

111TH CONGRESS  
1ST SESSION

# H. R. 2647

To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 2, 2009

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

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## A BILL

To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-  
5 thorization Act for Fiscal Year 2010”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

## TITLE I—PROCUREMENT

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. Rapid Acquisition Fund.
- Sec. 106. Joint Improvised Explosive Device Defeat Fund.
- Sec. 107. Defense Production Act purchases.
- Sec. 108. Mine Resistant Ambush Protected Vehicle Fund.

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

- Sec. 201. Authorization of appropriations.

## TITLE III—OPERATION AND MAINTENANCE

- Sec. 301. Operation and maintenance funding.

## TITLE IV—OTHER AUTHORIZATIONS

## Subtitle A—Military Programs

- Sec. 401. Working Capital Funds.
- Sec. 402. National Defense Sealift Fund.
- Sec. 403. Defense Health Program.
- Sec. 404. Chemical Agents and Munitions Destruction, Defense.
- Sec. 405. Drug Interdiction and Counter-Drug Activities, Defense-wide.
- Sec. 406. Defense Inspector General.

## Subtitle B—Armed Forces Retirement Home

- Sec. 411. Authorization of appropriations for Armed Forces Retirement Home.

## Subtitle C—Military Personnel

- Sec. 421. Military personnel.

## TITLE V—MILITARY PERSONNEL POLICY

## Subtitle A—Personnel Strength Authorizations

- Sec. 501. End strengths for active forces.
- Sec. 502. End strengths for Selected Reserve.
- Sec. 503. End strengths for Reserves on active duty in support of the Reserves.
- Sec. 504. End strengths for military technicians (dual status).
- Sec. 505. Fiscal year 2010 limitation on number of non-dual status technicians.
- Sec. 506. Maximum number of reserve personnel authorized to be on active duty for operational support.

## Subtitle B—Military Personnel Policy Generally

- Sec. 511. Revisions to annual report requirement on joint officer management.

## TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

## Subtitle A—Pay and Allowances

Sec. 601. Extension of authority for income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

Subtitle B—Extension of Certain Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.

Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.

Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.

Sec. 614. One-year extension of authorities relating to payment of other title 37 bonuses and special pay.

Sec. 615. One-year extension of authorities relating to payment of referral bonuses.

TITLE VII—WOUNDED WARRIOR PROVISIONS

Sec. 701. Provision of special monthly compensation allowance to catastrophically injured service members recovering from combat or combat-related catastrophic injuries.

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

Sec. 801. Reports to Congress on full deployment decisions for major automated information system programs.

Sec. 802. Repeal of requirements for reporting on certain information technology investment programs.

Sec. 803. Modification of deadline for submission of annual report to Congress under section 2466 of title 10, United States Code.

Sec. 804. Revision to definitions of major defense acquisition program and major automated information system for purposes of certain costs, schedule, and performance reports.

Sec. 805. Exception for emergency operations.

Sec. 806. Contract authority for advanced development of initial or additional prototype units.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND  
MANAGEMENT

Sec. 901. Repeal of certain limitations on personnel and consolidation of reports on major Department of Defense headquarters activities.

TITLE X—GENERAL PROVISION

Subtitle A—Financial Matters

Sec. 1001. Authority for airlift transportation at Department of Defense rates for non-Department of Defense Federal cargoes.

Sec. 1002. Advance notice to Congress of transfer of funds from a working-capital fund.

Subtitle B—Policy Relating to Vessels and Shipyards

Sec. 1011. Temporary reduction in statutory minimum number of aircraft carriers in active service.

## Subtitle C—Other Matters

- Sec. 1021. Repeal of requirement for annual report on military museums.  
 Sec. 1022. Defense Cyber Crime Center: authority to admit private sector civilians to cyber security courses.

## TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

- Sec. 1201. One-year extension of Commanders' Emergency Response Program and extension of due date for quarterly reports to Congress.  
 Sec. 1202. Enhanced authority to acquire products and services produced in Central Asia, Pakistan, and the South Caucasus.

## TITLE XIII—MILITARY CONSTRUCTION, MILITARY FAMILY HOUSING, AND REAL PROPERTY

- Sec. 1301. Temporary increase in cost threshold for use of operation and maintenance funds for unspecified minor military construction projects in Afghanistan.  
 Sec. 1302. Two-year extension of authority for pilot projects for acquisition or construction of military unaccompanied housing.  
 Sec. 1303. Consolidation and standardization of notice-and-wait requirements applicable to real property leases.

1           **TITLE I—PROCUREMENT**2   **SEC. 101. ARMY.**

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

5           (1) For aircraft, \$6,952,220,000.

6           (2) For missiles, \$1,901,679,000.

7           (3) For weapons and tracked combat vehicles,  
 8           \$3,211,418,000.

9           (4) For ammunition, \$2,422,530,000.

10          (5) For other procurement, \$16,133,117,000.

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

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

15          (1) For aircraft, \$19,294,865,000.

1           (2) For weapons, including missiles and tor-  
2 pedoes, \$3,527,155,000.

3           (3) For shipbuilding and conversion,  
4 \$13,776,867,000.

5           (4) For other procurement, \$5,979,194,000.

6           (b) MARINE CORPS.—Funds are hereby authorized to  
7 be appropriated for fiscal year 2010 for procurement for  
8 the Marine Corps in the amount of \$2,765,083,000.

9           (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
10 are hereby authorized to be appropriated for fiscal year  
11 2010 for procurement of ammunition for the Navy and  
12 Marine Corps in the amount of \$1,551,455,000.

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

14           Funds are hereby authorized to be appropriated for  
15 fiscal year 2010 for procurement for the Air Force as fol-  
16 lows:

17           (1) For aircraft, \$12,902,717,000.

18           (2) For ammunition, \$1,079,281,000.

19           (3) For missiles, \$6,337,353,000.

20           (4) For other procurement, \$19,614,690,000.

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

22           Funds are hereby authorized to be appropriated for  
23 fiscal year 2010 for Defense-wide procurement in the  
24 amount of \$4,475,782,000.

1 **SEC. 105. RAPID ACQUISITION FUND.**

2 Funds are hereby authorized to be appropriated for  
3 fiscal year 2010 for the Rapid Acquisition Fund in the  
4 amount of \$79,300,000.

5 **SEC. 106. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**  
6 **FUND.**

7 Funds are hereby authorized to be appropriated for  
8 fiscal year 2010 for the Joint Improvised Explosive Device  
9 Defeat Fund in the amount of \$2,099,850,000.

10 **SEC. 107. DEFENSE PRODUCTION ACT PURCHASES.**

11 Funds are hereby authorized to be appropriated for  
12 fiscal year 2010 for Defense Production Act purchases in  
13 the amount of \$38,246,000.

14 **SEC. 108. MINE RESISTANT AMBUSH PROTECTED VEHICLE**  
15 **FUND.**

16 Funds are hereby authorized to be appropriated for  
17 fiscal year 2010 for the Mine Resistant Ambush Protected  
18 Vehicle Fund in the amount of \$5,456,000,000.

19 **TITLE II—RESEARCH, DEVELOP-**  
20 **MENT, TEST, AND EVALUA-**  
21 **TION**

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

23 Funds are hereby authorized to be appropriated for  
24 fiscal year 2010 for the use of the Department of Defense  
25 for research, development, test, and evaluation, as follows:

26 (1) For the Army, \$10,496,180,000.

1 (2) For the Navy, \$19,378,112,000.

2 (3) For the Air Force, \$28,022,113,000.

3 (4) For Defense-wide activities,  
4 \$21,048,138,000, of which \$190,770,000 is author-  
5 ized for the Director of Operational Test and Eval-  
6 uation.

## 7 **TITLE III—OPERATION AND** 8 **MAINTENANCE**

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

10 Funds are hereby authorized to be appropriated for  
11 fiscal year 2010 for the use of the Armed Forces and other  
12 activities and agencies of the Department of Defense for  
13 expenses, not otherwise provided for, for operation and  
14 maintenance, in amounts as follows:

15 (1) For the Army, \$83,445,543,000.

16 (2) For the Navy, \$41,289,929,000.

17 (3) For the Marine Corps, \$9,237,823,000.

18 (4) For the Air Force, \$44,775,027,000.

19 (5) For the Defense-wide activities,  
20 \$35,935,546,000.

21 (6) For the Army Reserve, \$2,824,522,000.

22 (7) For the Navy Reserve, \$1,346,560,000.

23 (8) For the Marine Corps Reserve, \$315,592.

24 (9) For the Air Force Reserve, \$3,205,153,000.

1           (10) For the Army National Guard,  
2           \$6,578,680,000.

3           (11) For the Air National Guard,  
4           \$6,175,623,000.

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

7           (13) For Environmental Restoration, Army,  
8           \$415,864,000.

9           (14) For Environmental Restoration, Navy,  
10          \$285,869,000.

11          (15) For Environmental Restoration, Air Force,  
12          \$494,276,000.

13          (16) For Environmental Restoration, Defense-  
14          wide, \$11,100,000.

15          (17) For Environmental Restoration, Formerly  
16          Used Defense Sites, \$267,700,000.

17          (18) For Overseas Humanitarian, Disaster,  
18          and Civic Aid programs, \$109,869,000.

19          (19) For Cooperative Threat Reduction pro-  
20          grams, \$404,093,000.

21          (20) For the Overseas Contingency Operations  
22          Transfer Fund, \$5,000,000.

23          (21) For the Iraq Freedom Fund,  
24          \$115,300,000.



1           (22) For the Department of Defense Acquisi-  
2           tion Workforce Development Fund, \$100,000,000.

3           (23) For the Pakistan Counterinsurgency Capa-  
4           bility Fund, \$700,000,000.

## 5                           **TITLE IV—OTHER** 6                           **AUTHORIZATIONS**

### 7           **Subtitle A—Military Programs**

#### 8   **SEC. 401. WORKING CAPITAL FUNDS.**

9           Funds are hereby authorized to be appropriated for  
10          fiscal year 2010 for the use of the Armed Forces and other  
11          activities and agencies of the Department of Defense for  
12          providing capital for the Defense Working Capital Funds  
13          in the amount of \$1,851,919,000.

#### 14   **SEC. 402. NATIONAL DEFENSE SEALIFT FUND.**

15          Funds are hereby authorized to be appropriated for  
16          fiscal year 2010 for the National Defense Sealift Fund  
17          in the amount of \$1,642,758,000.

#### 18   **SEC. 403. DEFENSE HEALTH PROGRAM.**

19          Funds are hereby authorized to be appropriated for  
20          the Department of Defense for fiscal year 2010 for ex-  
21          penses, not otherwise provided for, for the Defense Health  
22          Program, in the amount of \$29,058,398,000, of which—

23                 (1) \$28,123,154,000 is for Operation and  
24          Maintenance;

1           (2) \$613,102,000 is for Research, Development,  
2           Test, and Evaluation; and

3           (3) \$322,142,000 is for Procurement.

4 **SEC. 404. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**  
5 **TION, DEFENSE.**

6           (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
7 are hereby authorized to be appropriated for the Depart-  
8 ment of Defense for fiscal year 2010 for expenses, not oth-  
9 erwise provided for, for Chemical Agents and Munitions  
10 Destruction, Defense, \$1,560,760,000, of which—

11           (1) \$1,146,802,000 is for Operation and Main-  
12           tenance;

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  
19           and munitions in accordance with section 1412 of  
20           the Department of Defense Authorization Act, 1986  
21           (50 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. 405. DRUG INTERDICTION AND COUNTER-DRUG AC-**  
2 **TIVITIES, DEFENSE-WIDE.**

3 Funds are hereby authorized to be appropriated for  
4 the Department of Defense for fiscal year 2010 for ex-  
5 penses, not otherwise provided for, for Drug Interdiction  
6 and Counter-Drug Activities, Defense-wide,  
7 \$1,383,587,000.

8 **SEC. 406. DEFENSE INSPECTOR GENERAL.**

9 Funds are hereby authorized to be appropriated for  
10 the Department of Defense for fiscal year 2010 for ex-  
11 penses, not otherwise provided for, for the Office of the  
12 Inspector General of the Department of Defense,  
13 \$281,320,000, of which—

14 (1) \$280,320,000 is for Operation and Mainte-  
15 nance; and

16 (2) \$1,000,000 is for Procurement.

17 **Subtitle B—Armed Forces**  
18 **Retirement Home**

19 **SEC. 411. AUTHORIZATION OF APPROPRIATIONS FOR**  
20 **ARMED FORCES RETIREMENT HOME.**

21 There is hereby authorized to be appropriated for fis-  
22 cal year 2010 from the Armed Forces Retirement Home  
23 Trust Fund the sum of \$134,000,000 for the operation  
24 of the Armed Forces Retirement Home.

1       **Subtitle C—Military Personnel**

2       **SEC. 421. MILITARY PERSONNEL.**

3           There is hereby authorized to be appropriated for  
4 military personnel for fiscal year 2010 a total of  
5 \$138,851,283,000. The authorization in the preceding  
6 sentence supersedes any other authorization of appropria-  
7 tions (definite or indefinite) for such purpose for fiscal  
8 year 2010.

9       **TITLE V—MILITARY PERSONNEL**  
10                                   **POLICY**

11       **Subtitle A—Personnel Strength**  
12                                   **Authorizations**

13       **SEC. 501. END STRENGTHS FOR ACTIVE FORCES.**

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

- 16                   (1) The Army, 547,400.  
17                   (2) The Navy, 328,800.  
18                   (3) The Marine Corps, 202,100.  
19                   (4) The Air Force, 331,700.

20       **SEC. 502. END STRENGTHS FOR SELECTED RESERVE.**

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

- 24                   (1) The Army Reserve, 205,000.  
25                   (2) The Navy Reserve, 65,500.

1 (3) The Marine Corps Reserve, 39,600.

2 (4) The Air Force Reserve, 69,500.

3 (5) The Air National Guard of the United  
4 States, 106,700.

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

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

8 (b) END STRENGTH REDUCTIONS.—The end  
9 strengths prescribed by subsection (a) for the Selected Re-  
10 serve of any reserve component shall be proportionately  
11 reduced by—

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

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

22 (c) END STRENGTH INCREASES.—Whenever units or  
23 individual members of the Selected Reserve of any reserve  
24 component are released from active duty during any fiscal  
25 year, the end strength prescribed for such fiscal year for

1 the Selected Reserve of such reserve component shall be  
2 increased proportionately by the total authorized strengths  
3 of such units and by the total number of such individual  
4 members.

5 **SEC. 503. END STRENGTHS FOR RESERVES ON ACTIVE**  
6 **DUTY IN SUPPORT OF THE RESERVES.**

7 Within the end strengths prescribed in section  
8 411(a), the reserve components of the Armed Forces are  
9 authorized, as of September 30, 2010, the following num-  
10 ber of Reserves to be serving on full-time active duty or  
11 full-time duty, in the case of members of the National  
12 Guard, for the purpose of organizing, administering, re-  
13 cruiting, instructing, or training the reserve components:

14 (1) The Army Reserve, 16,261.

15 (2) The Navy Reserve, 10,818.

16 (3) The Marine Corps Reserve, 2,261.

17 (4) The Air Force Reserve, 2,896.

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

20 (6) The Air National Guard of the United  
21 States, 14,555.

22 **SEC. 504. END STRENGTHS FOR MILITARY TECHNICIANS**  
23 **(DUAL STATUS).**

24 The minimum number of military technicians (dual  
25 status) as of the last day of fiscal year 2010 for the re-

1 serve components of the Army and the Air Force (notwith-  
2 standing section 129 of title 10, United States Code) shall  
3 be the following:

4 (1) For the Army Reserve, 8,154.

5 (2) For the Army National Guard of the United  
6 States, 26,901.

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

8 (4) For the Air National Guard of the United  
9 States, 22,313.

10 **SEC. 505. FISCAL YEAR 2010 LIMITATION ON NUMBER OF**  
11 **NON-DUAL STATUS TECHNICIANS.**

12 (a) LIMITATIONS.—

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

18 (A) For the Army National Guard of the  
19 United States, 2,500.

20 (B) For the Air National Guard of the  
21 United States, 350.

22 (2) ARMY RESERVE.—The number of non-dual  
23 status technicians employed by the Army Reserve as  
24 of September 30, 2010, may not exceed 836.

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

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

9           **SEC. 506. MAXIMUM NUMBER OF RESERVE PERSONNEL AU-**  
10                           **THORIZED TO BE ON ACTIVE DUTY FOR**  
11                           **OPERATIONAL SUPPORT.**

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

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

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

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

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

22           (5) The Air National Guard of the United  
23           States, 16,000.

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



1           **Subtitle B—Military Personnel**  
2                           **Policy Generally**

3   **SEC. 511. REVISIONS TO ANNUAL REPORT REQUIREMENT**  
4                           **ON JOINT OFFICER MANAGEMENT.**

5           Section 667 of title 10, United States Code, is  
6 amended—

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

9                   (2) by striking paragraph (3);

10                   (3) by transferring subparagraph (B) of para-  
11 graph (4) to the end of paragraph (1), redesignating  
12 that subparagraph as subparagraph (C), aligning  
13 that subparagraph with the margin of subparagraph  
14 (B) of paragraph (1), and capitalizing the first word  
15 of that subparagraph;

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

18                   (5) by redesignating paragraph (5) as para-  
19 graph (3);

20                   (6) by striking paragraph (6);

21                   (7) by redesignating paragraphs (7) through  
22 (11) as paragraphs (4) through (8), respectively;

23                   (8) by redesignating paragraph (12) as para-  
24 graph (9) and in that paragraph striking “each time  
25 the” and all that follows and inserting “the principal

1 courses of instruction for Joint Professional Military  
2 Education Level II, the number of officers grad-  
3 uating from each of the following:

4 “(A) The Joint Forces Staff College.

5 “(B) The National Defense University.

6 “(C) Senior Service Schools.”; and

7 (9) by redesignating paragraph (13) as para-  
8 graph (10).

9 **TITLE VI—COMPENSATION AND**  
10 **OTHER PERSONNEL BENEFITS**  
11 **Subtitle A—Pay and Allowances**

12 **SEC. 601. EXTENSION OF AUTHORITY FOR INCOME RE-**  
13 **PLACEMENT PAYMENTS FOR RESERVE COM-**  
14 **PONENT MEMBERS EXPERIENCING EX-**  
15 **TENDED AND FREQUENT MOBILIZATION FOR**  
16 **ACTIVE DUTY SERVICE.**

17 Section 910(g) of title 37, United States Code, is  
18 amended by striking “December 31, 2009” and inserting  
19 “December 31, 2010”.

1 **Subtitle B—Extension of Certain**  
2 **Bonuses and Special and Incentive Pays**  
3

4 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
5 **SPECIAL PAY AUTHORITIES FOR RESERVE**  
6 **FORCES.**

7 The following sections of chapter 5 of title 37, United  
8 States Code, are amended by striking “December 31,  
9 2009” and inserting “December 31, 2010”:

10 (1) Section 308b(g), relating to Selected Re-  
11 serve reenlistment bonus.

12 (2) Section 308c(i), relating to Selected Reserve  
13 affiliation or enlistment bonus.

14 (3) Section 308d(c), relating to special pay for  
15 enlisted members assigned to certain high-priority  
16 units.

17 (4) Section 308g(f)(2), relating to Ready Re-  
18 serve enlistment bonus for persons without prior  
19 service.

20 (5) Section 308h(e), relating to Ready Reserve  
21 enlistment and reenlistment bonus for persons with  
22 prior service.

23 (6) Section 308i(f), relating to Selected Reserve  
24 enlistment and reenlistment bonus for persons with  
25 prior service.

1 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
2 **SPECIAL PAY AUTHORITIES FOR HEALTH**  
3 **CARE PROFESSIONALS.**

4 (a) TITLE 10 AUTHORITIES.—The following sections  
5 of title 10, United States Code, are amended by striking  
6 “December 31, 2009” and inserting “December 31,  
7 2010”:

8 (1) Section 2130a(a)(1), relating to nurse offi-  
9 cer candidate accession program.

10 (2) Section 16302(d), relating to repayment of  
11 education loans for certain health professionals who  
12 serve in the Selected Reserve.

13 (b) TITLE 37 AUTHORITIES.—The following sections  
14 of chapter 5 of title 37, United States Code, are amended  
15 by striking “December 31, 2009” and inserting “Decem-  
16 ber 31, 2010”:

17 (1) Section 302e–1(f), relating to accession and  
18 retention bonuses for psychologists.

19 (2) Section 302d(a)(1), relating to accession  
20 bonus for registered nurses.

21 (3) Section 302e(a)(1), relating to incentive  
22 special pay for nurse anesthetists.

23 (4) Section 302g(e), relating to special pay for  
24 Selected Reserve health professionals in critically  
25 short wartime specialties.

1           (5) Section 302h(a)(1), relating to accession  
2 bonus for dental officers.

3           (6) Section 302j(a), relating to accession bonus  
4 for pharmacy officers.

5           (7) Section 302k(f), relating to accession bonus  
6 for medical officers in critically short wartime spe-  
7 cialties.

8           (8) Section 302l(g), relating to accession bonus  
9 for dental specialist officers in critically short war-  
10 time specialties.

11           (9) Section 335(k), relating to special bonus  
12 and incentive pay authorities for officers in health  
13 professions.

14 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**  
15 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**  
16 **CERS.**

17           The following sections of chapter 5 of title 37, United  
18 States Code, are amended by striking “December 31,  
19 2009” and inserting “December 31, 2010”:

20           (1) Section 312(f), relating to special pay for  
21 nuclear-qualified officers extending period of active  
22 service.

23           (2) Section 312b(c), relating to nuclear career  
24 accession bonus.

1           (3) Section 312c(d), relating to nuclear career  
2           annual incentive bonus.

3           (4) Section 333(i), relating to special bonus and  
4           incentive pay authorities for nuclear officers.

5 **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**  
6 **ING TO PAYMENT OF OTHER TITLE 37 BO-**  
7 **NUSES AND SPECIAL PAY.**

8           The following sections of chapter 5 of title 37, United  
9 States Code, are amended by striking “December 31,  
10 2009” and inserting “December 31, 2010”:

11           (1) Section 301b(a), relating to aviation officer  
12           retention bonus.

13           (2) Section 307a(g), relating to assignment in-  
14           centive pay.

15           (3) Section 308(g), relating to reenlistment  
16           bonus for active members.

17           (4) Section 309(e), relating to enlistment  
18           bonus.

19           (5) Section 324(g), relating to accession bonus  
20           for new officers in critical skills.

21           (6) Section 326(g), relating to incentive bonus  
22           for conversion to military occupational specialty to  
23           ease personnel shortage.

24           (7) Section 327(h), relating to incentive bonus  
25           for transfer between Armed Forces.

1           (8) Section 330(f), relating to accession bonus  
2 for officer candidates.

3           (9) Section 331(h), relating to general bonus  
4 authority for enlisted members.

5           (10) Section 332(g), relating to general bonus  
6 authority for officers.

7           (11) Section 334(i), relating to special aviation  
8 incentive pay and bonus authorities for officers.

9           (12) Section 351(i), relating to hazardous duty  
10 pay.

11           (13) Section 352(g), relating to assignment pay  
12 or special duty pay.

13           (14) Section 353(j), relating to skill incentive  
14 pay or proficiency bonus.

15           (15) Section 355(i), relating to retention incen-  
16 tives for members qualified in critical military skills  
17 or assigned to high priority units.

18 **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**

19 **ING TO PAYMENT OF REFERRAL BONUSES.**

20           The following sections of title 10, United States  
21 Code, are amended by striking “December 31, 2009” and  
22 inserting “December 31, 2010”:

23           (1) Section 1030(i), relating to health profes-  
24 sions referral bonus.

1           (2) Section 3252(h), relating to Army referral  
2           bonus.

3           **TITLE VII—WOUNDED WARRIOR**  
4                                   **PROVISIONS**

5           **SEC. 701. PROVISION OF SPECIAL MONTHLY COMPENSA-**  
6                                   **TION ALLOWANCE TO CATASTROPHICALLY**  
7                                   **INJURED SERVICE MEMBERS RECOVERING**  
8                                   **FROM COMBAT OR COMBAT-RELATED CATA-**  
9                                   **STROPHIC INJURIES.**

10           (a) IN GENERAL.—Chapter 7 of title 37, United  
11 States Code, is amended by adding at the end the fol-  
12 lowing new section:

13           **“§ 439. Special monthly compensation for members of**  
14                                   **the uniformed services with combat or**  
15                                   **combat-related catastrophic injuries**

16           “(a) COMPENSATION AUTHORIZED.—(1) Under reg-  
17 ulations prescribed by the Secretary of Defense, the Sec-  
18 retary concerned may pay to any member of the uniformed  
19 services described in paragraph (2) a special monthly com-  
20 pensation in an amount determined under paragraph (3).

21           “(2) A member eligible for the compensation author-  
22 ized by paragraph (1) is a member—

23                           “(A) who has a combat-related catastrophic in-  
24 jury or illness and for whom a licensed physician has  
25 certified that the member is in need of assistance



1 from another person to perform the personal func-  
2 tions required in everyday living; and

3 “(B) who has elected to participate in the expe-  
4 dited disability evaluation process.

5 “(3) The Secretary of Defense may establish addi-  
6 tional eligibility criteria in the regulations required by  
7 paragraph (1).

8 “(4) The amount of the special monthly compensa-  
9 tion authorized by paragraph (1) shall be determined  
10 under criteria prescribed by the Secretary of Defense, but  
11 may not exceed the amount of the aid and attendance al-  
12 lowance authorized by section 1114(r) of title 38 for vet-  
13 erans in need of regular aid and attendance. In deter-  
14 mining the amount of the compensation, the Secretary  
15 concerned shall consider the extent to which home health  
16 care and related services are being provided by the Gov-  
17 ernment and the extent to which aid and attendance serv-  
18 ices are being provided by family and friends who may  
19 be compensated with funds provided through the special  
20 monthly compensation authorized by this section.

21 “(5) The duration of the special monthly compensa-  
22 tion authorized by paragraph (1) shall be 120 days from  
23 the date of the member’s election to participate in the ex-  
24 pedited disability evaluation process or until the member

1 is medically retired from service, so long as the member  
2 otherwise remains eligible.

3 “(b) DEFINITIONS.—In this section:

4 “(1) The term ‘catastrophic injury or illness’  
5 means a permanent, severely disabling injury, dis-  
6 order, or disease that compromises the ability to  
7 carry out the activities of daily living to such a de-  
8 gree that the member requires personal or mechan-  
9 ical assistance to leave home or bed, or requires con-  
10 stant supervision to avoid physical harm to self or  
11 others.

12 “(2) The term ‘combat-related’ means having  
13 the attributes described in section 1413a of title  
14 10.”.

15 (b) CLERICAL AMENDMENT.—The table of sections  
16 at the beginning of such chapter is amended by adding  
17 at the end the following new item:

“439. Special monthly compensation for members of the uniformed services with  
combat or combat-related catastrophic injuries.”.

1 **TITLE VIII—ACQUISITION POL-**  
2 **ICY, ACQUISITION MANAGE-**  
3 **MENT, AND RELATED MAT-**  
4 **TERS**

5 **SEC. 801. REPORTS TO CONGRESS ON FULL DEPLOYMENT**  
6 **DECISIONS FOR MAJOR AUTOMATED INFOR-**  
7 **MATION SYSTEM PROGRAMS.**

8 (a) IMPLEMENTATION SCHEDULE.—Section  
9 2445b(b)(2) of title 10, United States Code, is amended  
10 by striking “, initial operational capability, and full oper-  
11 ational capability” and inserting “and full deployment de-  
12 cision”.

13 (b) CRITICAL CHANGES IN PROGRAM.—Section  
14 2445c(d)(2)(A) of such title is amended by striking “ini-  
15 tial operational capability” and inserting “a full deploy-  
16 ment decision”.

17 **SEC. 802. REPEAL OF REQUIREMENTS FOR REPORTING ON**  
18 **CERTAIN INFORMATION TECHNOLOGY IN-**  
19 **VESTMENT PROGRAMS.**

20 (a) DEFINITION OF “OTHER MAJOR INFORMATION  
21 TECHNOLOGY INVESTMENT PROGRAM”.—Section 2445a  
22 of title 10, United States Code, is amended by striking  
23 subsection (d).

24 (b) COST, SCHEDULE, AND PERFORMANCE INFORMA-  
25 TION.—Section 2445b of such title is amended—

1           (1) in subsection (a), by striking “and each  
2 other major information technology investment pro-  
3 gram;” and

4           (2) by striking subsection (d).

5           (c) REPORTS.—Section 2445c(a) of such title is  
6 amended—

7           (1) by striking “or other major information  
8 technology investment program” each place it ap-  
9 pears;

10          (2) in subsections (a), (d)(2)(A), (f)(1), and  
11 (f)(2), by striking “or information technology invest-  
12 ment”;

13          (3) in subsection (d)(2)—

14               (A) in subparagraph (B), by striking “or  
15 section 2445b(d)”;

16               (B) in subparagraph (C), by striking “or  
17 section 2445b(d) of this title, as applicable”;  
18 and

19               (C) in subparagraph (D), by striking “or  
20 major information technology investment” and  
21 “or section 2445b(d) of this title, as applica-  
22 ble”; and

23          (4) in subsection (f)(3), by striking “or infor-  
24 mation technology investment, as applicable,”.

1 **SEC. 803. MODIFICATION OF DEADLINE FOR SUBMISSION**  
2 **OF ANNUAL REPORT TO CONGRESS UNDER**  
3 **SECTION 2466 OF TITLE 10, UNITED STATES**  
4 **CODE.**

5 Section 2466(d)(1) of title 10, United States Code,  
6 is amended by striking “April 1 of” and inserting “90  
7 days after the date on which the President’s Budget for  
8 the next fiscal year is submitted to Congress”.

9 **SEC. 804. REVISION TO DEFINITIONS OF MAJOR DEFENSE**  
10 **ACQUISITION PROGRAM AND MAJOR AUTO-**  
11 **MATED INFORMATION SYSTEM FOR PUR-**  
12 **POSES OF CERTAIN COSTS, SCHEDULE, AND**  
13 **PERFORMANCE REPORTS.**

14 (a) MAJOR DEFENSE ACQUISITION PROGRAM.—Sec-  
15 tion 2430 of title 10, United States Code, is amended by  
16 adding at the end the following new subsection:

17 “(c) In the case of a Department of Defense acqui-  
18 sition program that, by reason of paragraph (2) of section  
19 2445a(a) of this title, is a major automated information  
20 system program under chapter 144A of this title and that,  
21 by reason of paragraph (2) of subsection (a), is a major  
22 defense acquisition program under this chapter, the Sec-  
23 retary of Defense may designate that program to be treat-  
24 ed only as a major automated information system program  
25 or to be treated only as a major defense acquisition pro-  
26 gram.”.

1 (b) MAJOR AUTOMATED INFORMATION SYSTEM.—  
2 Section 2445a(a) of such title is amended by inserting  
3 “that is not a highly sensitive classified program (as deter-  
4 mined by the Secretary of Defense)” after “(either as a  
5 product or service)”.

6 **SEC. 805. EXCEPTION FOR EMERGENCY OPERATIONS.**

7 (a) EXCEPTION FOR PROCUREMENTS IN SUPPORT OF  
8 EMERGENCY OPERATIONS.—Paragraph (1) of subsection  
9 (d) of section 2533a of title 10, United States Code, is  
10 amended to read as follows:

11 “(1) Procurements in support of emergency op-  
12 erations.”.

13 (b) DEFINITION OF EMERGENCY OPERATIONS.—  
14 Subsection (j) of such section is amended—

15 (1) by striking “GEOGRAPHIC COVERAGE” and  
16 inserting “DEFINITIONS.—(1)”; and

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

19 “(2) In this section, the term ‘emergency operations’  
20 means any of the following:

21 “(A) Contingency operations.

22 “(B) Operations in defense against or recovery  
23 from nuclear, biological, chemical, or radiological at-  
24 tack against the United States.

1           “(C) Operations in response to an incident of  
2           national significance, emergency declaration, na-  
3           tional emergency, or major disaster declared by the  
4           President.

5           “(D) Combat operations.”.

6 **SEC. 806. CONTRACT AUTHORITY FOR ADVANCED DEVELOP-**  
7                           **MENT OF INITIAL OR ADDITIONAL PROTO-**  
8                           **TYPE UNITS.**

9           (a) IN GENERAL.—Chapter 137 of title 10, United  
10          States Code, is amended by inserting after section 2302d  
11          the following new section:

12 **“§ 2302e. Contract authority for advanced develop-**  
13                           **ment of initial or additional prototype**  
14                           **units**

15          “(a) AUTHORITY.—A contract initially awarded from  
16          the competitive selection of a proposal resulting from a  
17          general solicitation as defined in section 2302(2)(B) may  
18          contain a contract line item or an option for—

19                 “(1) the delivery of initial or additional proto-  
20                 type items if the item or a prototype thereof is cre-  
21                 ated as the result of work performed under the ini-  
22                 tial competed research contract; or

23                 “(2) the provision of advanced component de-  
24                 velopment, or prototype of technology developed in  
25                 the initial underlying contract.”.

1           (b) DELIVERY.—A contract line item or option as de-  
2 scribed in subsection (a)(1) shall require the delivery of  
3 the minimal amount of initial or additional prototype  
4 items to allow for the timely solicitation and award of a  
5 production contract for those items. Such contract option  
6 may have a value only up to three times the value of the  
7 initial contract and any subsequent development or pro-  
8 curement must be subject to the terms of section 2304  
9 of this title.

10          (c) TERM.—A contract line item or option as de-  
11 scribed in subsection (a)(2) shall be for a term of not more  
12 than 12 months.

13          (d) USE OF AUTHORITY.—Each military department  
14 may use this authority up to four times per year and the  
15 Secretary of Defense may approve up to an additional four  
16 options per year for projects supported by agencies of the  
17 Department of Defense.

18          (e) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of such chapter is amended by inserting  
20 after the item relating to section 2302d the following new  
21 item:

“2302e. Contract authority for advanced development of initial or additional  
prototype units.”.



1 **TITLE IX—DEPARTMENT OF DE-**  
2 **FENSE ORGANIZATION AND**  
3 **MANAGEMENT**

4 **SEC. 901. REPEAL OF CERTAIN LIMITATIONS ON PER-**  
5 **SONNEL AND CONSOLIDATION OF REPORTS**  
6 **ON MAJOR DEPARTMENT OF DEFENSE HEAD-**  
7 **QUARTERS ACTIVITIES.**

8 (a) REPEAL OF CERTAIN LIMITATIONS ON PER-  
9 SONNEL ASSIGNED TO MAJOR HEADQUARTERS ACTIVI-  
10 TIES.—

11 (1) REPEALS.—The following provisions of law  
12 are repealed:

13 (A) Section 143 of title 10, United States  
14 Code.

15 (B) Section 194 of such title.

16 (C) Sections 3014(f), 5014(f), and 8014(f)  
17 of such title.

18 (D) Section 601 of the Goldwater-Nichols  
19 Department of Defense Reorganization Act of  
20 1986 (10 U.S.C. 194 note).

21 (2) CLERICAL AMENDMENTS.—

22 (A) The table of sections at the beginning  
23 of chapter 4 of title 10, United States Code, is  
24 amended by striking the item relating to section  
25 143.

1           (B) The table of sections at the beginning  
2           of subchapter I of chapter 8 of such title is  
3           amended by striking the item relating to section  
4           194.

5           (b) CONSOLIDATED ANNUAL REPORT.—

6           (1) INCLUSION IN ANNUAL DEFENSE MAPOWER  
7           REQUIREMENTS REPORT.—Section 115a of such title  
8           is amended by inserting after subsection (e) the fol-  
9           lowing new subsection:

10          “(f) The Secretary shall also include in each such re-  
11          port the following information with respect to personnel  
12          assigned to or supporting major Department of Defense  
13          headquarters activities:

14                 “(1) The military end strength and civilian full-  
15          time equivalents assigned to major Department of  
16          Defense headquarters activities for the preceding fis-  
17          cal year and estimates of such numbers for the cur-  
18          rent fiscal year and the budget fiscal year.

19                 “(2) A summary of the replacement during the  
20          preceding fiscal year of contract workyears providing  
21          support to major Department of Defense head-  
22          quarters activities with military end strength or ci-  
23          vilian full-time equivalents, including an estimate of  
24          the number associated with the replacement of con-

1       tracts performing inherently governmental or exempt  
2       functions.

3               “(3) The plan for the continued review of con-  
4       tract personnel supporting major Department of De-  
5       fense headquarters activities for possible conversion  
6       to military or civilian performance in accordance  
7       with section 2463 of this title.”.

8               (2) TECHNICAL AMENDMENTS TO REFLECT  
9       NAME OF REPORT.—

10              (A) Subsection (a) of such section is  
11              amended by inserting “defense” before “man-  
12              power requirements report”.

13              (B)(i) The heading of such section is  
14              amended to read as follows:

15       **“§ 115a. Annual defense manpower requirements re-  
16              port”.**

17              (ii) The item relating to such section in the  
18              table of sections at the beginning of chapter 2  
19              of such title is amended to read as follows:

“115a. Annual defense manpower requirements report.”.

20              (3) CONFORMING REPEALS.—The following pro-  
21              visions of law are repealed:

22              (A) Subsections (b) and (c) of section 901  
23              of the National Defense Authorization Act for  
24              Fiscal Year 2008 (Public Law 110–181; 122  
25              Stat. 272).

1 (B) Section 1111 of the Duncan Hunter  
2 National Defense Authorization Act for Fiscal  
3 Year 2009 (Public Law 110–417; 122 Stat.  
4 4619).

5 **TITLE X—GENERAL PROVISION**  
6 **Subtitle A—Financial Matters**

7 **SEC. 1001. AUTHORITY FOR AIRLIFT TRANSPORTATION AT**  
8 **DEPARTMENT OF DEFENSE RATES FOR NON-**  
9 **DEPARTMENT OF DEFENSE FEDERAL CAR-**  
10 **GOES.**

11 Section 2642(a) of title 10, United States Code, is  
12 amended by adding at the end the following new para-  
13 graph:

14 “(3) For military airlift services provided to any  
15 element of the Federal Government outside the De-  
16 partment of Defense in circumstances other than  
17 those specified in paragraphs (1) and (2), but only  
18 if the Secretary of Defense determines that provision  
19 of those military airlift services will promote im-  
20 proved utilization of airlift capacity without negative  
21 effect on national security objectives or the national  
22 security interests contained within the United States  
23 commercial air industry.”.

1 **SEC. 1002. ADVANCE NOTICE TO CONGRESS OF TRANSFER**  
2 **OF FUNDS FROM A WORKING-CAPITAL FUND.**

3 Paragraph (1) of section 2208(r) of title 10, United  
4 States Code, is amended to read as follows:

5 “(1) Whenever the Secretary of Defense proposes to  
6 exercise authority provided by law to transfer funds from  
7 a working-capital fund, including a transfer to another  
8 working-capital fund, such transfer may be made only  
9 after the Secretary submits to Congress notice of the pro-  
10 posed transfer and a period of five days has passed from  
11 the date of the notification.”.

12 **Subtitle B—Policy Relating to**  
13 **Vessels and Shipyards**

14 **SEC. 1011. TEMPORARY REDUCTION IN STATUTORY MIN-**  
15 **IMUM NUMBER OF AIRCRAFT CARRIERS IN**  
16 **ACTIVE SERVICE.**

17 Section 5062(b) of title 10, United States Code, is  
18 amended by inserting before the period at the end of the  
19 first sentence the following: “, except that during the pe-  
20 riod beginning on the date of the decommissioning of the  
21 USS Enterprise (CVN 65) and ending on the date of the  
22 commissioning into active service of the USS GERALD  
23 R. FORD (CVN 78), the number of operational aircraft  
24 carriers in the naval combat forces of the Navy may be  
25 10”.

1                   **Subtitle C—Other Matters**

2   **SEC. 1021. REPEAL OF REQUIREMENT FOR ANNUAL RE-**  
3                   **PORT ON MILITARY MUSEUMS.**

4           (a) REPEAL.—Section 489 of title 10, United States  
5 Code, is repealed.

6           (b) TABLE OF SECTIONS.—The table of sections at  
7 the beginning of chapter 23 of such title is amended by  
8 striking the item relating to section 489.

9   **SEC. 1022. DEFENSE CYBER CRIME CENTER: AUTHORITY TO**  
10                   **ADMIT PRIVATE SECTOR CIVILIANS TO**  
11                   **CYBER SECURITY COURSES.**

12           (a) AUTHORITY FOR ADMISSION.—The Secretary of  
13 Defense may permit eligible private sector employees to  
14 receive instruction at the Defense Cyber Investigations  
15 Training Academy operating under the direction of the  
16 Defense Cyber Crime Center. No more than the equivalent  
17 of 200 full-time student positions may be filled at any one  
18 time by private sector employees enrolled under this sec-  
19 tion, on a yearly basis. Upon successful completion of the  
20 course of instruction in which enrolled, any such private  
21 sector employee may be awarded an appropriate certifi-  
22 cation or diploma.

23           (b) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—For  
24 purposes of this section, an eligible private sector employee  
25 is an individual employed by a private firm that is engaged

1 in providing to the Department of Defense or other Gov-  
2 ernment departments or agencies significant and substan-  
3 tial defense-related systems, products, or services, or  
4 whose work product is relevant to national security policy  
5 or strategy. A private sector employee remains eligible for  
6 such instruction only so long as that person remains em-  
7 ployed by an eligible private sector firm.

8 (c) PROGRAM REQUIREMENTS.—The Secretary of  
9 Defense shall ensure that—

10 (1) the curriculum in which private sector em-  
11 ployees may be enrolled under this section is not  
12 readily available through other schools; and

13 (2) the course offerings at the Defense Cyber  
14 Investigations Training Academy continue to be de-  
15 termined solely by the needs of the Department of  
16 Defense.

17 (d) TUITION.—The Defense Cyber Investigations  
18 Training Academy shall charge students enrolled under  
19 this section a rate that is at least the rate charged for  
20 employees of the United States, including overhead.

21 (e) STANDARDS OF CONDUCT.—While receiving in-  
22 struction at the Defense Cyber Investigations Training  
23 Academy, students enrolled under this section, to the ex-  
24 tent practicable, are subject to the same regulations gov-  
25 erning academic performance, attendance, norms of be-

1 havior, and enrollment as apply to Government civilian  
2 employees receiving instruction at the academy.

3 (f) USE OF FUNDS.—Notwithstanding section 3302  
4 of title 31, United States Code, or any other provision of  
5 law, amounts received by the Defense Cyber Investigations  
6 Training Academy for instruction of students enrolled  
7 under this section shall be retained by the academy to de-  
8 fray the costs of such instruction. The source, and the dis-  
9 position, of such funds shall be specifically identified in  
10 records of the academy.

## 11 **TITLE XII—MATTERS RELATING** 12 **TO FOREIGN NATIONS**

### 13 **SEC. 1201. ONE-YEAR EXTENSION OF COMMANDERS' EMER-** 14 **GENCY RESPONSE PROGRAM AND EXTEN-** 15 **SION OF DUE DATE FOR QUARTERLY RE-** 16 **PORTS TO CONGRESS.**

17 (a) ONE-YEAR EXTENSION OF AUTHORITY.—

18 (1) AUTHORITY FOR FISCAL YEAR 2010.—Sub-  
19 section (a) of section 1202 of the National Defense  
20 Authorization Act for Fiscal Year 2006 (Public Law  
21 109–163; 119 Stat. 3455), as most recently amend-  
22 ed by section 1214 of the Duncan Hunter National  
23 Defense Authorization Act for Fiscal Year 2009  
24 (Public Law 110–417; 122 Stat. 4630), is amend-  
25 ed—



1 (A) in the subsection heading, by striking  
2 “FISCAL YEARS 2008 AND 2009” and inserting  
3 “FISCAL YEAR 2010”;

4 (B) by striking “each of fiscal years 2008  
5 and 2009” and inserting “fiscal year 2010”;

6 (C) by striking “for such fiscal year”; and

7 (D) by striking “\$1,700,000,000 in fiscal  
8 year 2008 and \$1,500,000,000 in fiscal year  
9 2009” and inserting “\$1,500,000,000”.

10 (2) EFFECTIVE DATE.—The amendments made  
11 by paragraph (1) shall take effect on October 1,  
12 2009.

13 (b) EXTENSION OF DUE DATE FOR QUARTERLY RE-  
14 PORTS.—Subsection (b)(1) of such section is amended—

15 (1) by striking “15 days” and inserting “45  
16 days”; and

17 (2) by striking “of fiscal years 2008 and 2009”  
18 and inserting “of any fiscal year during which the  
19 authority under subsection (a) is in effect”.

20 (c) TECHNICAL AMENDMENTS.—Subsections (e)(1)  
21 and (f)(1) of such section are amended by striking “the  
22 date of the enactment of the Duncan Hunter National De-  
23 fense Authorization Act for Fiscal Year 2009” and insert-  
24 ing “October 14, 2008,”.

1 **SEC. 1202. ENHANCED AUTHORITY TO ACQUIRE PRODUCTS**  
2 **AND SERVICES PRODUCED IN CENTRAL ASIA,**  
3 **PAKISTAN, AND THE SOUTH CAUCASUS.**

4 (a) **IN GENERAL.**—In the case of a product or service  
5 to be acquired in support of operations (including security,  
6 transition, reconstruction, and humanitarian relief activi-  
7 ties) in Afghanistan for which the Secretary of Defense  
8 makes a determination described in subsection (b), the  
9 Secretary may conduct a procurement in which—

10 (1) competition is limited to products or serv-  
11 ices that are from Central Asia, Pakistan, or the  
12 South Caucasus;

13 (2) procedures other than competitive proce-  
14 dures are used to award a contract to a particular  
15 source or sources from Central Asia, Pakistan, or  
16 the South Caucasus; or

17 (3) a preference is provided for products or  
18 services that are from Central Asia, Pakistan, or the  
19 South Caucasus.

20 (b) **DETERMINATION.**—A determination described in  
21 this subsection is a determination by the Secretary that—

22 (1) the product or service concerned is to be  
23 used only by military forces, police, or other security  
24 personnel of Afghanistan, the United States, Allies,  
25 or coalition partners; or

1           (2) it is in the national security interest of the  
2 United States to limit competition, use procedures  
3 other than competitive procedures, or provide a pref-  
4 erence as described in subsection (a) because—

5           (A) such limitation, procedure, or pref-  
6 erence is necessary—

7           (i) to improve local market and trans-  
8 portation infrastructure in Central Asia,  
9 Pakistan, or the South Caucasus in order  
10 to reduce overall United States transpor-  
11 tation costs and risks in shipping goods in  
12 support of operations in Afghanistan;

13           (ii) to encourage states of Central  
14 Asia, Pakistan, or the South Caucasus to  
15 cooperate in expanding supply routes  
16 through their territory in support of oper-  
17 ations in Afghanistan; or

18           (iii) to help develop a more robust and  
19 enduring commercial and transportation  
20 network in Central Asia, Pakistan, or the  
21 South Caucasus that will connect Afghani-  
22 stan to its neighbors, promote regional  
23 commerce, diversify existing infrastructure  
24 in the region, and bolster stability and  
25 prosperity in the region; and

1 (B) such limitation, procedure, or pref-  
2 erence will not adversely affect—

3 (i) operations in Afghanistan; or

4 (ii) the United States industrial base.

5 (c) PRODUCTS, SERVICES, AND SOURCES FROM CEN-  
6 TRAL ASIA, PAKISTAN, OR THE SOUTH CAUCASUS.—For  
7 the purposes of this section:

8 (1) A product is from the Central Asia, Paki-  
9 stan, or the South Caucasus if it is mined, produced,  
10 or manufactured in Georgia, the Kyrgyz Republic,  
11 Pakistan, the Republic of Armenia, the Republic of  
12 Azerbaijan, the Republic of Kazakhstan, the Repub-  
13 lic of Tajikistan, the Republic of Uzbekistan, or  
14 Turkmenistan.

15 (2) A service is from Central Asia, Pakistan, or  
16 the South Caucasus if it is performed in Georgia,  
17 the Kyrgyz Republic, Pakistan, the Republic of Ar-  
18 menia, the Republic of Azerbaijan, the Republic of  
19 Kazakhstan, the Republic of Tajikistan, the Repub-  
20 lic of Uzbekistan, or Turkmenistan by citizens or  
21 permanent resident aliens of Georgia, the Kyrgyz  
22 Republic, Pakistan, the Republic of Armenia, the  
23 Republic of Azerbaijan, the Republic of Kazakhstan,  
24 the Republic of Tajikistan, the Republic of  
25 Uzbekistan, or Turkmenistan.

1           (3) A source is from Central Asia, Pakistan, or  
2 the South Caucasus if it—

3           (A) is located in Georgia, the Kyrgyz Re-  
4 public, Pakistan, the Republic of Armenia, the  
5 Republic of Azerbaijan, the Republic of  
6 Kazakhstan, the Republic of Tajikistan, the Re-  
7 public of Uzbekistan, or Turkmenistan; and

8           (B) offers products or services that are  
9 from Georgia, the Kyrgyz Republic, Pakistan,  
10 the Republic of Armenia, the Republic of Azer-  
11 baidjan, the Republic of Kazakhstan, the Repub-  
12 lic of Tajikistan, the Republic of Uzbekistan, or  
13 Turkmenistan.

14       (d) CONSTRUCTION WITH OTHER AUTHORITY.—The  
15 authority provided in subsection (a) is in addition to the  
16 authority set out in section 886 of the National Defense  
17 Authorization Act for Fiscal Year 2008 (Public Law 110–  
18 181; 122 Stat. 266; 10 U.S.C. 2302 note).

1 **TITLE XIII—MILITARY CON-**  
2 **STRUCTION, MILITARY FAM-**  
3 **ILY HOUSING, AND REAL**  
4 **PROPERTY**

5 **SEC. 1301. TEMPORARY INCREASE IN COST THRESHOLD**  
6 **FOR USE OF OPERATION AND MAINTENANCE**  
7 **FUNDS FOR UNSPECIFIED MINOR MILITARY**  
8 **CONSTRUCTION PROJECTS IN AFGHANISTAN.**

9 (a) INCREASED COST THRESHOLD.—

10 (1) PROJECTS IN AFGHANISTAN.—For purposes  
11 of any military construction project to be carried out  
12 in Afghanistan that is a contingency operational re-  
13 quirements project, the cost limitation applicable to  
14 the project under subsection (c) of section 2805 of  
15 title 10, United States Code, shall be treated as  
16 being \$3,000,000, notwithstanding any otherwise ap-  
17 plicable cost limitation under that section.

18 (2) CONTINGENCY OPERATIONAL REQUIRE-  
19 MENTS PROJECT.—For purposes of this subsection,  
20 the term “contingency operational requirements  
21 project” means a project that is necessary to meet  
22 military operational requirements involving the use  
23 of the Armed Forces in support of—

24 (A) a declaration of war;

1 (B) a declaration by the President of a na-  
2 tional emergency under section 201 of the Na-  
3 tional Emergencies Act (50 U.S.C. 1621); or

4 (C) a contingency operation (as such term  
5 is defined in section 101 of title 10, United  
6 States Code).

7 (b) TRANSPARENCY.—

8 (1) QUARTERLY REPORTS.—Not later than 60  
9 days after the end of each fiscal-year quarter during  
10 which subsection (a) is in effect, the Secretary con-  
11 cerned shall submit to the congressional committees  
12 specified in paragraph (2) a report on contracts en-  
13 tered into during that quarter under section 2805(c)  
14 of title 10, United States Code, for which the appli-  
15 cable cost limitation was the limitation specified in  
16 subsection (a). Each such report shall include a  
17 statement of obligations during that quarter for each  
18 such contract.

19 (2) CONGRESSIONAL COMMITTEES.—The con-  
20 gressional committees referred to in this paragraph  
21 are the following:

22 (A) The Committee on Armed Services and  
23 the Subcommittee on Defense and the Sub-  
24 committee on Military Construction, Veterans

1 Affairs, and Related Agencies of the Committee  
2 on Appropriations of the Senate.

3 (B) The Committee on Armed Services and  
4 the Subcommittee on Defense and the Sub-  
5 committee on Military Construction, Veterans  
6 Affairs, and Related Agencies of the Committee  
7 on Appropriations of the House of Representa-  
8 tives.

9 (3) SECRETARY CONCERNED.—For purposes of  
10 this subsection, the term “Secretary concerned” has  
11 the meaning applicable to such term under section  
12 2805 of title 10, United States Code.

13 (c) EXPIRATION.—No funds may be obligated for a  
14 project by reason of the provisions of subsection (a) after  
15 September 30, 2011.

16 **SEC. 1302. TWO-YEAR EXTENSION OF AUTHORITY FOR**  
17 **PILOT PROJECTS FOR ACQUISITION OR CON-**  
18 **STRUCTION OF MILITARY UNACCOMPANIED**  
19 **HOUSING.**

20 Subsection (f) of section 2881a of title 10, United  
21 States Code, is amended by striking “2009” and inserting  
22 “2011”.



1 **SEC. 1303. CONSOLIDATION AND STANDARDIZATION OF NO-**  
2 **TICE-AND-WAIT REQUIREMENTS APPLICABLE**  
3 **TO REAL PROPERTY LEASES.**

4 (a) **GENERAL LEASE AUTHORITY.**—Section  
5 2662(a)(1)(C) of title 10, United States Code, is amended  
6 by inserting after “United States,” the following: “other  
7 than a lease entered into pursuant to section 2667 of this  
8 title,”.

9 (b) **LEASES OF NON-EXCESS PROPERTY.**—Section  
10 2667 of such title is amended—

11 (1) in subsection (c), by striking paragraph (4);

12 (2) in subsection (d), by striking paragraph (6);

13 (3) in subsection (h), by striking paragraphs

14 (3) and (5); and

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

17 “(k) **NOTICE-AND-WAIT REQUIREMENTS.**—(1) The  
18 Secretary concerned may not issue a contract solicitation  
19 or other lease offering under this section for a lease with  
20 an annual rental value that is greater than \$750,000  
21 (other than for a lease under subsection (g)) until the Sec-  
22 retary submits to the Committee on Armed Services of the  
23 Senate and the Committee on Armed Services of the  
24 House of Representatives a report with respect to the pro-  
25 posed lease and a period of 30 days has elapsed after the

1 date of the submission of the report. Any such report shall  
2 include the following:

3           “(A) A description of the proposed lease, in-  
4           cluding the proposed duration of the lease.

5           “(B) A description of the authorities to be used  
6           in entering into the lease and the intended participa-  
7           tion of the United States in the lease, including a  
8           justification of the intended method of participation.

9           “(C) A statement of the scored cost of the  
10          lease, determined using the scoring criteria of the  
11          Office of Management and Budget.

12          “(D) A determination that the property in-  
13          volved in the lease is not excess property, as re-  
14          quired by subsection (a)(3), including the basis for  
15          the determination.

16          “(E) A determination that the proposed lease is  
17          directly compatible with the mission of the military  
18          installation or Defense Agency the property of which  
19          is to be subject to the lease and a description of the  
20          anticipated long-term use of the property at the con-  
21          clusion of the lease.

22          “(F) A description of the requirements or con-  
23          ditions within the contract solicitation or other lease  
24          offering for the offeror to address taxation issues,

1 including payments-in-lieu-of taxes, and other devel-  
2 opment issues related to local municipalities.

3 “(2) The Secretary concerned may not enter into a  
4 lease with respect to which a report was required under  
5 paragraph (1) until the Secretary submits to the commit-  
6 tees specified in that paragraph a report with respect to  
7 the proposed lease and either a period of 30 days has  
8 elapsed after the date of the submission of the report or  
9 a period of 14 days has elapsed after the date of the sub-  
10 mission of a copy of the report in an electronic medium  
11 pursuant to section 480 of this title. Any such report shall  
12 include the following:

13 “(A) A copy of the report submitted under  
14 paragraph (1) with respect to that lease.

15 “(B) A description of the differences between  
16 the report submitted under paragraph (1) and the  
17 report being submitted under this paragraph.

18 “(C) A description of the lease payment re-  
19 quired under this section, including a description of  
20 any in-kind consideration that will be accepted.

21 “(D) A description of any community support  
22 facility or provision of community support services  
23 under the lease, regardless of whether the facility  
24 will be operated by a covered entity or the lessee or

1 the services will be provided by a covered entity or  
2 the lessee.

3 “(E) A description of the competitive proce-  
4 dures used to select the lessee or, in the case of a  
5 lease involving the public benefit exception author-  
6 ized by paragraph (2) of subsection (h), a descrip-  
7 tion of the public benefit to be served by the lease.

8 “(F) In the case of a proposed lease under sub-  
9 section (a) that involves a project related to energy  
10 production and for which the term of the lease ex-  
11 ceeds 20 years, a certification that the project is  
12 consistent with the Department of Defense perform-  
13 ance goals and plan required by section 2911 of this  
14 title.”.

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