and cargo handling  
14 equipment, and transfer facilities at ports.

15           “(d) *SELECTION PROCESS.*—

16           “(1) *APPLICATIONS.*—A State or other public en-  
17 tity, or the sponsor of any short sea transportation  
18 project designated by the Secretary under the Amer-  
19 ica’s Marine Highway Program (MARAD Docket No.  
20 2008–090096; 73 FR 59530), may submit an applica-  
21 tion to Secretary for a grant under the short sea  
22 transportation grant program. The application shall  
23 contain such information and assurances as the Sec-  
24 retary may require.

1           “(2) *PRIORITY.*—*In selecting projects for grants,*  
2           *the Secretary shall give priority to projects that are*  
3           *consistent with the objectives of the short sea transpor-*  
4           *tation initiative and America’s Marine Highway*  
5           *Program that will—*

6                   “(A) *mitigate landside congestion;*

7                   “(B) *provide the greatest public benefit in*  
8                   *energy savings, reduced emissions, improved sys-*  
9                   *tem resiliency, and improved safety;*

10                  “(C) *include and demonstrate the greatest*  
11                  *environmental responsibility; and*

12                  “(D) *provide savings as an alternative to or*  
13                  *means to avoid highway or rail transportation*  
14                  *infrastructure construction and maintenance.*

15           “(e) *USE OF GRANT FUNDS.*—*Funds made available*  
16           *to a recipient of a grant under this section shall be used*  
17           *by the recipient for the project described in the application*  
18           *of the recipient approved by the Secretary.”.*

19           (b) *CLERICAL AMENDMENT.*—*The table of contents for*  
20           *chapter 556 of title 46, United States Code, is amended—*

21                   (1) *by redesignating the items relating to sec-*  
22                   *tions 55602 through 55605 as relating to section*  
23                   *55603 through 55606; and*

24                   (2) *by inserting after the item relating to section*  
25                   *55601 the following:*

                  “55602. *Short sea transportation grant program.*”.

1 **SEC. 6013. EXPANSION OF THE MARINE VIEW SYSTEM.**

2 (a) *DEFINITIONS.*—*In this section:*

3 (1) *MARINE TRANSPORTATION SYSTEM.*—*The*  
4 *term “marine transportation system” means the navi-*  
5 *gable water transportation system of the United*  
6 *States, including the vessels, ports (and intermodal*  
7 *connections thereto), and shipyards and other vessel*  
8 *repair facilities that are components of that system.*

9 (2) *MARINE VIEW SYSTEM.*—*The term “Marine*  
10 *View system” means the information system of the*  
11 *Maritime Administration known as Marine View.*

12 (b) *FINDINGS.*—*Congress finds the following:*

13 (1) *Information regarding the marine transpor-*  
14 *tation system is comprised of information from the*  
15 *Government of the United States and from commer-*  
16 *cial sources.*

17 (2) *Marine transportation system information*  
18 *includes information regarding waterways, bridges,*  
19 *locks, dams, and all intermodal components that are*  
20 *dependent on maritime transportation and accurate*  
21 *information regarding marine transportation is crit-*  
22 *ical to the health of the United States economy.*

23 (3) *Numerous challenges face the marine trans-*  
24 *portation system, including projected growth in cargo*  
25 *volumes, international competition, complexity, co-*  
26 *operation, and the need for improved efficiency.*



1           (4) *There are deficiencies in the current informa-*  
2 *tion environment of the marine transportation sys-*  
3 *tem, including the inability to model the entire ma-*  
4 *rine transportation system to address capacity plan-*  
5 *ning, 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 loss*  
11 *or destruction, and will not be available when needed.*

12           (6) *There is a lack of system-wide information*  
13 *views in the marine transportation system.*

14           (7) *The Administrator of the Maritime Adminis-*  
15 *tration is uniquely positioned to develop and execute*  
16 *the role of marine transportation system information*  
17 *advocate, to serve as the focal point for marine trans-*  
18 *portation system information management, and to*  
19 *provide a robust information infrastructure to iden-*  
20 *tify, collect, secure, protect, store, and deliver critical*  
21 *information regarding the marine transportation sys-*  
22 *tem.*

23           (c) *PURPOSES.—The purposes of this section are—*

24           (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, secure,  
9           protect, store, and securely distribute throughout the marine  
10          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 Government  
16          of the United States and private entities;

17           (4) facilitates accurate and efficient modeling of  
18          the entire marine transportation system environment;

19           (5) monitors and tracks threats to the marine  
20          transportation system, including areas of severe  
21          weather or reported piracy; and

22           (6) provides vessel tracking and rerouting, as ap-  
23          propriate, to ensure that the economic viability of the  
24          United States waterways is maintained.

1       (e) *AGREEMENTS AND CONTRACTS.*—*The Adminis-*  
2 *trator of the Maritime Administration may enter into coop-*  
3 *erative agreements, partnerships, contracts, or other agree-*  
4 *ments with industry or other Federal agencies to carry out*  
5 *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 national*  
16 *security needs of the United States under chapter 531*  
17 *of title 46, United States Code, \$174,000,000.*

18           (3) *For paying reimbursement under section*  
19 *3517 of the Maritime Security Act of 2003 (46 U.S.C.*  
20 *53101 note).*

21           (4) *For expenses to dispose of obsolete vessels in*  
22 *the National Defense Reserve Fleet, including provi-*  
23 *sion of assistance under section 7 of Public Law 92–*  
24 *09402, \$15,000,000.*

1           (5) *For the cost (as defined in section 502(5) of*  
2 *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 under*  
8 *chapter 537 of title 46, United States Code, adminis-*  
9 *trative expenses related to implementation of the re-*  
10 *imbursement program under section 3517 of the Mar-*  
11 *itime Security Act of 2003 (46 U.S.C. 53101 note),*  
12 *and administrative expenses related to the implemen-*  
13 *tation of the small shipyards and maritime commu-*  
14 *nities assistance program under section 54101 of title*  
15 *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.*

Attest:

*Secretary.*



11<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H.R. 2647**

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**AMENDMENT**