

Calendar No. 96

111TH CONGRESS
1ST SESSION**H. R. 2647**

IN THE SENATE OF THE UNITED STATES

JULY 6, 2009

Received; read twice and placed on the calendar

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.

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 Divisions A through C of this Act may be cited as
5 the “National Defense Authorization Act for Fiscal Year
6 2010”.

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

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

5 (1) Division A—Department of Defense Au-
 6 thorizations.

7 (2) Division B—Military Construction Author-
 8 izations.

9 (3) Division C—Department of Energy Na-
 10 tional Security Authorizations and Other Authoriza-
 11 tions.

12 (4) Division D—Disabled Military Retiree Re-
 13 lief Act of 2009.

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

Sec. 1. Short title.

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

Sec. 3. Congressional defense committees.

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Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. National Guard and Reserve equipment.

Sec. 106. Rapid Acquisition Fund.

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Sec. 112. Procurement of future combat systems spin out early-infantry brigade
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- Sec. 126. Conversion of certain vessels; leasing rates.

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- Sec. 134. Reports on strategic airlift aircraft.
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- Sec. 216. Restriction on obligation of funds for Future Combat Systems program pending receipt of report.
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- Sec. 223. Limitation on availability of funds for acquisition or deployment of missile defenses in Europe.

- Sec. 224. Sense of Congress reaffirming continued support for protecting the United States against limited ballistic missile attacks whether accidental, unauthorized, or deliberate.
- Sec. 225. Ascent phase missile defense strategy.
- Sec. 226. Availability of funds for a missile defense system for Europe and the United States.
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- Sec. 535. Use of Armed Forces Health Professions Scholarship and Financial Assistance program to increase number of health professionals with skills to assist in providing mental health care.
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- Sec. 1. Short title.
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- Sec. 111. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.
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- Sec. 121. One-year expansion of eligibility for concurrent receipt of military retired pay and veterans' disability compensation to include all chapter 61 disability retirees regardless of disability rating percentage or years of service.

TITLE II—FEDERAL EMPLOYEE BENEFITS

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- Sec. 201. Credit for unused sick leave.
- Sec. 202. Limited expansion of the class of individuals eligible to receive an actuarially reduced annuity under the civil service retirement system.
- Sec. 203. Computation of certain annuities based on part-time service.
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- Sec. 205. Retirement credit for service of certain employees transferred from District of Columbia service to Federal service.

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- Sec. 211. Short title.
- Sec. 212. Extension of Locality Pay.
- Sec. 213. Adjustment of special rates.
- Sec. 214. Transition schedule for locality-based comparability payments.
- Sec. 215. Savings provision.
- Sec. 216. Application to other eligible employees.
- Sec. 217. Election of additional basic pay for annuity computation by employees.
- Sec. 218. Regulations.
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TITLE III—DEEPWATER OIL AND GAS RESEARCH AND DEVELOPMENT FUNDING SOURCE REPEAL

- Sec. 301. Repeal.

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

5 **DIVISION A—DEPARTMENT OF**

6 **DEFENSE AUTHORIZATIONS**

7 **TITLE I—PROCUREMENT**

Subtitle A—Authorization of Appropriations

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

Subtitle B—Army Programs

- Sec. 111. Restriction on obligation of funds for army tactical radio systems.
 Sec. 112. Procurement of future combat systems spin out early-infantry brigade combat team equipment.

Subtitle C—Navy Programs

- Sec. 121. Littoral combat ship program.
 Sec. 122. Ford-class aircraft carrier report and limitation on use of funds.
 Sec. 123. Advance procurement funding.
 Sec. 124. Multiyear procurement authority for F/A-18E, F/A-18F, and EA-18G aircraft.
 Sec. 125. Multiyear procurement authority for DDG-51 Burke-class destroyers.

Subtitle D—Air Force Programs

- Sec. 131. Repeal of certification requirement for F-22A fighter aircraft.
 Sec. 132. Preservation and storage of unique tooling for F-22 fighter aircraft.
 Sec. 133. Report on 4.5 generation fighter procurement.
 Sec. 134. Reports on strategic airlift aircraft.
 Sec. 135. Strategic airlift force structure.
 Sec. 136. Repeal of requirement to maintain certain retired C-130E aircraft.

Subtitle E—Joint and Multiservice Matters

- Sec. 141. Body armor procurement.
 Sec. 142. Unmanned cargo-carrying-capable aerial vehicles.

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

3 **SEC. 101. ARMY.**

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

6 (1) For aircraft, \$4,828,632,000.

7 (2) For missiles, \$1,320,109,000.

8 (3) For weapons and tracked combat vehicles,
 9 \$2,500,952,000.

10 (4) For ammunition, \$2,070,095,000.

11 (5) For other procurement, \$9,762,539,000.

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

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

5 (1) For aircraft, \$18,102,112,000.

6 (2) For weapons, including missiles and tor-
7 pedoes, \$3,453,455,000.

8 (3) For shipbuilding and conversion,
9 \$13,786,867,000.

10 (4) For other procurement, \$5,689,176,000.

11 (b) MARINE CORPS.—Funds are hereby authorized to
12 be appropriated for fiscal year 2010 for procurement for
13 the Marine Corps in the amount of \$1,712,138,000.

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

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

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

22 (1) For aircraft, \$11,991,991,000.

23 (2) For ammunition, \$822,462,000.

24 (3) For missiles, \$6,211,628,000.

25 (4) For other procurement, \$17,299,841,000.

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

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2010 for Defense-wide procurement in the
4 amount of \$4,150,562,000.

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

6 Funds are hereby authorized to be appropriated for
7 fiscal year 2010 for the procurement of aircraft, missiles,
8 wheeled and tracked combat vehicles, tactical wheeled ve-
9 hicles, ammunition, other weapons, and other procurement
10 for the reserve components of the Armed Forces in the
11 amount of \$600,000,000.

12 **SEC. 106. RAPID ACQUISITION FUND.**

13 Funds are hereby authorized to be appropriated for
14 fiscal year 2010 for the Rapid Acquisition Fund in the
15 amount of \$55,000,000.

16 **Subtitle B—Army Programs**

17 **SEC. 111. RESTRICTION ON OBLIGATION OF FUNDS FOR**
18 **ARMY TACTICAL RADIO SYSTEMS.**

19 (a) **LIMITATION ON OBLIGATION OF FUNDS.**—Except
20 as provided in subsection (b), none of the funds authorized
21 to be appropriated by this Act for fiscal year 2010 for
22 procurement, Army, may be obligated or expended for tac-
23 tical radio systems.

24 (b) **EXCEPTIONS.**—The limitation on obligation of
25 funds in subsection (a) does not apply to the following:

1 (1) A tactical radio system that is approved by
2 the joint program executive officer of the joint tac-
3 tical radio system if the Secretary of Defense noti-
4 fies the congressional defense committees in writing
5 of such approval.

6 (2) A tactical radio system procured specifically
7 to meet—

8 (A) an operational need (as described in
9 Army Regulation 71–9 or a successor regula-
10 tion); or

11 (B) a joint urgent operational need (as de-
12 scribed in Chairman of the Joint Chiefs of Staff
13 Instruction 3470.01 or a successor instruction).

14 (3) A tactical radio system for an unmanned
15 ground vehicle system.

16 (4) Commercially available tactical radios with
17 joint tactical radio system capabilities.

18 **SEC. 112. PROCUREMENT OF FUTURE COMBAT SYSTEMS**

19 **SPIN OUT EARLY-INFANTRY BRIGADE COM-**
20 **BAT TEAM EQUIPMENT.**

21 (a) **LIMITATION ON LOW-RATE INITIAL PRODUCTION**
22 **QUANTITIES.**—Notwithstanding section 2400 of title 10,
23 United States Code, with respect to covered Future Com-
24 bat Systems equipment, the Secretary of Defense may pro-

1 cure for low-rate initial production only such equipment
2 that is necessary for one brigade.

3 (b) LIMITATION ON OBLIGATION OF FUNDS.—Of the
4 amounts authorized to be appropriated by this Act or oth-
5 erwise made available for fiscal years 2010 or 2011 for
6 the procurement of covered Future Combat Systems
7 equipment, the Secretary of Defense may obligate or ex-
8 pend funds only for the procurement of such equipment
9 that is necessary for one brigade.

10 (c) EXCEPTION FOR MEETING OPERATIONAL NEED
11 STATEMENT REQUIREMENTS.—The limitation on low-rate
12 initial production in subsection (a) and the limitation on
13 obligation of funds in subsection (b) do not apply if the
14 procurement of covered Future Combat Systems equip-
15 ment is specifically intended to address an operational
16 need statement requirement.

17 (d) COVERED FUTURE COMBAT SYSTEMS EQUIP-
18 MENT DEFINED.—For the purposes of this section, the
19 term “covered Future Combat Systems equipment” means
20 the following:

21 (1) Future Combat Systems non-line of sight
22 launcher systems.

23 (2) Future Combat Systems unattended ground
24 sensors.

1 (3) Future Combat Systems class I unmanned
2 aerial systems.

3 (4) Future Combat Systems small unmanned
4 ground vehicles.

5 (5) Future Combat Systems integrated control
6 system computers.

7 (6) Any vehicular kits needed to integrate and
8 operate a system listed in paragraph (1), (2), (3),
9 (4), or (5).

10 **Subtitle C—Navy Programs**

11 **SEC. 121. LITTORAL COMBAT SHIP PROGRAM.**

12 (a) LIMITATION OF COSTS.—Except as provided in
13 subsection (b) or (c), of the amounts authorized to be ap-
14 propriated in this Act or otherwise made available for fis-
15 cal year 2010 or any fiscal year thereafter for the procure-
16 ment of Littoral Combat Ship vessels, not more than
17 \$460,000,000 may be obligated or expended for each ves-
18 sel procured (not including amounts obligated or expended
19 for elements designated by the Secretary of the Navy as
20 a mission package).

21 (b) SPECIFIC REQUIREMENT FOR FISCAL YEAR
22 2010.—Of the amounts authorized to be appropriated in
23 this Act or otherwise made available for fiscal year 2010
24 or any fiscal year thereafter for shipbuilding conversion,
25 Navy, the Secretary of the Navy may obligate not more

1 than \$80,000,000 to produce a technical data package for
2 each type of Littoral Combat Ship vessel, if the Sec-
3 retary—

4 (1) is unable to—

5 (A) submit to the congressional defense
6 committees a certification under subsection (g)
7 during fiscal year 2010; and

8 (B) enter into a contract for the construc-
9 tion of a Littoral Combat Ship vessel in fiscal
10 year 2010 because of the limitation of costs in
11 section 124 of the National Defense Authoriza-
12 tion Act for Fiscal Year 2006 (Public Law
13 109–163; 119 Stat. 3157), as amended; or

14 (2) is unable to enter into a contract for the
15 construction of a Littoral Combat Ship vessel in fis-
16 cal year 2010 because of the limitation of costs in
17 subsection (a) after submitting to the congressional
18 defense committees a certification under subsection
19 (g).

20 (c) ADJUSTMENT OF LIMITATION AMOUNT.—With
21 respect to the procurement of a Littoral Combat Ship ves-
22 sel referred to in subsection (a), the Secretary may adjust
23 the amount set forth in such subsection by the following:

1 (1) The amounts of increases or decreases in
2 costs attributable to economic inflation after Sep-
3 tember 30, 2009.

4 (2) The amounts of increases or decreases in
5 costs attributable to compliance with changes in
6 Federal, State, or local laws enacted after Sep-
7 tember 30, 2009.

8 (3) The amounts of outfitting costs and post-
9 delivery costs incurred for the vessel.

10 (4) The amounts of increases or decreases in
11 costs attributable to the insertion of new technology
12 into the vessel, as compared to the technology used
13 in the first and second Littoral Combat Ship vessels
14 procured by the Secretary, if the Secretary deter-
15 mines, and certifies to the congressional defense
16 committees, that insertion of the new technology—

17 (A) would lower the life-cycle cost of the
18 vessel; or

19 (B) is required to meet an emerging threat
20 and the Secretary of Defense certifies to those
21 committees that such threat poses grave harm
22 to national security.

23 (d) ANNUAL REPORTS.—At the same time that the
24 budget is submitted under section 1105(a) of title 31,
25 United States Code, for each fiscal year, the Secretary

1 shall submit to the congressional defense committees a re-
2 port on Littoral Combat Ship vessels. Such report shall
3 include the following:

4 (1) Written notice of any change in the amount
5 set forth in subsection (a) that is made under sub-
6 section (c).

7 (2) Information, current as of the date of the
8 report, regarding—

9 (A) the content of any element of the ves-
10 sels that is designated as a mission package;

11 (B) the estimated cost of any such ele-
12 ment; and

13 (C) the total number of such elements an-
14 ticipated.

15 (3) Actual and estimated costs associated
16 with—

17 (A) the material and equipment for basic
18 construction of each vessel; and

19 (B) the material and equipment for propul-
20 sion, weapons, and communications systems of
21 each vessel.

22 (4) Actual and estimated man-hours of labor
23 and labor rates associated with each vessel being
24 procured (listed separately from any other man-
25 hours and labor rates data).

1 (5) Actual and estimated fees paid to contrac-
2 tors for meeting contractually obligated cost and
3 schedule performance milestones.

4 (e) DEFINITIONS.—In this section:

5 (1) The term “mission package” means the
6 interchangeable combat systems that deploy with a
7 Littoral Combat Ship vessel.

8 (2) The term “technical data package” means
9 a compilation of detailed engineering plans for con-
10 struction of a Littoral Combat Ship vessel.

11 (f) CONFORMING REPEAL.—Section 124 of the Na-
12 tional Defense Authorization Act for Fiscal Year 2006
13 (Public Law 109–163) is repealed.

14 (g) EFFECTIVE DATE.—

15 (1) LIMITATION ON COSTS.—Subsections (a)
16 and (c) shall take effect on the date that is 15 days
17 after the date on which the Secretary of the Navy
18 certifies in writing to the congressional defense com-
19 mittees the following:

20 (A) The Secretary has accepted delivery of
21 the USS Freedom (LCS 1) and the USS Inde-
22 pendence (LCS 2) following successful comple-
23 tion of acceptance trials.

24 (B) The repeal of section 124 of the Na-
25 tional Defense Authorization Act for Fiscal

1 Year 2006 (Public Law 109–163; 119 Stat.
2 3157) made by subsection (f) is necessary for
3 the Secretary to—

4 (i) award a contract for a Littoral
5 Combat Ship vessel in fiscal year 2010;
6 and

7 (ii) maintain sufficient government
8 oversight of the Littoral Combat Ship ves-
9 sel program.

10 (C) The Secretary has conducted a thor-
11 ough analysis of the requirements for the per-
12 formance, system, and design of both Littoral
13 Combat Ship variants and determined that fur-
14 ther changes to such requirements will not re-
15 duce—

16 (i) the cost of either such variant; and

17 (ii) the warfighting utility of such ves-
18 sel.

19 (D) A construction contract for a Littoral
20 Combat Ship vessel in fiscal year 2010 will be
21 awarded only to a contractor that—

22 (i) with respect to a contract for the
23 Littoral Combat Ship vessel awarded in
24 fiscal year 2009—

1 (I) is maintaining excellent cost
2 and schedule performance; and

3 (II) the Secretary determines
4 that the affordability and efficiency of
5 the construction of such a vessel are
6 improving at a satisfactory rate; and

7 (ii) based on the data available from
8 the developmental and operational assess-
9 ment testing of such contractor's vessel
10 and associated mission packages, the Sec-
11 retary, in consultation with the Chief of
12 Naval Operations, has determined that it
13 is in the best interest of the Navy to pro-
14 cure such additional Littoral Combat Ship
15 vessels prior to the completion of oper-
16 ational test and evaluation.

17 (E) With respect to funds that are avail-
18 able for shipbuilding and conversion, Navy, for
19 fiscal year 2010 for the procurement of Littoral
20 Combat Ship vessels—

21 (i) such funds are sufficient to award
22 contracts for three additional Littoral
23 Combat Ship vessels; or

24 (ii) if such funds are insufficient to
25 award contracts for three additional Lit-

1 toral Combat Ship vessels, the Secretary
2 has the ability to promote competition for
3 the Littoral Combat Ship vessels that are
4 procured in order to ensure the best value
5 to the Government.

6 (2) REPEAL.—The repeal of section 124 of the
7 National Defense Authorization Act for Fiscal Year
8 2006 (Public Law 109–163; 119 Stat. 3157) made
9 by subsection (f) shall take effect on the date that
10 is 15 days after the date on which the certification
11 under paragraph (1) is received by the congressional
12 defense committees.

13 **SEC. 122. FORD-CLASS AIRCRAFT CARRIER REPORT AND**
14 **LIMITATION ON USE OF FUNDS.**

15 (a) REPORT REQUIRED.—Not later than February 1,
16 2010, the Secretary of the Navy shall submit to the con-
17 gressional defense committees a report on the effects of
18 using a five-year interval for the construction of Ford-
19 class aircraft carriers. The report shall include, at a min-
20 imum, an assessment of the effects of such interval on
21 the following:

- 22 (1) With respect to the supplier base—
- 23 (A) the viability of the base, including sup-
24 pliers exiting the market or other potential re-
25 ductions in competition; and

1 (B) cost increases to the Ford-class air-
2 craft carrier program.

3 (2) Training of individuals in trades related to
4 ship construction.

5 (3) Loss of expertise associated with ship con-
6 struction.

7 (4) The costs of—

8 (A) any additional technical support or
9 production planning associated with the start of
10 construction;

11 (B) material and labor;

12 (C) overhead; and

13 (D) other ship construction programs, in-
14 cluding the costs of existing and future con-
15 tracts.

16 (b) LIMITATION ON USE OF FUNDS.—With respect
17 to the aircraft carrier designated CVN-79, none of the
18 amounts authorized to be appropriated for fiscal year
19 2010 for research, development, test, and evaluation or
20 advance procurement for such aircraft carrier may be obli-
21 gated or expended for activities that would limit the ability
22 of the Secretary of the Navy to award a construction con-
23 tract for—

24 (1) such aircraft carrier in fiscal year 2012; or

1 (2) the aircraft carrier designated CVN-80 in
2 fiscal year 2016.

3 **SEC. 123. ADVANCE PROCUREMENT FUNDING.**

4 (a) **ADVANCE PROCUREMENT.**—With respect to a
5 naval vessel for which amounts are authorized to be appro-
6 priated or otherwise made available for fiscal year 2010
7 or any fiscal year thereafter for advance procurement in
8 shipbuilding and conversion, Navy, the Secretary of the
9 Navy may enter into a contract, in advance of a contract
10 for construction of any vessel, for any of the following:

11 (1) Components, parts, or materiel.

12 (2) Production planning and other related sup-
13 port services that reduce the overall procurement
14 lead time of such vessel.

15 (b) **AIRCRAFT CARRIER DESIGNATED CVN-79.**—
16 With respect to components of the aircraft carrier des-
17 ignated CVN-79 for which amounts are authorized to be
18 appropriated or otherwise made available for fiscal year
19 2010 or any fiscal year thereafter for advance procure-
20 ment in shipbuilding and conversion, Navy, the Secretary
21 of the Navy may enter into a contract for the advance
22 construction of such components if the Secretary deter-
23 mines that cost savings, construction efficiencies, or work-
24 force stability may be achieved for such aircraft carrier
25 through the use of such contracts.

1 (c) CONDITION OF OUT-YEAR CONTRACT PAY-
2 MENTS.—A contract entered into under subsection (b)
3 shall provide that any obligation of the United States to
4 make a payment under such contract for any fiscal year
5 after fiscal year 2010 is subject to the availability of ap-
6 propriations for that purpose for such fiscal year.

7 **SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR F/A-**
8 **18E, F/A-18F, AND EA-18G AIRCRAFT.**

9 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
10 Notwithstanding paragraphs (1) and (7) of section
11 2306b(i) of title 10, United States Code, the Secretary
12 of the Navy may enter into a multiyear contract, begin-
13 ning with the fiscal year 2010 program year, for the pro-
14 curement of F/A-18E, F/A-18F, or EA-18G aircraft and
15 Government-furnished equipment associated with such
16 aircraft.

17 (b) REPORT OF FINDINGS.—Not less than 30 days
18 before the date on which a contract is awarded under sub-
19 section (a), the Secretary of the Navy shall submit to the
20 congressional defense committees a report containing the
21 findings required under subsection (a) of section 2306b
22 of title 10, United States Code.

1 **SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR**
2 **DDG-51 BURKE-CLASS DESTROYERS.**

3 (a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—
4 Notwithstanding paragraphs (1) and (7) of section
5 2306b(i) of title 10, United States Code, the Secretary
6 of the Navy may enter into a multiyear contract, begin-
7 ning with the fiscal year 2010 program year, for the pro-
8 curement of DDG-51 Burke-class destroyers and Govern-
9 ment-furnished equipment associated with such destroy-
10 ers.

11 (b) REPORT OF FINDINGS.—Not less than 30 days
12 before the date on which a contract is awarded under sub-
13 section (a), the Secretary of the Navy shall submit to the
14 congressional defense committees a report containing the
15 findings required under subsection (a) of section 2306b
16 of title 10, United States Code.

17 **SEC. 126. CONVERSION OF CERTAIN VESSELS; LEASING**
18 **RATES.**

19 (a) USE OF FUNDS FOR CONVERSION.—Of the funds
20 authorized to be appropriated or otherwise made available
21 for fiscal year 2010 for weapons procurement, Navy, for
22 Mk-46 torpedo modifications, the Secretary of the Navy
23 may obligate not more than \$35,000,000 for lease and
24 conversion of any covered vessel that, as a result of default
25 on a loan guaranteed for the vessels under chapter 537
26 of title 46, United States Code, has become the property

1 of the United States, such that the Maritime Adminis-
2 trator has rights to dispose of the financial interest of the
3 United States in the covered vessels.

4 (b) DETERMINATION OF LEASING RATES.—The
5 Maritime Administrator shall coordinate with the Sec-
6 retary of the Navy to determine leasing rates that meet
7 the obligation of the United States with respect to any
8 loan guarantee for the vessels.

9 (c) MODIFICATION TO A COVERED VESSEL.—The
10 Secretary of the Navy may make necessary modifications
11 to a covered vessel for military utility as the Secretary con-
12 siders appropriate.

13 (d) COVERED VESSEL DEFINED.—In this section the
14 term “covered vessel” means each of—

15 (1) the vessel Huakai (United States official
16 number 1215902); and

17 (2) the vessel Alakai (United States official
18 number 1182234).

19 **Subtitle D—Air Force Programs**

20 **SEC. 131. REPEAL OF CERTIFICATION REQUIREMENT FOR** 21 **F-22A FIGHTER AIRCRAFT.**

22 Section 134 of the Duncan Hunter National Defense
23 Authorization Act for Fiscal Year 2009 (Public Law 110–
24 417; 122 Stat. 4378) is repealed.

1 **SEC. 132. PRESERVATION AND STORAGE OF UNIQUE TOOL-**
2 **ING FOR F-22 FIGHTER AIRCRAFT.**

3 (a) PLAN.—The Secretary of the Air Force shall de-
4 velop a plan for the preservation and storage of unique
5 tooling related to the production of hardware and end
6 items for F-22 fighter aircraft. The plan shall—

7 (1) ensure that the Secretary preserves and
8 stores such tooling in a manner that allows the pro-
9 duction of such hardware and end items to be re-
10 started after a period of idleness;

11 (2) with respect to the supplier base of such
12 hardware and end items, identify the costs of re-
13 starting production; and

14 (3) identify any contract modifications, addi-
15 tional facilities, or funding that the Secretary deter-
16 mines necessary to carry out the plan.

17 (b) RESTRICTION ON THE USE OF FUNDS.—None of
18 the amounts authorized to be appropriated by this Act or
19 otherwise made available for fiscal year 2010 for aircraft
20 procurement, Air Force, for F-22 fighter aircraft may be
21 obligated or expended for activities related to disposing of
22 F-22 production tooling until a period of 45 days has
23 elapsed after the date on which the Secretary submits to
24 Congress a report describing the plan required by sub-
25 section (a).

1 **SEC. 133. REPORT ON 4.5 GENERATION FIGHTER PROCURE-**
2 **MENT.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 enactment of this Act, the Secretary of Defense shall sub-
5 mit to the congressional defense committees a report on
6 4.5 generation fighter aircraft procurement. The report
7 shall include the following:

8 (1) The number of 4.5 generation fighter air-
9 craft for procurement for fiscal years 2011 through
10 2025 necessary to fulfill the requirement of the Air
11 Force to maintain not less than 2,200 tactical fight-
12 er aircraft.

13 (2) The estimated procurement costs for those
14 aircraft if procured through single year procurement
15 contracts.

16 (3) The estimated procurement costs for those
17 aircraft if procured through multiyear procurement
18 contracts.

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

24 (5) A discussion comparing the costs and bene-
25 fits of obtaining those aircraft through annual pro-
26 curement contracts with the costs and benefits of ob-

1 taining those aircraft through a multiyear procure-
2 ment contract.

3 (6) A discussion regarding the availability and
4 feasibility of F-35s in fiscal years 2015 through fis-
5 cal year 2025 to proportionally and concurrently re-
6 capitalize the Air National Guard.

7 (7) The recommendations of the Secretary re-
8 garding whether Congress should authorize a
9 multiyear procurement contract for 4.5 generation
10 fighter aircraft.

11 (b) CERTIFICATIONS.—If the Secretary recommends
12 under subsection (a)(7) that Congress authorize a
13 multiyear procurement contract for 4.5 generation fighter
14 aircraft, the Secretary shall submit to Congress the certifi-
15 cations required by section 2306b of title 10, United
16 States Code, at the same time that the budget is sub-
17 mitted under section 1105(a) of title 31, United States
18 Code, for fiscal year 2011.

19 (c) 4.5 GENERATION FIGHTER AIRCRAFT DE-
20 FINED.—In this section, the term “4.5 generation fighter
21 aircraft” means current fighter aircraft, including the F-
22 15, F-16, and F-18, that—

23 (1) have advanced capabilities, including—

24 (A) AESA radar;

25 (B) high capacity data-link; and

1 (C) enhanced avionics; and

2 (2) have the ability to deploy current and rea-
3 sonably foreseeable advanced armaments.

4 **SEC. 134. REPORTS ON STRATEGIC AIRLIFT AIRCRAFT.**

5 At least 120 days before the date on which a C-5
6 aircraft is retired, the Secretary of the Air Force, in co-
7 ordination with the Director of the Air National Guard,
8 shall submit to the congressional defense committees a re-
9 port on the proposed force structure and basing of stra-
10 tegic airlift aircraft (as defined in section 8062(g)(2) of
11 title 10, United States Code). Each report shall include
12 the following:

13 (1) A list of each aircraft in the inventory of
14 strategic airlift aircraft, including for each such air-
15 craft—

16 (A) the type;

17 (B) the variant; and

18 (C) the military installation where such
19 aircraft is based.

20 (2) A list of each strategic airlift aircraft pro-
21 posed for retirement, including for each such air-
22 craft—

23 (A) the type;

24 (B) the variant; and

1 (C) the military installation where such
2 aircraft is based.

3 (3) A list of each unit affected by a proposed
4 retirement listed under paragraph (2) and how such
5 unit is affected.

6 (4) For each military installation listed under
7 paragraph (2)(C), any changes to the mission of the
8 installation as a result of a proposed retirement.

9 (5) Any anticipated reductions in manpower as
10 a result of a proposed retirement listed under para-
11 graph (2).

12 (6) Any anticipated increases in manpower or
13 military construction at a military installation as a
14 result of an increase in force structure related to a
15 proposed retirement listed under paragraph (2).

16 **SEC. 135. STRATEGIC AIRLIFT FORCE STRUCTURE.**

17 Subsection (g)(1) of section 8062 of title 10, United
18 States Code, is amended—

19 (1) by striking “2008” and inserting “2009”;

20 and

21 (2) by striking “299” and inserting “316”.

1 **SEC. 136. REPEAL OF REQUIREMENT TO MAINTAIN CER-**
2 **TAIN RETIRED C-130E AIRCRAFT.**

3 Section 134 of the National Defense Authorization
4 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
5 31) is amended—

6 (1) by striking subsection (c);

7 (2) by redesignating subsection (d) as sub-
8 section (c); and

9 (3) in subsection (b), by striking “subsection
10 (d)” and inserting “subsection (c)”.

11 **Subtitle E—Joint and Multiservice**
12 **Matters**

13 **SEC. 141. BODY ARMOR PROCUREMENT.**

14 (a) **PROCUREMENT.**—The Secretary of Defense shall
15 ensure that body armor is procured using funds author-
16 ized to be appropriated by this title.

17 (b) **PROCUREMENT LINE ITEM.**—In the budget mate-
18 rials submitted to the President by the Secretary of De-
19 fense in connection with the submission to Congress, pur-
20 suant to section 1105 of title 31, United States Code, of
21 the budget for fiscal year 2011, and each subsequent fiscal
22 year, the Secretary shall ensure that within each procure-
23 ment account, a separate, dedicated procurement line item
24 is designated for body armor.

1 **SEC. 142. UNMANNED CARGO-CARRYING-CAPABLE AERIAL**
 2 **VEHICLES.**

3 None of the amounts authorized to be appropriated
 4 for procurement may be obligated or expended for an un-
 5 manned cargo-carrying-capable aerial vehicle until a pe-
 6 riod of 15 days has elapsed after the date on which the
 7 Vice Chairman of the Joint Chiefs of Staff and the Under
 8 Secretary of Defense for Acquisition, Technology, and Lo-
 9 gistics certify to the congressional defense committees that
 10 the Joint Requirements Oversight Council has approved
 11 a joint and common requirement for an unmanned cargo-
 12 carrying-capable aerial vehicle type.

13 **TITLE II—RESEARCH, DEVELOP-**
 14 **MENT, TEST, AND EVALUA-**
 15 **TION**

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Limitation on obligation of funds for the Navy Next Generation En-
 terprise Network.

Sec. 212. Limitation on expenditure of funds for Joint Multi-Mission Submers-
 ible program.

Sec. 213. Separate program elements required for research and development of
 individual body armor and associated components.

Sec. 214. Separate procurement and research, development, test and evaluation
 line items and program elements for the F-35B and F-35C
 joint strike fighter aircraft.

Sec. 215. Restriction on obligation of funds pending submission of Selected Ac-
 quisition Report.

Sec. 216. Restriction on obligation of funds for Future Combat Systems pro-
 gram pending receipt of report.

Sec. 217. Limitation of the obligation of funds for the Net-Enabled Command
 and Control system.

Sec. 218. Limitation on obligation of funds for F-35 Lightning II program.

Sec. 219. Programs required to provide the Army with ground combat vehicle and self-propelled artillery capabilities.

Subtitle C—Missile Defense Programs

Sec. 221. Integrated Air and Missile Defense System project.

Sec. 222. Ground-based midcourse defense sustainment and modernization program.

Sec. 223. Limitation on availability of funds for acquisition or deployment of missile defenses in Europe.

Sec. 224. Sense of Congress reaffirming continued support for protecting the United States against limited ballistic missile attacks whether accidental, unauthorized, or deliberate.

Sec. 225. Ascent phase missile defense strategy.

Sec. 226. Availability of funds for a missile defense system for Europe and the United States.

Subtitle D—Reports

Sec. 231. Comptroller General assessment of coordination of energy storage device requirements and investments.

Sec. 232. Annual Comptroller General report on the F-35 Lightning II aircraft acquisition program.

Sec. 233. Report on integration of Department of Defense intelligence, surveillance, and reconnaissance capabilities.

Sec. 234. Report on future research and development of man-portable and vehicle-mounted guided missile systems.

Subtitle E—Other Matters

Sec. 241. Access of the Director of the Test Resource Management Center to Department of Defense information.

Sec. 242. Inclusion in annual budget request and future-years defense program of sufficient amounts for continued development and procurement of competitive propulsion system for F-35 Lightning II.

Sec. 243. Establishment of program to enhance participation of historically black colleges and universities and minority-serving institutions in defense research programs.

Sec. 244. Extension of authority to award prizes for advanced technology achievements.

Sec. 245. Executive Agent for Advanced Energetics.

Sec. 246. Study on thorium-liquid fueled reactors for naval forces.

Sec. 247. Visiting NIH Senior Neuroscience Fellowship Program.

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

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

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

1 (1) For the Army, \$10,506,731,000.

2 (2) For the Navy, \$19,622,528,000.

3 (3) For the Air Force, \$28,508,561,000.

4 (4) For Defense-wide activities,
5 \$21,016,672,000, of which \$190,770,000 is author-
6 ized for the Director of Operational Test and Eval-
7 uation.

8 **Subtitle B—Program Require-**
9 **ments, Restrictions, and Limita-**
10 **tions**

11 **SEC. 211. LIMITATION ON OBLIGATION OF FUNDS FOR THE**
12 **NAVY NEXT GENERATION ENTERPRISE NET-**
13 **WORK.**

14 (a) LIMITATION.—Of the amounts authorized to be
15 appropriated described in subsection (b), not more than
16 50 percent of the amounts remaining unobligated as of
17 the date of the enactment of this Act may be obligated
18 until the Secretary of the Navy submits to the congres-
19 sional defense committees a detailed architectural speci-
20 fication for the Next Generation Enterprise Network.

21 (b) COVERED AUTHORIZATIONS OR APPROPRIA-
22 TIONS.—The amounts authorized to be appropriated de-
23 scribed in this subsection are amounts authorized to be
24 appropriated for fiscal year 2010 for—

1 (1) operation and maintenance for the Con-
2 tinuity of Service Contract for the Navy-Marine
3 Corps Intranet; and

4 (2) research, development, test, and evaluation
5 for the Next Generation Enterprise Network.

6 **SEC. 212. LIMITATION ON EXPENDITURE OF FUNDS FOR**
7 **JOINT MULTI-MISSION SUBMERSIBLE PRO-**
8 **GRAM.**

9 None of the funds authorized to be appropriated by
10 this or any other Act for fiscal year 2010 may be obligated
11 or expended for the Joint Multi-Mission Submersible pro-
12 gram until the Secretary of Defense, in consultation with
13 the Director of National Intelligence—

14 (1) completes an assessment on the feasibility
15 of a cost-sharing agreement between the Department
16 of Defense and the intelligence community (as that
17 term is defined in section 3(4) of the National Secu-
18 rity Act of 1947 (50 U.S.C. 401a(4))), for the Joint
19 Multi-Mission Submersible program;

20 (2) submits to the congressional defense com-
21 mittees and the intelligence committees the assess-
22 ment referred to in paragraph (1); and

23 (3) certifies to the congressional defense com-
24 mittees and the intelligence committees that the
25 agreement developed pursuant to the assessment re-

1 ferred to in paragraph (1) represents the most effective
2 and affordable means of delivery for meeting a
3 validated program requirement.

4 **SEC. 213. SEPARATE PROGRAM ELEMENTS REQUIRED FOR**
5 **RESEARCH AND DEVELOPMENT OF INDIVIDUAL**
6 **BODY ARMOR AND ASSOCIATED COMPONENTS.**
7 **COMPONENTS.**

8 In the budget materials submitted to the President
9 by the Secretary of Defense in connection with the submission
10 to Congress, pursuant to section 1105 of title 31,
11 United States Code, of the budget for fiscal year 2011,
12 and each subsequent fiscal year, the Secretary shall ensure
13 that within each research, development, test, and evaluation
14 account a separate, dedicated program element is assigned
15 to the research and development of individual body
16 armor and associated components.

17 **SEC. 214. SEPARATE PROCUREMENT AND RESEARCH, DEVELOPMENT,**
18 **TEST AND EVALUATION LINE**
19 **ITEMS AND PROGRAM ELEMENTS FOR THE F-**
20 **35B AND F-35C JOINT STRIKE FIGHTER AIR-**
21 **CRAFT.**

22 In the budget materials submitted to the President
23 by the Secretary of Defense in connection with the submission
24 to Congress, pursuant to section 1105 of title 31,
25 United States Code, of the budget for fiscal year 2011,

1 and each subsequent fiscal year, the Secretary shall ensure
2 that within the Navy research, development, test, and
3 evaluation account and the Navy aircraft procurement ac-
4 count, a separate, dedicated line item and program ele-
5 ment is assigned to each of the F-35B aircraft and the
6 F-35C aircraft, to the extent such accounts include fund-
7 ing for each such aircraft.

8 **SEC. 215. RESTRICTION ON OBLIGATION OF FUNDS PEND-**
9 **ING SUBMISSION OF SELECTED ACQUISITION**
10 **REPORT.**

11 (a) RESTRICTION ON OBLIGATION OF FUNDS.—Of
12 the amounts authorized to be appropriated for fiscal year
13 2010 for Research and Development, Army, for the de-
14 fense acquisition programs specified in subsection (b), not
15 more than 50 percent may be obligated prior to the date
16 on which the Secretary of Defense submits to the congres-
17 sional defense committees the comprehensive annual Se-
18 lected Acquisition Report for each such program for fiscal
19 year 2009, as required by section 2432 of title 10, United
20 States Code.

21 (b) PROGRAMS SPECIFIED.—The defense acquisition
22 programs specified in this subsection are the following:

- 23 (1) Future Combat Systems program.
- 24 (2) Warfighter information network tactical
25 program.

- 1 (3) Stryker vehicle program.
- 2 (4) Joint Air-to-Ground Missile program.
- 3 (5) Bradley Base Sustain program.
- 4 (6) Abrams Tank Improvement program.
- 5 (7) Javelin program.

6 **SEC. 216. RESTRICTION ON OBLIGATION OF FUNDS FOR FU-**
7 **TURE COMBAT SYSTEMS PROGRAM PENDING**
8 **RECEIPT OF REPORT.**

9 Not more than 25 percent of the funds authorized
10 to be appropriated by this Act or otherwise made available
11 for Research and Development, Army, for fiscal year 2010
12 for the Future Combat Systems program may be obligated
13 or expended until 15 days after the receipt of the report
14 required by section 214(c) of the John Warner National
15 Defense Authorization Act for Fiscal Year 2007 (Public
16 Law 109–364).

17 **SEC. 217. LIMITATION OF THE OBLIGATION OF FUNDS FOR**
18 **THE NET-ENABLED COMMAND AND CONTROL**
19 **SYSTEM.**

20 (a) LIMITATION.—Of the amounts authorized to be
21 appropriated described in subsection (b), not more than
22 25 percent of the amounts remaining unobligated as of
23 the date of the enactment of this Act may be obligated
24 until the Secretary of Defense submits to the congres-
25 sional defense committees a plan for reorganizing and con-

1 solidating the management of the Net-Enabled Command
2 and Control system and the Global Command and Control
3 System family of systems.

4 (b) COVERED AUTHORIZATIONS OR APPROPRIA-
5 TIONS.—The amounts authorized to be appropriated de-
6 scribed in this subsection are amounts authorized to be
7 appropriated for fiscal year 2010 for the Net-Enabled
8 Command and Control system in the following program
9 elements:

10 (1) 33158k.

11 (2) 33158a.

12 (3) 33158n.

13 (4) 33158m.

14 (5) 33158f.

15 **SEC. 218. LIMITATION ON OBLIGATION OF FUNDS FOR F-35**

16 **LIGHTNING II PROGRAM.**

17 Of the amounts authorized to be appropriated or oth-
18 erwise made available for fiscal year 2010 for research,
19 development, test, and evaluation for the F-35 Lightning
20 II program, not more than 75 percent may be obligated
21 until the date that is 15 days after the later of the fol-
22 lowing dates:

23 (1) The date on which the Under Secretary of
24 Defense for Acquisition, Technology, and Logistics
25 submits to the congressional defense committees cer-

1 tification in writing that all funds made available for
2 fiscal year 2010 for the continued development and
3 procurement of a competitive propulsion system for
4 the F-35 Lightning II have been obligated.

5 (2) The date on which the Secretary of Defense
6 submits to the congressional defense committees the
7 report required by section 123 of the Duncan
8 Hunter National Defense Authorization Act for Fis-
9 cal Year 2009 (Public Law 110-417; 122 Stat.
10 4376).

11 (3) The date on which the Secretary of Defense
12 submits to the congressional defense committees the
13 annual plan and certification for fiscal year 2010 re-
14 quired by section 231a of title 10, United States
15 Code.

16 **SEC. 219. PROGRAMS REQUIRED TO PROVIDE THE ARMY**
17 **WITH GROUND COMBAT VEHICLE AND SELF-**
18 **PROPELLED ARTILLERY CAPABILITIES.**

19 (a) PROGRAM REQUIRED.—In accordance with the
20 Weapons Systems Acquisition Reform Act of 2009 (Public
21 Law 111-43), the Secretary of Defense shall carry out
22 programs to develop, test, and, when demonstrated oper-
23 ationally effective, suitable, survivable, and affordable,
24 field new or upgraded Army ground combat vehicle and
25 self-propelled artillery capabilities.

1 (b) REPORT REQUIRED.—Not later than February 1,
2 2010, the Secretary of Defense shall deliver a report to
3 the congressional defense committees that—

4 (1) specifies what vehicles, or upgraded vehi-
5 cles, will constitute the Army’s ground combat vehi-
6 cle fleet in 2015;

7 (2) includes the status, schedule, cost estimates,
8 and requirements for the programs specified in para-
9 graph (1);

10 (3) includes any Army force structure modifica-
11 tions planned that impact the requirements for new
12 ground combat vehicles;

13 (4) specifies, for each program included, the al-
14 ternatives considered during any analysis of alter-
15 natives, and why those alternatives were not selected
16 as the preferred program option;

17 (5) quantifies and describes the loss of knowl-
18 edge to the industrial base should a future self-pro-
19 pelled artillery cannon not be developed immediately
20 following the cancellation of the Non-Line-of-Sight
21 Cannon, a Manned Ground Vehicle of Future Com-
22 bat Systems; and

23 (6) with respect to the Army’s future self-pro-
24 pelled howitzer artillery fleet, explains the Army’s
25 plan to develop and field—

- 1 (A) automated ammunition handling;
- 2 (B) laser ignition;
- 3 (C) improved ballistic accuracy;
- 4 (D) automated crew compartments;
- 5 (E) hybrid-electric power; and
- 6 (F) band track.

7 (c) RESTRICTION ON USE OF FUNDS.—Of the
8 amounts authorized to be appropriated under this Act for
9 research, test, development, and evaluation for the Army
10 for the program elements specified in subsection (d), not
11 more than 50 percent may be obligated or expended until
12 15 days after the Secretary of Defense submits the report
13 required under subsection (b).

14 (d) PROGRAMS SPECIFIED.—The restriction on use
15 of funds in subsection (c) covers the following Army pro-
16 gram elements:

17 (1) Combat Vehicle Improvement Program, pro-
18 gram element 0203735A.

19 (2) Advanced Tank Armament System, pro-
20 gram element 0603653A.

21 (3) Artillery Systems, program element
22 0604854A.

1 **Subtitle C—Missile Defense**
2 **Programs**

3 **SEC. 221. INTEGRATED AIR AND MISSILE DEFENSE SYSTEM**
4 **PROJECT.**

5 Of the amounts authorized to be appropriated for re-
6 search and development of the Army Integrated Air and
7 Missile Defense project (program element 63327A), not
8 more than 25 percent may be obligated until the Secretary
9 of Defense has certified to the congressional defense com-
10 mittees that the Secretary has—

- 11 (1) carried out a review of the project;
- 12 (2) determined that the project is an affordable,
13 executable project;
- 14 (3) determined that the project meets a current
15 required capability; and
- 16 (4) determined that no other project could be
17 executed, at a lower cost, that would be capable of
18 fulfilling the required capability to the same or ap-
19 proximate level of effectiveness as the Army Inte-
20 grated Air and Missile Defense project.

21 **SEC. 222. GROUND-BASED MIDCOURSE DEFENSE**
22 **SUSTAINMENT AND MODERNIZATION PRO-**
23 **GRAM.**

24 (a) PROGRAM REQUIRED.—The Secretary of Defense
25 shall carry out a sustainment and modernization program

1 to ensure the long-term reliability, availability, maintain-
2 ability, and supportability of the ground-based midcourse
3 defense system to protect the United States against lim-
4 ited ballistic missile attacks whether accidental, unauthor-
5 ized, or deliberate.

6 (b) PROGRAM ELEMENTS.—The program required by
7 subsection (a) shall include each of the following elements:

8 (1) Sustainment and operations.

9 (2) Aging and surveillance.

10 (3) System and component level assessments,
11 engineering analysis, and modeling and simulation.

12 (4) Ground and flight testing.

13 (5) Readiness exercises.

14 (6) Modernization and enhancement.

15 (7) Any other element the Secretary determines
16 is appropriate.

17 (c) CONSULTATION.—In implementing the program
18 required by subsection (a), the Secretary of Defense shall
19 consult with the commanders of the appropriate combat-
20 ant commands to ensure the sustainment and moderniza-
21 tion requirements of such commands are reflected in such
22 program.

23 (d) BUDGET SUBMISSION REQUIREMENT.—For each
24 budget submitted by the President to Congress under sec-
25 tion 1105 of title 31, the Secretary of Defense shall con-

1 currently submit to the congressional defense committees
2 a report that clearly identifies the amounts requested for
3 each of the program elements referred to in subsection (b).

4 (e) REPORT.—Not later than 120 days after the date
5 of the enactment of this Act, the Secretary of Defense
6 shall submit to the congressional defense committees a re-
7 port outlining the long-term sustainment and moderniza-
8 tion plan of the Department of Defense for the ground-
9 based midcourse defense system.

10 **SEC. 223. LIMITATION ON AVAILABILITY OF FUNDS FOR AC-**
11 **QUISITION OR DEPLOYMENT OF MISSILE DE-**
12 **FENSES IN EUROPE.**

13 No funds authorized to be appropriated by this Act
14 or otherwise made available for the Department of De-
15 fense for fiscal year 2010 or any fiscal year thereafter may
16 be obligated or expended for the acquisition (other than
17 initial long-lead procurement) or deployment of oper-
18 ational missiles of a long-range missile defense system in
19 Europe until the Secretary of Defense, after receiving the
20 views of the Director of Operational Test and Evaluation,
21 submits to the congressional defense committees a report
22 certifying that the proposed interceptor and the proposed
23 radars to be deployed as part of such missile defense sys-
24 tem has demonstrated, through successful, operationally
25 realistic flight testing, a high probability of working in an

1 operationally effective manner and the ability to accom-
2 plish the mission.

3 **SEC. 224. SENSE OF CONGRESS REAFFIRMING CONTINUED**
4 **SUPPORT FOR PROTECTING THE UNITED**
5 **STATES AGAINST LIMITED BALLISTIC MIS-**
6 **SILE ATTACKS WHETHER ACCIDENTAL, UN-**
7 **AUTHORIZED, OR DELIBERATE.**

8 (a) FINDINGS.—Congress makes the following find-
9 ings:

10 (1) Congress passed and the President signed
11 the National Missile Defense Act of 1999 (Public
12 Law 106–38), which stated: “It is the policy of the
13 United States to deploy as soon as is technologically
14 possible an effective National Missile Defense system
15 capable of defending the territory of the United
16 States against limited ballistic missile attack (wheth-
17 er accidental, unauthorized, or deliberate).

18 (2) The United States has thus far deployed 26
19 long-range, Ground-based, Midcourse Defense
20 (GMD) interceptors in Alaska and California to de-
21 fend against potential long-range missiles from
22 rogue states such as North Korea.

23 (3) Congress has fully funded the President’s
24 budget request for the GMD sites in Alaska and
25 California in fiscal years 2008 and 2009, as well as

1 continued development of the Standard Missile-3
2 Block IIA missile with Japan, which will provide the
3 Aegis Ballistic Missile Defense system the capability
4 to engage long-range ballistic missiles like the North
5 Korean Taepo Dong-2.

6 (4) Senior defense and intelligence officials have
7 indicated that the threat to the United States from
8 long-range missiles from rogue states is limited.

9 (5) Senior military officials have testified that
10 the original threat assessments of the long-range
11 missile threat made by the Missile Defense Agency
12 in 2002 were “off by a factor of 10 or 20”.

13 (6) It is imperative that missile defense force
14 structure and inventory be linked to the most likely
15 threats and validated military requirements.

16 (7) The Secretary of Defense, the Chairman of
17 the Joint Chiefs, the Commander of the United
18 States Strategic Command’s Joint Functional Com-
19 ponent Command for Integrated Missile Defense,
20 and the Director of the Missile Defense Agency have
21 either testified or stated that 30 operationally de-
22 ployed GMD interceptors would be adequate to de-
23 fend against any rogue missile threat to the United
24 States in the near- to mid-term.

1 (8) The Director of the Missile Defense Agency
2 testified that, for the first time since the establish-
3 ment of the Missile Defense Agency in 2002, key
4 elements of the Department of Defense, such as the
5 combatant commanders and the military services,
6 played a major role in shaping the missile defense
7 budget for fiscal year 2010.

8 (9) There is currently no existing military re-
9 quirement justifying the need to deploy 44 GMD
10 interceptors, nor has that number been validated by
11 the Department of Defense's requirements process.

12 (10) In testimony before Congress this year, the
13 Director of the Missile Defense Agency indicated
14 that a number of GMD interceptors were removed
15 from their silos for unscheduled maintenance and re-
16 furbishment because of unanticipated problems with
17 the interceptors were discovered.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that the United States—

20 (1) reaffirms the principles articulated in the
21 National Missile Defense Act of 1999;

22 (2) should continue to fund robust research, de-
23 velopment, test, and evaluation of the current GMD
24 system deployed in Alaska in California to ensure
25 that the system will work in an operationally effec-

1 tive, suitable, maintainable, and survivable manner
2 to defend the territory of the United States against
3 limited ballistic missile attack (whether accidental,
4 unauthorized, or deliberate);

5 (3) should continue the development of the
6 Standard Missile-3 Block IIA missile with Japan,
7 which will provide the Aegis Ballistic Missile Defense
8 system a capability to counter long-range ballistic
9 missiles like the North Korean Taepo Dong-2; and

10 (4) should set future missile defense force
11 structure and inventory requirements based on a
12 clear linkage to the threat and the military require-
13 ments process that takes into account the views of
14 key Department of Defense stakeholders such as the
15 combatant commanders and the military services.

16 **SEC. 225. ASCENT PHASE MISSILE DEFENSE STRATEGY.**

17 (a) DEPARTMENT OF DEFENSE STRATEGY FOR AS-
18 CENT PHASE MISSILE DEFENSE.—Not later than 180
19 days after the date of the enactment of this Act, the Sec-
20 retary of Defense shall submit to the congressional defense
21 committees a strategy for ascent phase missile defense.

22 (b) MATTERS INCLUDED.—The strategy required by
23 subsection (a) shall include each of the following:

24 (1) A description of the programs and activities
25 contained, as of the date of the submission of the

1 strategy, in the program of record of the Missile De-
2 fense Agency that provide or are planned to provide
3 a capability to intercept ballistic missiles in their as-
4 cent phase.

5 (2) A description of the capabilities that are
6 needed to accomplish the intercept of ballistic mis-
7 siles in their ascent phase, including—

8 (A) the key technologies and associated
9 technology readiness levels, plans for maturing
10 such technologies, and any technology dem-
11 onstrations for such capabilities;

12 (B) concepts of operation for how ascent
13 phase capabilities would be employed, including
14 the dependence of such capabilities on, and in-
15 tegration with, other functions, capabilities, and
16 information, including those provided by other
17 elements of the ballistic missile defense system;

18 (C) the criteria to be used to assess the
19 technical progress, suitability, and effectiveness
20 of such capabilities;

21 (D) a comprehensive plan for development
22 and investment in such capabilities, including
23 an identification of specific program and tech-
24 nology investments to be made in such capabili-
25 ties;

1 (E) a description of how, and to what ex-
2 tent, ascent phase missile defense can leverage
3 the capabilities and investments made in boost
4 phase, midcourse, and any other layer or ele-
5 ments of the ballistic missile defense system;

6 (F) a description of any other challenges
7 or limitations associated with ascent phase mis-
8 sile defense; and

9 (G) any other information the Secretary
10 determines is necessary.

11 (c) FORM.—The strategy shall be submitted in un-
12 classified form, but may include a classified annex.

13 **SEC. 226. AVAILABILITY OF FUNDS FOR A MISSILE DE-**
14 **FENSE SYSTEM FOR EUROPE AND THE**
15 **UNITED STATES.**

16 (a) FINDINGS.—Congress makes the following find-
17 ings:

18 (1) Missile defense promotes the collective secu-
19 rity of the United States and NATO and improves
20 linkages among member nations of NATO by de-
21 fending all members of NATO against the full range
22 of missile threats.

23 (2) The Islamic Republic of Iran possesses the
24 largest inventory of short-and medium-range ballistic
25 missiles in the Middle East and these missiles rep-

1 resent a threat to Europe and United States inter-
2 ests and deployed forces in the region. Neither
3 NATO nor the United States currently possesses
4 sufficient theater missile defense capability to
5 counter this threat from Iran.

6 (3) Iran does not currently possess a long-range
7 ballistic missile capable of reaching the United
8 States and, if it were to develop such a capability in
9 the near future, the long-range Ground-based Mid-
10 course Defense (GMD) interceptors currently de-
11 ployed in Alaska have sufficient range to protect the
12 United States against an emerging threat.

13 (4) It is in the interest of the United States to
14 work cooperatively with NATO to counter these
15 threats consistent with the direction provided in the
16 statement by the Heads of State and Government
17 participating in the meeting of the North Atlantic
18 Council in Strasbourg/Kehl on April 4, 2009, that:
19 “we judge that missile threats should be addressed
20 in a prioritized manner that includes consideration
21 of the level of imminence of the threat and the level
22 of acceptable risk.”.

23 (5) The Director of Operational Test and Eval-
24 uation for the Department of Defense has raised
25 concerns about the operational effectiveness, suit-

1 ability, and survivability of the current GMD sys-
2 tem, and the Director of the Missile Defense Agency
3 testified before the House Armed Services Com-
4 mittee on May 21, 2009, that health and status indi-
5 cators forced the agency to remove several long-
6 range interceptors for unscheduled maintenance and
7 refurbishment.

8 (6) The Fiscal Year 2008 Annual Report to
9 Congress by the Director of Operational Test and
10 Evaluation (DOT&E) stated: “The inherent BDMS
11 defensive capability against theater threats increased
12 during the last fiscal year and DOT&E expects this
13 trend to continue” largely due to the continued
14 progress of the AEGIS and Terminal High Altitude
15 Area Defense (THAAD) systems in operational test-
16 ing.

17 (7) The proposed European locations of the
18 long-range missile defense system allow for the de-
19 fense of both Europe and the United States against
20 long-range threats launched from the Middle East,
21 but a limited deployment of GMD interceptors on
22 the east coast of the United States would provide
23 comparable defense of our homeland and the most
24 pressing threat to Europe is from medium-range bal-
25 listic missiles.

1 (b) RESERVATION OF FUNDS.—Of the funds made
2 available for fiscal years 2009 and 2010 for the Missile
3 Defense Agency for the purpose of developing missile de-
4 fenses in Europe, \$353,100,000 shall be available only for
5 a missile defense system for Europe and the United States
6 as described in paragraph (1) or (2) of subsection (c).

7 (c) USE OF FUNDS.—Funds reserved under sub-
8 section (b) may be obligated and expended by the Sec-
9 retary of Defense—

10 (1) on the research, development, test, and eval-
11 uation of—

12 (A) the proposed midcourse radar element
13 of the ground-based midcourse defense system
14 in the Czech Republic; and

15 (B) the proposed long-range missile de-
16 fense interceptor site element of such defense
17 system in Poland; or

18 (2) on the research, development, test, and eval-
19 uation, procurement, site activation, construction,
20 preparation of, equipment for, or deployment of an
21 alternative integrated missile defense system that
22 would protect Europe and the United States from
23 the threats posed by all types of ballistic missiles, if
24 the Secretary submits to the congressional defense

1 committees a report certifying that the alternative
2 missile defense system is expected to be—

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

9 (B) at least as cost-effective, technically re-
10 liable, and operationally available in protecting
11 Europe and the United States from missile
12 threats as the ground-based midcourse defense
13 system described in paragraph (1);

14 (C) deployable in a sufficient amount of
15 time to counter current and emerging ballistic
16 missile threats (as determined by the intel-
17 ligence community) launched from the Middle
18 East that could threaten Europe and the
19 United States; and

20 (D) interoperable with other components of
21 missile defense and compliments NATO's mis-
22 sile defense strategy.

1 **SEC. 227. STUDY ON DISCRIMINATION CAPABILITIES OF**
2 **MISSILE DEFENSE SYSTEM.**

3 (a) **STUDY.**—The Secretary of Defense shall enter
4 into an arrangement with the JASON Defense Advisory
5 Panel under which JASON shall carry out a study on the
6 technical and scientific feasibility of the discrimination ca-
7 pabilities of the missile defense system of the United
8 States, as such system is designed and conceived as of the
9 date of the study.

10 (b) **REPORT.**—Not later than 1 year after the date
11 of the enactment of this Act, the Secretary shall submit
12 to the appropriate congressional committees a report on
13 the study.

14 (c) **APPROPRIATE CONGRESSIONAL COMMITTEES DE-**
15 **FINED.**—In this section, the term “appropriate congres-
16 sional committees” means the following:

17 (1) The Committees on Armed Services, Appro-
18 priations, and Oversight and Government Reform of
19 the House of Representatives.

20 (2) The Committees on Armed Services, Appro-
21 priations, and Homeland Security and Governmental
22 Affairs of the Senate.

1 **SEC. 228. SENSE OF CONGRESS REAFFIRMING THE RE-**
2 **QUIREMENT TO THOROUGHLY CONSIDER**
3 **THE ROLE OF BALLISTIC MISSILE DEFENSES**
4 **DURING THE QUADRENNIAL DEFENSE RE-**
5 **VIEW AND THE NUCLEAR POSTURE REVIEW.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) Congress passed and the President signed
9 the National Missile Defense Act of 1999 (Public
10 Law 106–38), which stated: “It is the policy of the
11 United States to deploy as soon as is technologically
12 possible an effective National Missile Defense system
13 capable of defending the territory of the United
14 States against limited ballistic missile attack (wheth-
15 er accidental, unauthorized, or deliberate).”.

16 (2) Section 118 of title 10, United States Code
17 requires the Secretary of Defense “every four years,
18 during a year following a year evenly divisible by
19 four, to conduct a comprehensive examination (to be
20 known as a ‘Quadrennial Defense Review’) of the
21 national defense strategy, force structure, force mod-
22 ernization plans, infrastructure, budget plan, and
23 other elements of the defense program and policies
24 of the United States with a view toward determining
25 and expressing the defense strategy of the United

1 States and establishing a defense program for the
2 next 20 years.”.

3 (3) Among the requirements established by sec-
4 tion 118 of title 10, United States Code, for the ele-
5 ments that must be included in the Quadrennial De-
6 fense Review are the following:

7 (A) The threats to the assumed or defined
8 national security interests of the United States
9 that were examined for the purposes of the re-
10 view and the scenarios developed in the exam-
11 ination of those threats.

12 (B) The specific capabilities, including the
13 general number and type of specific military
14 platforms, needed to achieve the strategic and
15 warfighting objectives identified in the review.

16 (C) The effect on force structure of the use
17 by the armed forces of technologies anticipated
18 to be available for the ensuing 20 years.

19 (4) Section 1070 of the National Defense Au-
20 thorization Act for Fiscal Year 2008 (Public Law
21 110–116) requires the Secretary of Defense to con-
22 duct a comprehensive review of the nuclear posture
23 of the United States for the next 5 to 10 years “in
24 order to clarify United States nuclear deterrence pol-
25 icy and strategy for the near term.”.

1 (5) Among the requirements established by sec-
2 tion 1070 of the National Defense Authorization Act
3 for Fiscal Year 2008 for the elements that must be
4 included in the nuclear posture review is “[t]he role
5 that missile defense capabilities and conventional
6 strike forces play in determining the role and size of
7 nuclear forces.”.

8 (6) The Final Report of the Congressional
9 Commission on the Strategic Posture of the United
10 States, issued on May 7, 2009, concluded: “Missile
11 defenses can play a useful role in supporting the
12 basic objectives of deterrence, broadly defined. De-
13 fenses that are effective against regional aggressors
14 are a valuable component of the U.S. strategic pos-
15 ture. The United States should develop and, where
16 appropriate, deploy missile defenses against regional
17 nuclear aggressors, including against limited long-
18 range threats. These can also be beneficial for lim-
19 iting damage if deterrence fails. The United States
20 should ensure that its actions do not lead Russia or
21 China to take actions that increase the threat to the
22 United States and its allies and friends.”.

23 (b) SENSE OF CONGRESS.—It is the sense of Con-
24 gress that the Secretary of Defense should thoroughly con-

1 sider the role of ballistic missile defenses during the Quad-
2 rennial Defense Review and the Nuclear Posture Review.

3 **Subtitle D—Reports**

4 **SEC. 231. COMPTROLLER GENERAL ASSESSMENT OF CO-** 5 **ORDINATION OF ENERGY STORAGE DEVICE** 6 **REQUIREMENTS AND INVESTMENTS.**

7 (a) ASSESSMENT REQUIRED.—The Comptroller Gen-
8 eral shall conduct an assessment of the degree to which
9 requirements, technology goals, and research and procure-
10 ment investments in energy storage technologies are co-
11 ordinated within and among the military departments, ap-
12 propriate Defense Agencies, and other elements of the De-
13 partment of Defense. In carrying out such assessment, the
14 Comptroller General shall—

15 (1) assess expenses incurred by the Department
16 of Defense in the research, development, testing, and
17 procurement of energy storage devices;

18 (2) compare quantities of types of devices in
19 use or under development that rely on commercial
20 energy storage technologies and that use military-
21 unique, proprietary, or specialty devices;

22 (3) assess the process by which a determination
23 is made by an acquisition official of the Department
24 of Defense to pursue a commercially available or
25 custom-made energy storage device;

1 (4) assess the coordination of Department of
2 Defense-wide activities in energy storage device re-
3 search, development, and use;

4 (5) assess whether there is a need for enhanced
5 standardization of the form, fit, and function of en-
6 ergy storage devices, and if so, formulate a rec-
7 ommendation as to how, from an organizational
8 standpoint, the Department should address that
9 need; and

10 (6) assess whether there are commercial ad-
11 vances in portable power technology, including hy-
12 brid systems, fuel cells, and electrochemical capaci-
13 tors, that could be better leveraged by the Depart-
14 ment.

15 (b) REPORT.—Not later than March 1, 2010, the
16 Comptroller General shall submit to the Committees on
17 Armed Services of the Senate and House of Representa-
18 tives a report on the findings and recommendations of the
19 Comptroller General with respect to the assessment con-
20 ducted under subsection (a).

21 (c) COORDINATION.—In carrying out subsection (a),
22 the Comptroller General shall coordinate with the Sec-
23 retary of Energy and the heads of other appropriate Fed-
24 eral agencies.

1 **SEC. 232. ANNUAL COMPTROLLER GENERAL REPORT ON**
2 **THE F-35 LIGHTNING II AIRCRAFT ACQUISI-**
3 **TION PROGRAM.**

4 (a) ANNUAL GAO REVIEW.—The Comptroller Gen-
5 eral shall conduct an annual review of the F-35 Lightning
6 II aircraft acquisition program and shall, not later than
7 March 15 of each of 2010 through 2015, submit to the
8 congressional defense committees a report on the results
9 of the most recent review.

10 (b) MATTERS TO BE INCLUDED.—Each report on the
11 F-35 program under subsection (a) shall include each of
12 the following:

13 (1) The extent to which the acquisition program
14 is meeting development and procurement cost,
15 schedule, and performance goals.

16 (2) The progress and results of developmental
17 and operational testing and plans for correcting defi-
18 ciencies in aircraft performance, operational effec-
19 tiveness, and suitability.

20 (3) Aircraft procurement plans, production re-
21 sults, and efforts to improve manufacturing effi-
22 ciency and supplier performance.

1 **SEC. 233. REPORT ON INTEGRATION OF DEPARTMENT OF**
2 **DEFENSE INTELLIGENCE, SURVEILLANCE,**
3 **AND RECONNAISSANCE CAPABILITIES.**

4 Of the amounts authorized to be appropriated in this
5 Act for program element 35884L for intelligence planning
6 and review activities, not more than 25 percent of such
7 amounts may be obligated or expended until the date that
8 is 30 days after the date on which the Under Secretary
9 of Defense for Intelligence submits the report required
10 under section 923(d)(1) of the National Defense Author-
11 ization Act for 2004 (Public Law 108–136; 117 Stat.
12 1576), including the elements of the report described in
13 subparagraphs (D), (E), and (F) of such section
14 923(d)(1).

15 **SEC. 234. REPORT ON FUTURE RESEARCH AND DEVELOP-**
16 **MENT OF MAN-PORTABLE AND VEHICLE-**
17 **MOUNTED GUIDED MISSILE SYSTEMS.**

18 (a) REPORT.—Not later than 90 days after the date
19 of the enactment of this Act, the Secretary of the Army
20 shall submit to Congress a report on future research and
21 development of man-portable and vehicle-mounted guided
22 missile systems to replace the current Javelin and TOW
23 systems. Such report shall include—

24 (1) an examination of current requirements for
25 anti-armor missile systems;

1 (2) an analysis of battlefield uses other than
2 anti-armor;

3 (3) an analysis of changes required to the cur-
4 rent Javelin and TOW systems to maximize effec-
5 tiveness and lethality in situations other than anti-
6 armor;

7 (4) an analysis of the current family of Javelin
8 and TOW warheads and specifically detail how they
9 address threats other than armor;

10 (5) an examination of the need for changes to
11 current or development of additional warheads or a
12 family of warheads to address threats other than
13 armor;

14 (6) a description of any missile system design
15 changes required to integrate current missile sys-
16 tems with current manned ground systems;

17 (7) a detailed and current analysis of the costs
18 associated with the development of next-generation
19 Javelin and TOW systems and additional warheads
20 or family of warheads to address threats other than
21 armor, integration costs for current vehicles, inte-
22 gration costs for future vehicles and possible effi-
23 ciencies of developing and procuring these systems
24 at low rate and full rate based on current system
25 production; and

1 (8) an analysis of the ability of the industrial
2 base to support development and production of cur-
3 rent and future Javelin and TOW systems.

4 (b) RESTRICTION ON USE OF FUNDS.—Of the
5 amounts authorized to be appropriated under this Act for
6 research, test, development, and evaluation for the Army,
7 for missile and rocket advanced technology (program ele-
8 ment 0603313A), not more than 70 percent may be obli-
9 gated or expended until the Secretary of the Army submits
10 the report required by subsection (a).

11 **Subtitle E—Other Matters**

12 **SEC. 241. ACCESS OF THE DIRECTOR OF THE TEST RE-** 13 **SOURCE MANAGEMENT CENTER TO DEPART-** 14 **MENT OF DEFENSE INFORMATION.**

15 Section 196 of title 10, United States Code, is
16 amended—

17 (1) by redesignating subsections (d) through (h)
18 as subsections (e) through (i), respectively; and

19 (2) by inserting after subsection (c) the fol-
20 lowing new subsection (d):

21 “(d) ACCESS TO INFORMATION.—The Director shall
22 have access to all records and data of the Department of
23 Defense (including the records and data of each military
24 department) that the Director considers necessary to re-

1 view in order to carry out the duties of the Director under
2 this section.”.

3 **SEC. 242. INCLUSION IN ANNUAL BUDGET REQUEST AND**
4 **FUTURE-YEARS DEFENSE PROGRAM OF SUF-**
5 **FICIENT AMOUNTS FOR CONTINUED DEVEL-**
6 **OPMENT AND PROCUREMENT OF COMPETI-**
7 **TIVE PROPULSION SYSTEM FOR F-35 LIGHT-**
8 **NING II.**

9 (a) ANNUAL BUDGET.—Chapter 9 of title 10, United
10 States Code, is amended by adding at the end the fol-
11 lowing new section:

12 **“§ 235. Budget for competitive propulsion system for**
13 **F-35 Lightning II**

14 “(a) ANNUAL BUDGET.—Effective for the budget of
15 the President submitted to Congress under section
16 1105(a) of title 31, United States Code, for fiscal year
17 2011 and each fiscal year thereafter, the Secretary of De-
18 fense shall include, in the materials submitted by the Sec-
19 retary to the President, a request for such amounts as
20 are necessary for the full funding of the continued develop-
21 ment and procurement of a competitive propulsion system
22 for the F-35 Lightning II.

23 “(b) FUTURE-YEARS DEFENSE PROGRAM.—In each
24 future-years defense program submitted to Congress
25 under section 221 of this title, the Secretary of Defense

1 shall ensure that the estimated expenditures and proposed
2 appropriations for the F-35 Lightning II, for each fiscal
3 year of the period covered by that program, include suffi-
4 cient amounts for the full funding of the continued devel-
5 opment and procurement of a competitive propulsion sys-
6 tem for the F-35 Lightning II.

7 “(c) REQUIREMENT TO OBLIGATE AND EXPEND
8 FUNDS.—Of the amounts authorized to be appropriated
9 for fiscal year 2010 or any year thereafter, for research,
10 development, test, and evaluation and procurement for the
11 F-35 Lightning II Program, the Secretary of Defense
12 shall ensure the obligation and expenditure in each such
13 fiscal year of sufficient annual amounts for the continued
14 development and procurement of two options for the pro-
15 pulsion system for the F-35 Lightning II in order to en-
16 sure the development and competitive production for the
17 propulsion system for the F-35 Lightning II.”.

18 (b) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by at the
20 end the following new item:

“235. Budget for competitive propulsion system for F-35 Lightning II.”.

21 (c) CONFORMING REPEAL.—The National Defense
22 Authorization Act for Fiscal Year 2008 (Public Law 110-
23 181) is amended by striking section 213.

1 **SEC. 243. ESTABLISHMENT OF PROGRAM TO ENHANCE**
2 **PARTICIPATION OF HISTORICALLY BLACK**
3 **COLLEGES AND UNIVERSITIES AND MINOR-**
4 **ITY-SERVING INSTITUTIONS IN DEFENSE RE-**
5 **SEARCH PROGRAMS.**

6 (a) PROGRAM ESTABLISHED.—Chapter 139 of title
7 10, United States Code, is amended by inserting after sec-
8 tion 2361 the following new section:

9 **“§ 2362. Research and educational programs and ac-**
10 **tivities: historically black colleges and**
11 **universities and minority-serving institu-**
12 **tions of higher education**

13 “(a) PROGRAM ESTABLISHED.—The Secretary of
14 Defense, acting through the Director of Defense Research
15 and Engineering and the Secretary of each military de-
16 partment, shall carry out a program to provide assistance
17 to covered educational institutions to assist the Depart-
18 ment in defense-related research, development, testing,
19 and evaluation within the science, technology, engineering,
20 and mathematics fields.

21 “(b) PROGRAM OBJECTIVE.—The objective of the
22 program established under subsection (a) is to enhance
23 science, technology, mathematics, and engineering re-
24 search and education at covered educational institutions.
25 Such objective shall be accomplished through initiatives
26 designed to—

1 “(1) enhance research and educational capabili-
2 ties of the institutions in areas of science, tech-
3 nology, engineering, or mathematics that are impor-
4 tant to national defense, as determined by the Sec-
5 retary;

6 “(2) encourage the participation of such institu-
7 tions in the research, development, testing, and eval-
8 uation programs and activities of the Department of
9 Defense;

10 “(3) increase the capacity of such institutions
11 to contribute to the national security functions of
12 the Department of Defense through participation in
13 research, development, testing, and evaluation pro-
14 grams and activities in which such institutions might
15 not otherwise have the opportunity to participate;

16 “(4) increase the number of graduates engaged
17 in scientific, technological, mathematic, and engi-
18 neering disciplines important to the national security
19 functions of the Department of Defense, as deter-
20 mined by the Secretary;

21 “(5) conduct collaborative research and edu-
22 cational opportunities between such institutions and
23 defense research facilities;

1 “(6) encourage research and educational col-
2 laborations between such institutions and other in-
3 stitutions of higher education; or

4 “(7) encourage research and educational col-
5 laborations between such institutions and business
6 enterprises that historically perform defense-related
7 research, development, testing and evaluation.

8 “(c) ASSISTANCE PROVIDED.—Under the program
9 established by subsection (a), the Secretary of Defense
10 may provide covered educational institutions with funding
11 or technical assistance, including any of the following:

12 “(1) The competitive awarding of grants, coop-
13 erative agreements or contracts to establish Centers
14 of Excellence for Research and Education in sci-
15 entific disciplines important to national defense, as
16 determined by the Secretary.

17 “(2) The competitive awarding of under-
18 graduate scholarships or graduate fellowships in
19 support of research in scientific disciplines important
20 to national defense, as determined by the Secretary.

21 “(3) The competitive awarding of grants, coop-
22 erative agreements, or contracts for research in
23 areas of science, technology, engineering, and mathe-
24 matics that are important to national defense, as de-
25 termined by the Secretary.

1 “(4) The competitive awarding of grants, coop-
2 erative agreements, or contracts for the acquisition
3 of equipment or instrumentation necessary for the
4 conduct of research, development, testing, evaluation
5 or educational enhancements in scientific disciplines
6 important to national defense, as determined by the
7 Secretary.

8 “(5) Support to assist in attraction and reten-
9 tion of faculty in scientific disciplines critical to the
10 national security functions of the Department of De-
11 fense.

12 “(6) Making Department of Defense personnel
13 available to advise and assist faculty at such institu-
14 tions in the performance of defense research in sci-
15 entific disciplines critical to the national security
16 functions of the Department of Defense.

17 “(7) Establishing partnerships between defense
18 laboratories and such institutions to encourage in-
19 volvement of faculty and students in scientific re-
20 search important to the national security functions
21 of the Department of Defense.

22 “(8) Encouraging the establishment of a pro-
23 gram or programs creating partnerships between
24 such institutions and corporations that have rou-
25 tinely been awarded research, development, testing,

1 or evaluation contracts by the Secretary of Defense
2 for the purpose of involving faculty and students in
3 scientific research critical to the national security
4 functions of the Department of Defense.

5 “(9) Encouraging the establishment of a pro-
6 gram or programs creating partnerships between
7 such institutions and other institutions of higher
8 education that have experience in conducting re-
9 search, development, testing, or evaluation programs
10 with the Department of Defense for the purpose of
11 involving faculty and students in scientific research
12 critical to the national security functions of the De-
13 partment of Defense.

14 “(10) Other such non-monetary assistance in
15 support of defense research as the Secretary finds
16 appropriate to enhance science, mathematics, or en-
17 gineering programs at such institutions, which may
18 be provided directly through the Department of De-
19 fense or through contracts or other agreements en-
20 tered into by the Secretary with private-sector enti-
21 ties that have experience and expertise in the devel-
22 opment and delivery of technical assistance services
23 to such institutions.

24 “(d) DEFINITION OF COVERED EDUCATIONAL INSTI-
25 TUTION.—In this section the term ‘covered educational in-

1 stitution’ means an institution of higher education eligible
2 for assistance under title III or V of the Higher Education
3 Act of 1965 (20 U.S.C. 1051 et seq.).”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of such chapter is amended by inserting
6 after the item relating to section 2361 the following new
7 item:

“2362. Research and educational programs and activities: historically black col-
leges and universities and minority-serving institutions of high-
er education.”.

8 **SEC. 244. EXTENSION OF AUTHORITY TO AWARD PRIZES**
9 **FOR ADVANCED TECHNOLOGY ACHIEVE-**
10 **MENTS.**

11 Subsection (f) of section 2374a of title 10, United
12 States Code, is amended by striking “September 30,
13 2010” and inserting “September 30, 2013”.

14 **SEC. 245. EXECUTIVE AGENT FOR ADVANCED ENERGETICS.**

15 (a) EXECUTIVE AGENT.—Not later than 90 days
16 after the date of the enactment of this Act, the Secretary
17 of Defense shall designate a senior official of the Depart-
18 ment of Defense to act as the executive agent for advanced
19 energetics.

20 (b) ROLES, RESPONSIBILITIES, AND AUTHORI-
21 TIES.—

22 (1) ESTABLISHMENT.—Not later than 1 year
23 after the date of the enactment of this Act, and in
24 accordance with Directive 5101.1, the Secretary of

1 Defense shall prescribe the roles, responsibilities,
2 and authorities of the executive agent designated
3 under subsection (a).

4 (2) SPECIFICATION.—The roles and responsibil-
5 ities of the executive agent designated under sub-
6 section (a) shall include each of the following:

7 (A) Assessment of the current state of,
8 and advances in, research, development, and
9 manufacturing technology of energetic materials
10 in both foreign countries and the United States.

11 (B) Development of strategies to address
12 matters identified as a result of the assessment
13 described in subparagraph (A).

14 (C) Development of recommended funding
15 strategies to retain sufficient explosive domestic
16 production capacity, continue the development
17 of innovative munitions, and recruit the next
18 generation of scientists and engineers of ad-
19 vanced energetics.

20 (D) Recommending changes to strengthen
21 the energetic capabilities of the Department of
22 Defense.

23 (E) Such other roles and responsibilities as
24 the Secretary of Defense considers appropriate.

1 (c) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—
2 In accordance with Directive 5101.1, the Secretary of De-
3 fense shall ensure that the military departments, Defense
4 Agencies, and other components of the Department of De-
5 fense provide the executive agent designated under sub-
6 section (a) with the appropriate support and resources
7 needed to perform the roles, responsibilities, and authori-
8 ties of the executive agent.

9 (d) DEFINITIONS.—In this section:

10 (1) The term “Directive 5101.1” means De-
11 partment of Defense Directive 5101.1, dated Sep-
12 tember 3, 2002, or any successor directive relating
13 to the responsibilities of an executive agent of the
14 Department of Defense.

15 (2) The term “executive agent” had the mean-
16 ing given the term “DoD Executive Agent” in Direc-
17 tive 5101.1.

18 **SEC. 246. STUDY ON THORIUM-LIQUID FUELED REACTORS**

19 **FOR NAVAL FORCES.**

20 (a) STUDY REQUIRED.—The Secretary of Defense
21 and the Chairman of the Joint Chiefs of Staff shall jointly
22 carry out a study on the use of thorium-liquid fueled nu-
23 clear reactors for naval power needs pursuant to section
24 1012, of the National Defense Authorization Act for Fis-
25 cal Year 2008 (Public Law 110–181; 122 Stat. 303).

1 (b) CONTENTS OF STUDY.—In carrying out the study
2 required under subsection (a), the Secretary of Defense
3 and the Chairman of the Joint Chiefs of Staff shall, with
4 respect to naval power requirements for the Navy strike
5 and amphibious force—

6 (1) compare and contrast thorium-liquid fueled
7 reactor concept to the 2005 Quick Look, 2006 Navy
8 Alternative Propulsion Study, and the navy CG(X)
9 Analysis of Alternatives study;

10 (2) identify the benefits to naval operations
11 which thorium-liquid fueled nuclear reactors or ura-
12 nium reactors would provide to major surface com-
13 batants compared to conventionally fueled ships, in-
14 cluding such benefits with respect to—

15 (A) fuel cycle, from mining to waste dis-
16 posal;

17 (B) security of fuel supply;

18 (C) power needs for advanced weapons and
19 sensors;

20 (D) safety of operation, waste handling
21 and disposal, and proliferation issues compared
22 to uranium reactors;

23 (E) no requirement to refuel and reduced
24 logistics;

25 (F) ship upgrades and retrofitting;

- 1 (G) reduced manning;
- 2 (H) global range at flank speed, greater
3 forward presence, and extended combat oper-
4 ations;
- 5 (I) power for advanced sensors and weap-
6 ons, including electromagnetic guns and lasers;
- 7 (J) survivability due to increased perform-
8 ance and reduced signatures;
- 9 (K) high power density propulsion;
- 10 (L) operational tempo;
- 11 (M) operational effectiveness; and
- 12 (N) estimated cost-effectiveness; and
- 13 (3) conduct a ROM cost-effectiveness compari-
14 son of nuclear reactors in use by the Navy as of the
15 date of the enactment of this Act, thorium-liquid
16 fueled reactors, and conventional fueled major sur-
17 face combatants, which shall include a comparison
18 of—
- 19 (A) security, safety, and infrastructure
20 costs of fuel supplies;
- 21 (B) nuclear proliferation issues;
- 22 (C) reactor safety;
- 23 (D) nuclear fuel safety, waste handling,
24 and storage;

1 (E) power requirements and distribution
2 for sensors, weapons, and propulsion; and

3 (F) capabilities to fully execute the Navy
4 Maritime Strategic Concept.

5 (c) REPORT.—Not later than February 1, 2011, the
6 Secretary of Defense and the Chairman of the Joint
7 Chiefs of Staff shall jointly submit to the congressional
8 defense committees a report on the results of the study
9 required under subsection (a).

10 **SEC. 247. VISITING NIH SENIOR NEUROSCIENCE FELLOW-**
11 **SHIP PROGRAM.**

12 (a) AUTHORITY TO ESTABLISH.—The Secretary of
13 Defense may establish a program to be known as the Vis-
14 iting NIH Senior Neuroscience Fellowship Program at—

15 (1) the Defense Advanced Research Projects
16 Agency; and

17 (2) the Defense Center of Excellence for Psy-
18 chological Health and Traumatic Brain Injury.

19 (b) ACTIVITIES OF THE PROGRAM.—In establishing
20 the Visiting NIH Senior Neuroscience Fellowship Pro-
21 gram under subsection (a), the Secretary shall require the
22 program to—

23 (1) provide a partnership between the National
24 Institutes of Health and the Defense Advanced Re-
25 search Projects Agency to enable identification and

1 funding of the broadest range of innovative, highest
2 quality clinical and experimental neuroscience stud-
3 ies for the benefit of members of the Armed Forces;

4 (2) provide a partnership between the National
5 Institutes of Health and the Defense Center of Ex-
6 cellence for Psychological Health and Traumatic
7 Brain Injury that will enable identification and
8 funding of clinical and experimental neuroscience
9 studies for the benefit of members of the Armed
10 Forces;

11 (3) use the results of the studies described in
12 paragraph (1) and (2) to enhance the mission of the
13 National Institutes of Health for the benefit of the
14 public; and

15 (4) provide a military and civilian collaborative
16 environment for neuroscience-based medical prob-
17 lem-solving in critical areas affecting both military
18 and civilian life, particularly post-traumatic stress
19 disorder.

20 (c) PERIOD OF FELLOWSHIP.—The period of any fel-
21 lowship under the Program shall not last more than 2
22 years and shall not continue unless agreed upon by the
23 parties concerned.

1 **SEC. 248. AUTHORITY FOR NATIONAL AERONAUTICS AND**
2 **SPACE ADMINISTRATION FEDERALLY FUND-**
3 **ED RESEARCH AND DEVELOPMENT CENTERS**
4 **TO PARTICIPATE IN MERIT-BASED TECH-**
5 **NOLOGY RESEARCH AND DEVELOPMENT**
6 **PROGRAMS.**

7 Section 217(f)(1) of the National Defense Authoriza-
8 tion Act for Fiscal Year 1995 (Public Law 103–337; 108
9 Stat 2695) is amended by adding at the end the following
10 new subparagraph:

11 “(C) A federally funded research and development
12 center of the National Aeronautics and Space Administra-
13 tion that functions primarily as a research laboratory may
14 respond to broad agency announcements under programs
15 authorized by the Federal Government for the purpose of
16 promoting the research, development, demonstration, or
17 transfer of technology in a manner consistent with the
18 terms and conditions of such program, for activities in-
19 cluding, but not limited to, those conducted by the center
20 under contract with or on behalf of the Department of
21 Defense or through transfer of funds from the Depart-
22 ment of Defense to the National Aeronautics and Space
23 Administration.”.

24 **TITLE III—OPERATION AND**
25 **MAINTENANCE**

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Clarification of requirement for use of available funds for Department of Defense participation in conservation banking programs.

Sec. 312. Reauthorization of title I of Sikes Act.

Sec. 313. Authority of Secretary of a military department to enter into inter-agency agreements for land management on Department of Defense installations.

Sec. 314. Reauthorization of pilot program for invasive species management for military installations in Guam.

Sec. 315. Reimbursement of Environmental Protection Agency for certain costs in connection with the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.

Subtitle C—Workplace and Depot Issues

Sec. 321. Public-private competition required before conversion of any Department of Defense function performed by civilian employees to contractor performance.

Sec. 322. Time limitation on duration of public-private competitions.

Sec. 323. Inclusion of installation of major modifications in definition of depot-level maintenance and repair.

Sec. 324. Modification of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.

Sec. 325. Cost-benefit analysis of alternatives for performance of planned maintenance interval events and concurrent modifications performed on the AV-8B Harrier weapons system.

Sec. 326. Termination of certain public-private competitions for conversion of Department of Defense functions to performance by a contractor.

Sec. 327. Temporary suspension of public-private competitions for conversion of Department of Defense functions to performance by a contractor.

Sec. 328. Requirement for debriefings related to conversion of functions from performance by Federal employees to performance by a contractor.

Sec. 329. Amendments to bid protest procedures by Federal employees and agency officials in conversions of functions from performance by Federal employees to performance by a contractor.

Subtitle D—Energy Security

Sec. 331. Authorization of appropriations for Director of Operational Energy.

Sec. 332. Report on implementation of Comptroller General recommendations on fuel demand management at forward-deployed locations.

Sec. 333. Consideration of renewable fuels.

Sec. 334. Department of Defense goal regarding procurement of renewable aviation fuels.

Subtitle E—Reports

Sec. 341. Annual report on procurement of military working dogs.

Subtitle F—Other Matters

Sec. 351. Authority for airlift transportation at Department of Defense rates for non-Department of Defense Federal cargoes.

Sec. 352. Requirements for standard ground combat uniform.

Sec. 353. Restriction on use of funds for counterthreat finance efforts.

Sec. 354. Limitation on obligation of funds pending submission of classified justification material.

Sec. 355. Condition-based maintenance demonstration programs.

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

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

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2010 for the use of the Armed Forces and other
6 activities and agencies of the Department of Defense for
7 expenses, not otherwise provided for, for operation and
8 maintenance, in amounts as follows:

9 (1) For the Army, \$31,398,432,000.

10 (2) For the Navy, \$35,330,997,000.

11 (3) For the Marine Corps, \$5,570,823,000.

12 (4) For the Air Force, \$34,451,654,000.

13 (5) For Defense-wide activities,
14 \$29,016,532,000.

15 (6) For the Army Reserve, \$2,572,196,000.

16 (7) For the Naval Reserve, \$1,292,501,000.

17 (8) For the Marine Corps Reserve,
18 \$228,925,000.

19 (9) For the Air Force Reserve, \$3,088,528,000.

20 (10) For the Army National Guard,
21 \$6,268,884,000.

1 (11) For the Air National Guard,
2 \$5,919,461,000.

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

5 (13) For the Acquisition Development Work-
6 force Fund, \$100,000,000.

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

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

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

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

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

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

19 (20) For Cooperative Threat Reduction pro-
20 grams, \$434,093,000.

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

1 **Subtitle B—Environmental**
2 **Provisions**

3 **SEC. 311. CLARIFICATION OF REQUIREMENT FOR USE OF**
4 **AVAILABLE FUNDS FOR DEPARTMENT OF DE-**
5 **FENSE PARTICIPATION IN CONSERVATION**
6 **BANKING PROGRAMS.**

7 Section 2694c of title 10, United States Code, is
8 amended—

9 (1) in subsection (a), by striking “to carry out
10 this section”;

11 (2) by redesignating subsection (d) as sub-
12 section (e); and

13 (3) by inserting after subsection (c) the fol-
14 lowing new subsection (d):

15 “(d) SOURCE OF FUNDS.—(1) Amounts described in
16 paragraph (2) shall be available for activities under this
17 section.

18 “(2) Amounts described in this paragraph are
19 amounts available for any of the following:

20 “(A) Operation and maintenance.

21 “(B) Military construction.

22 “(C) Research, development, test, and evalua-
23 tion.

24 “(D) The Support for United States Relocation
25 to Guam Account established under section 2824 of

1 the Duncan Hunter National Defense Authorization
2 Act for Fiscal Year 2009 (Public Law 110–417; 122
3 Stat. 4730; 10 U.S.C. 2687 note).”.

4 **SEC. 312. REAUTHORIZATION OF TITLE I OF SIKES ACT.**

5 (a) REAUTHORIZATION.—Section 108 of the Sikes
6 Act (16 U.S.C. 670f) is amended by striking “fiscal years
7 2004 through 2008” each place it appears and inserting
8 “fiscal years 2010 through 2015”.

9 (b) CLARIFICATION OF AUTHORIZATIONS.—Such sec-
10 tion is further amended—

11 (1) in subsection (b), by striking “There are
12 authorized” and inserting “Of the amounts author-
13 ized to be appropriated to the Department of De-
14 fense, there are authorized”; and

15 (2) in subsection (c), by striking “There are au-
16 thorized” and inserting “Of the amounts authorized
17 to be appropriated to the Department of the Inte-
18 rior, there are authorized”.

19 **SEC. 313. AUTHORITY OF SECRETARY OF A MILITARY DE-**
20 **PARTMENT TO ENTER INTO INTERAGENCY**
21 **AGREEMENTS FOR LAND MANAGEMENT ON**
22 **DEPARTMENT OF DEFENSE INSTALLATIONS.**

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

25 (1) in subsection (a)—

1 (A) by inserting after “and individuals”
2 the following: “, and into interagency agree-
3 ments with the heads of other Federal depart-
4 ments and agencies,”; and

5 (B) in paragraph (2), by inserting “or
6 interagency agreement” after “cooperative
7 agreement”;

8 (2) in subsection (b), by inserting “or inter-
9 agency agreement” after “cooperative agreement”;
10 and

11 (3) in subsection (c), by inserting “and inter-
12 agency agreements” after “cooperative agreements”
13 the first place it appears.

14 (b) CLERICAL AMENDMENTS.—The heading for such
15 section is amended by inserting “**AND INTERAGENCY**”
16 after “**COOPERATIVE**” and the table of contents for such
17 Act is conformed accordingly.

18 **SEC. 314. REAUTHORIZATION OF PILOT PROGRAM FOR**
19 **INVASIVE SPECIES MANAGEMENT FOR MILI-**
20 **TARY INSTALLATIONS IN GUAM.**

21 Section 101(g)(1) of the Sikes Act (16 U.S.C.
22 670a(g)(1)) is amended by striking “fiscal years 2004
23 through 2008” and inserting “fiscal years 2010 through
24 2015”.

1 **SEC. 315. REIMBURSEMENT OF ENVIRONMENTAL PROTEC-**
2 **TION AGENCY FOR CERTAIN COSTS IN CON-**
3 **NECTION WITH THE FORMER NANSEMOND**
4 **ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.**

5 (a) **AUTHORITY TO REIMBURSE.**—

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

13 (2) **PURPOSE OF REIMBURSEMENT.**—The pay-
14 ment under paragraph (1) is final payment to reim-
15 burse the Environmental Protection Agency for all
16 costs incurred in overseeing a time critical removal
17 action performed by the Department of Defense
18 under the Defense Environmental Restoration Pro-
19 gram for ordnance and explosive safety hazards at
20 the Former Nansemond Ordnance Depot Site, Suf-
21 folk, Virginia.

22 (3) **INTERAGENCY AGREEMENT.**—The reim-
23 bursement described in paragraph (2) is provided for
24 in an interagency agreement entered into by the De-
25 partment of the Army and the Environmental Pro-

1 tection Agency for the Former Nansemond Ord-
2 nance Depot Site in December 1999.

3 (b) SOURCE OF FUNDS.—Any payment under sub-
4 section (a) shall be made using funds authorized to be ap-
5 propriated by section 301(17) of this Act for operation
6 and maintenance for Environmental Restoration, For-
7 merly Used Defense Sites.

8 (c) USE OF FUNDS.—The Environmental Protection
9 Agency shall use the amount transferred under subsection
10 (a) to pay costs incurred by the agency at the Former
11 Nansemond Ordnance Depot Site.

12 **SEC. 316. PROCUREMENT AND USE OF MUNITIONS.**

13 The Secretary of Defense shall—

14 (1) in making decisions with respect to the pro-
15 curement of munitions, develop methods to account
16 for the full life-cycle costs of munitions, including
17 the effects of failure rates on the cost of disposal;

18 (2) undertake a review of live-fire practices for
19 the purpose of reducing unexploded ordnance and
20 munitions-constituent contamination without imped-
21 ing military readiness; and

22 (3) not later than 180 days after the date of
23 the enactment of this Act, and annually thereafter,
24 submit to Congress a report on the methods devel-
25 oped pursuant to this section and the progress of the

1 live-fire review and recommendations for reducing
2 the life-cycle costs of munitions, unexploded ord-
3 nance, and munitions-constituent contamination.

4 **SEC. 317. PROHIBITION ON DISPOSING OF WASTE IN OPEN-**
5 **AIR BURN PITS.**

6 (a) IN GENERAL.—The Secretary of Defense shall
7 prohibit the disposal of covered waste in an open-air burn
8 pit during a contingency operation lasting longer than 1
9 year.

10 (b) REGULATIONS.—Not later than 1 year after the
11 date of the enactment of this Act, the Secretary of Defense
12 shall prescribe regulations to carry out this section.

13 (c) REPORT.—Not later than 180 days after the date
14 of the enactment of this Act, the Secretary shall submit
15 to Congress a report on the use of open-air burn pits in
16 contingency operations. The report shall include—

17 (1) a description of each type of waste burned
18 in such open-air burn pits; and

19 (2) a discussion of the feasibility of alternative
20 methods of disposing of covered waste, including—

21 (A) a plan to use such alternative methods;

22 or

23 (B) if the Secretary determines that no
24 such alternative method is feasible, a detailed
25 discussion explaining why open-air burn pits are

1 the only feasible method of disposing of such
2 waste.

3 (d) DEFINITIONS.—In this section:

4 (1) The term “contingency operation” has the
5 meaning given that term by section 101(a)(13) of
6 title 10, United States Code.

7 (2) The term “covered waste” includes—

8 (A) hazardous waste, as defined by section
9 1004(5) of the Solid Waste Disposal Act (42
10 U.S.C. 6903(5));

11 (B) medical waste; and

12 (C) solid waste containing plastic.

13 **SEC. 318. MILITARY MUNITIONS RESPONSE SITES.**

14 (a) INFORMATION SHARING.—Section 2710(a)(2)(B)
15 of title 10, United States Code, is amended by inserting
16 “, county,” after “identification of the State”.

17 (b) MILITARY MUNITIONS RESPONSE PROGRAM AND
18 INSTALLATION RESTORATION PROGRAM.—The Secretary
19 of Defense shall—

20 (1) as part of the Secretary’s annual budget
21 submission to Congress, include the funding levels
22 requested for Military Munitions Response Program
23 and Installation Restoration Program; and

1 (2) evaluate and report on the progress of such
2 programs in the Defense Environmental Program’s
3 Annual Report to Congress.

4 **Subtitle C—Workplace and Depot**
5 **Issues**

6 **SEC. 321. PUBLIC-PRIVATE COMPETITION REQUIRED BE-**
7 **FORE CONVERSION OF ANY DEPARTMENT OF**
8 **DEFENSE FUNCTION PERFORMED BY CIVIL-**
9 **IAN EMPLOYEES TO CONTRACTOR PERFORM-**
10 **ANCE.**

11 (a) **REQUIREMENT.**—Section 2461(a)(1) of title 10,
12 United States Code, is amended—

13 (1) by striking “A function” and inserting “No
14 function”;

15 (2) by striking “10 or more”; and

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

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

1 **SEC. 322. TIME LIMITATION ON DURATION OF PUBLIC-PRIV-**
2 **VATE COMPETITIONS.**

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

6 “(5)(A) The duration of a public-private competition
7 conducted pursuant to Office of Management and Budget
8 Circular A–76 or any other provision of law for any func-
9 tion of the Department of Defense performed by Depart-
10 ment of Defense civilian employees may not exceed a pe-
11 riod of 540 days, commencing on the date on which the
12 preliminary planning for the public-private competition be-
13 gins through the date on which a performance decision
14 is rendered with respect to the function.

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

23 “(C) In this paragraph, the term ‘preliminary plan-
24 ning’ with respect to a public-private competition means
25 any action taken to carry out any of the following activi-
26 ties:

1 “(i) Determining the scope of the competition.

2 “(ii) Conducting research to determine the ap-
3 propriate grouping of functions for the competition.

4 “(iii) Assessing the availability of workload
5 data, quantifiable outputs of functions, and agency
6 or industry performance standards applicable to the
7 competition.

8 “(iv) Determining the baseline cost of any func-
9 tion for which the competition is conducted.”.

10 (b) EFFECTIVE DATE.—Paragraph (5) of section
11 2461(a) of title 10, United States Code, as added by sub-
12 section (a), shall apply with respect to a public-private
13 competition covered by such section that is being con-
14 ducted on or after the date of the enactment of this Act.

15 **SEC. 323. INCLUSION OF INSTALLATION OF MAJOR MODI-**
16 **FICATIONS IN DEFINITION OF DEPOT-LEVEL**
17 **MAINTENANCE AND REPAIR.**

18 Section 2460 of title 10, United States Code, is
19 amended in the second sentence—

20 (1) by striking “and” before “(2)”; and

21 (2) by inserting before the period at the end the
22 following: “, and (3) the installation of major modi-
23 fications, including performance or safety modifica-
24 tions”.

1 **SEC. 324. MODIFICATION OF AUTHORITY FOR ARMY INDUS-**
2 **TRIAL FACILITIES TO ENGAGE IN COOPERA-**
3 **TIVE ACTIVITIES WITH NON-ARMY ENTITIES.**

4 The second sentence of section 4544(a) of title 10,
5 United States Code, is amended by inserting before the
6 period at the end the following: “in addition to the con-
7 tracts and cooperative agreements in effect as of the date
8 of the enactment of the National Defense Authorization
9 Act for Fiscal Year 2008 (Public Law 110–181)”.

10 **SEC. 325. COST-BENEFIT ANALYSIS OF ALTERNATIVES FOR**
11 **PERFORMANCE OF PLANNED MAINTENANCE**
12 **INTERVAL EVENTS AND CONCURRENT MODI-**
13 **FICATIONS PERFORMED ON THE AV-8B HAR-**
14 **RIER WEAPONS SYSTEM.**

15 (a) COST-BENEFIT ANALYSIS REQUIRED.—The Sec-
16 retary of the Navy, in consultation with the Commandant
17 of the Marine Corps, shall carry out a thorough economic
18 analysis of the costs and benefits associated with each al-
19 ternative the Secretary is considering for the performance
20 of planned maintenance interval events and concurrent or
21 stand alone modifications performed on the AV-8B Har-
22 rier weapons system. Such analysis shall be performed in
23 accordance with Department of Defense Instruction
24 7043.1, entitled “Economic Analysis for Decisionmaking”,
25 and Office of Management and Budget Circular A-94, en-
26 titled “Guidelines and Discount Rates for Benefit-Cost

1 Analysis of Federal Programs” and dated October 29,
2 1992, and, for each such alternative, shall include an as-
3 sessment of the following:

4 (1) The effect of the loss of workload on or-
5 ganic depot labor rates associated with each alter-
6 native.

7 (2) The effect on the depot net operating result
8 for each such alternative.

9 (3) The effect on long-term sustainment of
10 depot-level capabilities for future support of core
11 workload throughout the life cycle of the AV-8B
12 Harrier weapons system.

13 (4) The risk to readiness, the aviation safety
14 risk, and the enterprise-wide financial risk associ-
15 ated with each such alternative.

16 (b) REPORT REQUIRED.—Not later than 180 days
17 after the date of the enactment of this Act, the Secretary
18 of the Navy shall submit to the congressional defense com-
19 mittees a report on the cost-benefit analysis required in
20 subsection (a). The report shall include each of the fol-
21 lowing:

22 (1) The criteria and rationale used to classify
23 work as organization-level maintenance or depot-
24 level maintenance.

1 (2) An explanation of the core logistics capabili-
2 ties and associated workload requirements for the
3 AV-8B weapons system, including an explanation of
4 how such requirements were determined and ration-
5 ale for classifying the planned maintenance interval
6 events and concurrent or stand alone modifications
7 on the AV-8B as above core workload.

8 (3) An assessment of the effects of proposed
9 workload transfer on the Department of the Navy's
10 division of depot maintenance funding between pub-
11 lic and private sectors in accordance with section
12 2466(a) of title 10, United States Code.

13 (c) PROHIBITION ON CONTRACTING ACTIVITIES.—
14 The Secretary of the Navy may not enter into a contract
15 for the performance of planned maintenance interval
16 events or associated depot-level maintenance activities, in-
17 cluding concurrent or stand alone modifications, by non-
18 Federal Government personnel until 90 days after the date
19 on which the Secretary completes the assessment required
20 under subsection (a) and submits the report required
21 under subsection (b).

1 **SEC. 326. TERMINATION OF CERTAIN PUBLIC-PRIVATE**
2 **COMPETITIONS FOR CONVERSION OF DE-**
3 **PARTMENT OF DEFENSE FUNCTIONS TO PER-**
4 **FORMANCE BY A CONTRACTOR.**

5 (a) TEMPORARY SUSPENSION OF PENDING STUD-
6 IES.—The Secretary of Defense shall halt all pending pub-
7 lic-private competitions being conducted pursuant to sec-
8 tion 2461 of title 10, United States Code, or Office of
9 Management and Budget Circular A-76 that had not re-
10 sulted in conversion to performance to a contractor as of
11 March 26, 2009, until such time as the Secretary may
12 review such competitions.

13 (b) REVIEW AND APPROVAL PROCESS.—

14 (1) REVIEW REQUIRED.—Before recommencing
15 any pending study for a public-private competition
16 halted under subsection (a), the Secretary of De-
17 fense shall review all the studies halted by reason of
18 that subsection and take the following actions with
19 respect to each such study:

20 (A) Describe the methodology and data
21 sources along with outside resources to gather
22 and analyze information necessary to estimate
23 cost savings.

24 (B) Certify that the estimated savings are
25 still achievable.

1 (C) Document the rationale for rejecting
2 an individual command's request to cancel,
3 defer, or reduce the scope of a decision to con-
4 duct the study.

5 (D) Consider alternatives to the study that
6 would provide savings and improve performance
7 such as internal reorganizations.

8 (E) Include any other relevant information
9 to justify recommencement of the study.

10 (2) TERMINATION OF CERTAIN STUDIES.—The
11 Secretary of Defense shall terminate any study for
12 a public-private competition that has been conducted
13 for longer than 18 months (beginning with prelimi-
14 nary planning and ending with the exhaustion of
15 General Accountability Office protests), or submit to
16 Congress a written justification for continuing of the
17 study.

18 (c) CONGRESSIONAL NOTIFICATION.—The Secretary
19 of Defense may not recommence a study halted pursuant
20 to subsection (a) until the Secretary submits to Congress
21 a report describing the actions taken by the Secretary
22 under paragraphs (1) and (2) of subsection (b).

1 **SEC. 327. TEMPORARY SUSPENSION OF PUBLIC-PRIVATE**
2 **COMPETITIONS FOR CONVERSION OF DE-**
3 **PARTMENT OF DEFENSE FUNCTIONS TO PER-**
4 **FORMANCE BY A CONTRACTOR.**

5 During the period beginning on the date of the enact-
6 ment of this Act and ending on September 30, 2012, no
7 study or competition regarding the conversion to perform-
8 ance by a contractor of any Department of Defense func-
9 tion may be begun or announced pursuant to 2461 of title
10 10, United States Code, or otherwise pursuant to Office
11 of Management and Budget Circular A-76.

12 **SEC. 328. REQUIREMENT FOR DEBRIEFINGS RELATED TO**
13 **CONVERSION OF FUNCTIONS FROM PER-**
14 **FORMANCE BY FEDERAL EMPLOYEES TO**
15 **PERFORMANCE BY A CONTRACTOR.**

16 The Administrator for Federal Procurement Policy
17 shall revise the Federal Acquisition Regulation to allow
18 for pre-award and post-award debriefings of Federal em-
19 ployee representatives in the case of a conversion of any
20 function from performance by Federal employees to per-
21 formance by a contractor. Such debriefings will conform
22 to the requirements of section 2305(b)(6)(A) of title 10,
23 United States Code, section 303B(f) of the Federal Prop-
24 erty and Administrative Services Act of 1949 (41 U.S.C.
25 253b(f)), and subparts 15.505 and 15.506 (as in effect

1 on the date of the enactment of this Act) of the Federal
2 Acquisition Regulation.

3 **SEC. 329. AMENDMENTS TO BID PROTEST PROCEDURES BY**
4 **FEDERAL EMPLOYEES AND AGENCY OFFI-**
5 **CIALS IN CONVERSIONS OF FUNCTIONS**
6 **FROM PERFORMANCE BY FEDERAL EMPLOY-**
7 **EES TO PERFORMANCE BY A CONTRACTOR.**

8 (a) **PROTEST JURISDICTION OF THE COMPTROLLER**
9 **GENERAL.**—Section 3551(1) of title 31, United States
10 Code, is amended by adding at the end the following new
11 subparagraph:

12 “(E) Conversion of a function that is being
13 performed by Federal employees to private sec-
14 tor performance.”.

15 (b) **ELIGIBILITY TO PROTEST PUBLIC-PRIVATE COM-**
16 **PETITIONS.**—Clause (i) of paragraph (2)(B) of section
17 3551 of title 31, United States Code, is amended to read
18 as follows:

19 “(i) any official who is responsible for
20 submitting the agency tender in such com-
21 petition; and”.

22 (c) **PREJUDICE TO FEDERAL EMPLOYEES.**—

23 (1) **IN GENERAL.**—Section 3557 of title 31,
24 United States Code, is amended—

1 (A) by inserting “(A) EXPEDITED AC-
2 TION.—” before “For any protest”; and

3 (B) by adding at the end the following new
4 subsection:

5 “(b) INJURY TO FEDERAL EMPLOYEES.—In the case
6 of a protest filed by an interested party described in sub-
7 paragraph (B) of section 3551(2) of this title, a showing
8 that a Federal employee has been displaced from per-
9 forming a function or part thereof, and that function is
10 being performed by the private sector, is sufficient evi-
11 dence that a conversion has occurred resulting in concrete
12 injury and prejudice to the Federal employee as a con-
13 sequence of agency action.”.

14 (2) CONFORMING AND CLERICAL AMEND-
15 MENTS.—

16 (A) The heading of section 3557 of such
17 title is amended to read as follows:

18 “§ 3557. **Protests of public-private competitions**”.

19 (B) The item relating to section 3557 in
20 the table of sections at the beginning of chapter
21 35 of such title is amended to read as follows:

“3557. Protests of public-private competitions.”.

22 (d) DECISIONS ON PROTESTS.—Section 3554(b) of
23 title 31, United States Code, is amended—

24 (1) by redesignating subparagraphs (F) and
25 (G) as subparagraphs (G) and (H), respectively;

1 (2) by inserting after subparagraph (E) the fol-
2 lowing new subparagraph (F):

3 “(F) cancel the solicitation issued pursuant
4 to the public-private competition conducted
5 under Office of Management and Budget Cir-
6 cular A-76 or any successor circular;” and

7 (3) in subparagraph (G), as redesignated by
8 paragraph (1), by striking “, and (E)” an inserting
9 “, (E), and (G)”.

10 (e) APPLICABILITY.—The amendments made by this
11 section shall apply—

12 (1) to any protest or civil action that relates to
13 a public-private competition conducted after the date
14 of the enactment of this Act under Office of Man-
15 agement and Budget Circular A-76, or any suc-
16 cessor circular; or

17 (2) to a decision made after the date of the en-
18 actment of this Act to convert a function performed
19 by Federal employees to private sector performance
20 without a competition under Office of Management
21 and Budget Circular A-76.

1 **Subtitle D—Energy Security**

2 **SEC. 331. AUTHORIZATION OF APPROPRIATIONS FOR DI-** 3 **RECTOR OF OPERATIONAL ENERGY.**

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

12 **SEC. 332. REPORT ON IMPLEMENTATION OF COMP-** 13 **TROLLER GENERAL RECOMMENDATIONS ON** 14 **FUEL DEMAND MANAGEMENT AT FORWARD-** 15 **DEPLOYED LOCATIONS.**

16 Not later than February 1, 2010, the Director of
17 Operational Energy Plans and Programs of the Depart-
18 ment of Defense (or, in the event that no individual has
19 been confirmed as the Director, the Secretary of Defense)
20 shall submit to the Committees on Armed Services of the
21 Senate and House of Representatives a report on any spe-
22 cific actions that have been taken to implement the fol-
23 lowing three recommendations made by the Comptroller
24 General:

1 (1) The recommendation that each of the com-
2 batant commanders establish requirements for man-
3 aging fuel demand at forward-deployed locations
4 within their respective areas of responsibility.

5 (2) The recommendation that the head of each
6 military department develop guidance to implement
7 such requirements.

8 (3) The recommendation that the Chairman of
9 the Joint Chiefs of Staff require that fuel demand
10 considerations be incorporated into the Joint Staff's
11 initiative to develop joint standards of life support at
12 forward-deployed locations.

13 **SEC. 333. CONSIDERATION OF RENEWABLE FUELS.**

14 (a) IN GENERAL.—The Secretary of Defense shall
15 consider renewable fuels, including domestically produced
16 algae-based, biodiesel, and biomass-derived fuels, for test-
17 ing, certification, and use in aviation, maritime, and
18 ground transportation fleets.

19 (b) REPORT.—Not later than February 1, 2010, the
20 Secretary of Defense shall submit to the Committees on
21 Armed Services of the Senate and House of Representa-
22 tives a report on the Secretary's consideration of renew-
23 able fuels that includes each of the following:

24 (1) An assessment of the use of renewable
25 fuels, including domestically produced algae-based,

1 biodiesel, and biomass-derived fuels, as alternative
2 fuels in aviation, maritime, and ground transpor-
3 tation fleets (including tactical vehicles and applica-
4 tions). Such assessment shall include technical,
5 logistical, and policy considerations.

6 (2) An assessment of whether it would be bene-
7 ficial to establish a renewable fuel commodity class
8 that is distinct from petroleum-based products.

9 **SEC. 334. DEPARTMENT OF DEFENSE GOAL REGARDING**
10 **PROCUREMENT OF RENEWABLE AVIATION**
11 **FUELS.**

12 (a) Subchapter II of chapter 173 of title 10, United
13 States Code, is amended by adding at the end the fol-
14 lowing new section:

15 **“§ 2922g. Goal regarding procurement of renewable**
16 **aviation fuels**

17 “It shall be the goal of the Department of Defense—

18 “(1) for fiscal year 2025, and each subsequent
19 fiscal year, to procure from renewable aviation fuel
20 sources not less than 25 percent of the total quan-
21 tity of aviation fuel consumed by the Department of
22 Defense in the contiguous United States; and

23 “(2) to procure fuels from renewable aviation
24 fuel sources whenever the use of such renewable
25 aviation fuels is consistent with the operational en-

1 energy strategy required by section 139b(d) of this
2 title.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 at the beginning of such chapter is amended by inserting
5 after the item relating to section 2922f the following new
6 item:

“2922g. Goal regarding procurement of renewable aviation fuels.”.

7 **SEC. 335. EXCEPTION TO ALTERNATIVE FUEL PROCURE-**
8 **MENT REQUIREMENT.**

9 Section 526 of the Energy Independence and Security
10 Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is
11 amended—

12 (1) by striking “No Federal agency” and insert-
13 ing “(a) REQUIREMENT.—Except as provided in
14 subsection (b), no Federal agency”; and

15 (2) by adding at the end the following:

16 “(b) EXCEPTION.—Subsection (a) does not prohibit
17 a Federal agency from entering into a contract to pur-
18 chase a generally available fuel that is not an alternative
19 or synthetic fuel or predominantly produced from a non-
20 conventional petroleum source, if—

21 “(1) the contract does not specifically require
22 the contractor to provide an alternative or synthetic
23 fuel or fuel from a nonconventional petroleum
24 source;

1 “(2) the purpose of the contract is not to obtain
2 an alternative or synthetic fuel or fuel from a non-
3 conventional petroleum source; and

4 “(3) the contract does not provide incentives for
5 a refinery upgrade or expansion to allow a refinery
6 to use or increase its use of fuel from a nonconven-
7 tional petroleum source.”.

8 **Subtitle E—Reports**

9 **SEC. 341. ANNUAL REPORT ON PROCUREMENT OF MILI-** 10 **TARY WORKING DOGS.**

11 Section 358 of the Duncan Hunter National Defense
12 Authorization Act for Fiscal Year 2009 (Public Law 110–
13 417; 122 Stat. 4427; 10 U.S.C. 2302 note) is amended—

14 (1) by redesignating subsection (c) as sub-
15 section (d); and

16 (2) by inserting after subsection (b) the fol-
17 lowing new subsection (c):

18 “(c) ANNUAL REPORT.—Not later than 90 days after
19 the date of the enactment of the National Defense Author-
20 ization Act for Fiscal Year 2010, and annually thereafter,
21 the Secretary, acting through the Executive Agent, shall
22 submit to the congressional defense committees a report
23 on the procurement of military working dogs for the fiscal
24 year preceding the fiscal year during which the report is
25 submitted. Such a report may be combined with the report

1 required under section 2582(f) of title 10, United States
2 Code, for the same fiscal year as the fiscal year covered
3 by the report under this subsection. Each report under
4 this subsection shall include the following for the fiscal
5 year covered by the report:

6 “(1) The number of military working dogs pro-
7 cured from domestic breeders by each military de-
8 partment or Defense Agency.

9 “(2) The number of military working dogs pro-
10 cured from non-domestic breeders by each military
11 department or Defense Agency.

12 “(3) The total cost of procuring military work-
13 ing dogs from domestic breeders and the total cost
14 of procuring such dogs from non-domestic breeders.

15 “(4) The total cost of procuring military work-
16 ing dogs for each military department or Defense
17 Agency.”.

18 **Subtitle F—Other Matters**

19 **SEC. 351. AUTHORITY FOR AIRLIFT TRANSPORTATION AT** 20 **DEPARTMENT OF DEFENSE RATES FOR NON-** 21 **DEPARTMENT OF DEFENSE FEDERAL CAR-** 22 **GOES.**

23 (a) IN GENERAL.—Section 2642(a) of title 10,
24 United States Code, is amended by adding at the end the
25 following new paragraph:

1 “(3) During the five-year period beginning on
2 the date of the enactment of the National Defense
3 Authorization Act for Fiscal Year 2010, for military
4 airlift services provided to any element of the Fed-
5 eral Government outside the Department of Defense
6 in circumstances other than those specified in para-
7 graphs (1) and (2), but only if the Secretary of De-
8 fense determines that the provision of such services
9 will promote the improved use of airlift capacity
10 without any negative effect on national security ob-
11 jectives or the national security interests contained
12 within the United States commercial air industry.”.

13 (b) ANNUAL REPORT.—Not later than March 1 of
14 each year for which the paragraph (3) of section 2642(a)
15 of title 10, United States Code, as added by subsection
16 (a), is in effect, the Secretary of Defense shall submit to
17 the Committees on Armed Services of the Senate and
18 House of Representatives an annual report describing, in
19 detail, the Secretary’s use of the authority under that
20 paragraph, including—

21 (1) how the authority was used;

22 (2) the frequency of use of the authority;

23 (3) the Secretary’s rationale for the use of the
24 authority; and

25 (4) for which agencies the authority was used.

1 **SEC. 352. REQUIREMENTS FOR STANDARD GROUND COM-**
2 **BAT UNIFORM.**

3 The Secretary of Defense, in consultation with the
4 Director of the Defense Logistics Agency, shall stand-
5 ardize the design of future ground combat uniforms. The
6 future ground combat uniforms designed pursuant to this
7 section shall be designed to—

8 (1) increase the interoperability of ground com-
9 bat forces;

10 (2) eliminate any uniqueness that could pose a
11 tactical risk in a theater of operations;

12 (3) maximize conformance with personal protec-
13 tive gear and body armor;

14 (4) ensure standard coloration and pattern for
15 the uniform;

16 (5) be appropriate to the terrain, climate, and
17 conditions in which the forces may be operating;

18 (6) minimize production costs; and

19 (7) minimize costs to the services for issuing
20 the new standard ground combat uniform.

21 **SEC. 353. RESTRICTION ON USE OF FUNDS FOR COUNTER-**
22 **THREAT FINANCE EFFORTS.**

23 (a) RESTRICTION.—Of the amounts authorized to be
24 appropriated by this Act for fiscal year 2010, not more
25 than 90 percent may be obligated or expended to support
26 personnel and operations for Department of Defense

1 counterthreat finance efforts, except for activities carried
2 out by Department of Defense personnel and by personnel
3 employed pursuant to a contract entered into by the Sec-
4 retary of Defense, until the Secretary of Defense, in con-
5 sultation with the Secretary of State, the Secretary of the
6 Treasury, and the Attorney General, submits to the con-
7 gressional defense committees a report on—

8 (1) the nature and extent of the mission of such
9 counterthreat finance efforts;

10 (2) the nature and extent of future cost require-
11 ments associated with the mission;

12 (3) the nature and extent of Department of De-
13 fense resources required to support the mission;

14 (4) the nature and extent of support, including
15 personnel and funding support, from other depart-
16 ments and agencies required to execute the mission,
17 including Department of Defense force planning and
18 funding initiatives; and

19 (5) the nature and extent of both existing and
20 future contractor support necessary to meet the mis-
21 sion requirements of the mission.

22 (b) COUNTERTHREAT FINANCE EFFORTS DE-
23 FINED.—In this section, the term “counterthreat finance
24 efforts” has the meaning given that term pursuant to the
25 Department of Defense memorandum dated December 2,

1 2008, and entitled “Directive-Type Memorandum 08–
2 034–DOD Counterthreat Finance Policy” or any suc-
3 cessor memorandum or related guidelines or regulations.

4 **SEC. 354. LIMITATION ON OBLIGATION OF FUNDS PENDING**
5 **SUBMISSION OF CLASSIFIED JUSTIFICATION**
6 **MATERIAL.**

7 Of the amounts authorized to be appropriated in this
8 title for fiscal year 2010 for the Office of the Secretary
9 of Defense for budget activity four, line 270, not more
10 than 90 percent may be obligated until 15 days after the
11 information cited in the classified annex accompanying
12 this Act relating to the provision of classified justification
13 material to Congress is provided to the congressional de-
14 fense committees.

15 **SEC. 355. CONDITION-BASED MAINTENANCE DEMONSTRA-**
16 **TION PROGRAMS.**

17 (a) **TACTICAL WHEELED VEHICLES PROGRAM.**—The
18 Secretary of the Army may conduct a 12-month condition-
19 based maintenance demonstration program on tactical
20 wheeled vehicles, specifically the high mobility multi-pur-
21 pose wheeled vehicle, the heavy expanded mobility tactical
22 truck and the family of medium tactical vehicles.

23 (b) **GUIDED MISSILE DESTROYER PROGRAM.**—The
24 Secretary of the Navy may conduct a 12-month dem-
25 onstration program on at least four systems or compo-

1 nents of the guided missile destroyer class of surface com-
2 batant ships.

3 (c) ISSUES TO BE ADDRESSED.—The demonstration
4 programs described in subsections (a) and (b) shall ad-
5 dress—

6 (1) the top 10 maintenance issues;

7 (2) non-evidence of failures; and

8 (3) projected return on investment analysis for
9 a 10-year period.

10 (d) OPEN ARCHITECTURE.—The demonstration pro-
11 grams' design, system integration, and operations shall be
12 conducted with an open architecture designed to—

13 (1) interface with the extensible markup lan-
14 guage industry standard to provide diagnostic and
15 prognostic reasoning for systems, subsystems or
16 components;

17 (2) facilitate common software systems,
18 diagnostics tools, reference models, diagnostics rea-
19 soners, electronic libraries, and user interfaces for
20 multiple ship and vehicle types; and

21 (3) support the Department of Defense's Class
22 V interactive electronic technical manual operations.

23 (e) REPORT.—The Secretary of the Army and the
24 Secretary of the Navy shall submit a report to the congres-
25 sional defense committees, not later than October 1, 2010,

1 that assesses whether the respective military department
2 could reduce maintenance costs and improve operational
3 readiness by implementing condition-based maintenance
4 for the current and future tactical wheeled vehicle fleets
5 and Navy surface combatants.

6 **SEC. 356. STUDY ON DISTRIBUTION OF HEMOSTATIC**
7 **AGENTS.**

8 (a) STUDY.—Not later than December 31, 2009, the
9 Secretary of Defense shall carry out a study and submit
10 to the congressional defense committees a report on the
11 distribution of hemostatic agents to members of the
12 Armed Forces serving in Iraq and Afghanistan, to ensure
13 each military service is complying with that service’s poli-
14 cies with respect to hemostatic agents, including a descrip-
15 tion of any distribution problems and attempts to resolve
16 such problems.

17 (b) SENSE OF CONGRESS.—It is the sense of Con-
18 gress that all members of the Armed Force deployed in
19 combat zones should carry life-saving resources with them,
20 including hemostatic agents.

21 **SEC. 357. EXTENSION OF ARSENAL SUPPORT PROGRAM INI-**
22 **TIATIVE.**

23 Section 343 of the Floyd D. Spence National Defense
24 Authorization Act for Fiscal Year 2001 (10 U.S.C. 4551
25 note) is amended—

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

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

5 **TITLE IV—MILITARY**
 6 **PERSONNEL AUTHORIZATIONS**

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Revision in permanent active duty end strength minimum levels.

Sec. 403. Additional authority for increases of Army active duty end strengths
 for fiscal years 2011 and 2012.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.

Sec. 412. End strengths for Reserves on active duty in support of the Reserves.

Sec. 413. End strengths for military technicians (dual status).

Sec. 414. Fiscal year 2010 limitation on number of non-dual status technicians.

Sec. 415. Maximum number of reserve personnel authorized to be on active
 duty for operational support.

Sec. 416. Submission of options for creation of Trainees, Transients, Holdees,
 and Students account for Army National Guard.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

Sec. 422. Repeal of delayed one-time shift of military retirement payments.

7 **Subtitle A—Active Forces**

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

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

11 (1) The Army, 547,400.

12 (2) The Navy, 328,800.

13 (3) The Marine Corps, 202,100.

14 (4) The Air Force, 331,700.

1 **SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END**
2 **STRENGTH MINIMUM LEVELS.**

3 Section 691(b) of title 10, United States Code, is
4 amended by striking paragraphs (1) through (4) and in-
5 serting the following new paragraphs:

6 “(1) For the Army, 547,400.

7 “(2) For the Navy, 328,800.

8 “(3) For the Marine Corps, 202,100.

9 “(4) For the Air Force, 331,700.”.

10 **SEC. 403. ADDITIONAL AUTHORITY FOR INCREASES OF**
11 **ARMY ACTIVE DUTY END STRENGTHS FOR**
12 **FISCAL YEARS 2011 AND 2012.**

13 (a) **AUTHORITY TO INCREASE ARMY ACTIVE DUTY**
14 **END STRENGTHS.—**

15 (1) **AUTHORITY.—**For each of fiscal years 2011
16 and 2012, the Secretary of Defense may, as the Sec-
17 retary determines necessary for the purposes speci-
18 fied in paragraph (2), establish the active-duty end
19 strength for the Army at a number greater than the
20 number otherwise authorized by law up to the num-
21 ber equal to the fiscal-year 2010 baseline plus
22 30,000.

23 (2) **PURPOSE OF INCREASES.—**The purposes
24 for which increases may be made in Army active
25 duty end strengths under paragraphs (1) and (2)
26 are—

1 (A) to support operational missions; and

2 (B) to achieve reorganizational objectives,
3 including increased unit manning, force sta-
4 bilization and shaping, and supporting wounded
5 warriors.

6 (3) FISCAL-YEAR 2010 BASELINE.—In this sub-
7 section, the term “fiscal-year 2010 baseline”, with
8 respect to the Army, means the active-duty end
9 strength authorized for those services in section
10 401(1).

11 (4) ACTIVE-DUTY END STRENGTH.—In this
12 subsection, the term “active-duty end strength”
13 means the strength for active-duty personnel of one
14 the Armed Forces as of the last day of a fiscal year.

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

20 (c) RELATIONSHIP TO OTHER VARIANCE AUTHOR-
21 ITY.—The authority under subsection (a) is in addition
22 to the authority to vary authorized end strengths that is
23 provided in subsections (e) and (f) of section 115 of title
24 10, United States Code.

1 (d) BUDGET TREATMENT.—If the Secretary of De-
2 fense determines under subsection (a) that an increase in
3 the Army active duty end strength for a fiscal year is nec-
4 essary, then the budget for the Department of Defense
5 for that fiscal year as submitted to the President shall
6 include the amounts necessary for funding that active duty
7 end strength in excess of the fiscal year 2010 active duty
8 end strength authorized for the Army under section
9 401(1).

10 **Subtitle B—Reserve Forces**

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

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

15 (1) The Army National Guard of the United
16 States, 358,200.

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

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

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

20 (5) The Air National Guard of the United
21 States, 106,700.

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

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

24 (b) END STRENGTH REDUCTIONS.—The end
25 strengths prescribed by subsection (a) for the Selected Re-

1 serve of any reserve component shall be proportionately
2 reduced by—

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

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

13 (c) **END STRENGTH INCREASES.**—Whenever units or
14 individual members of the Selected Reserve of any reserve
15 component are released from active duty during any fiscal
16 year, the end strength prescribed for such fiscal year for
17 the Selected Reserve of such reserve component shall be
18 increased proportionately by the total authorized strengths
19 of such units and by the total number of such individual
20 members.

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

23 Within the end strengths prescribed in section
24 411(a), the reserve components of the Armed Forces are
25 authorized, as of September 30, 2010, the following num-

1 ber of Reserves to be serving on full-time active duty or
2 full-time duty, in the case of members of the National
3 Guard, for the purpose of organizing, administering, re-
4 cruiting, instructing, or training the reserve components:

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

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

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

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

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

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

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

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

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

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

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

24 (4) For the Air National Guard of the United
25 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, 2,191.

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
19 90.

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

24 (c) CONFORMING AMENDMENT TO STATUTORY LIM-
25 TATION.—Section 10217(c)(2) of title 10, United States

1 Code, is amended by striking “1,950” and inserting
2 “2,541”.

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

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

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

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

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

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

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

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

19 **SEC. 416. SUBMISSION OF OPTIONS FOR CREATION OF**
20 **TRAINEES, TRANSIENTS, HOLDEES, AND STU-**
21 **DENTS ACCOUNT FOR ARMY NATIONAL**
22 **GUARD.**

23 (a) REPORT REQUIRED.—Not later than February 1,
24 2010, the Secretary of the Army shall submit to the con-
25 gressional defense committees a report evaluating options,

1 and including a recommendation, for the creation of a
2 Trainees, Transients, Holdees, and Students Account
3 within the Army National Guard.

4 (b) ELEMENTS OF REPORT.—At a minimum, the re-
5 port shall address—

6 (1) the timelines, cost, force structure changes,
7 and end strength changes associated with each op-
8 tion;

9 (2) the force structure and end strength
10 changes and growth of the Army National Guard
11 needed to support such an account;

12 (3) how creation of such an account may affect
13 plans under the Grow the Force initiative; and

14 (4) the impact of such an account on readiness
15 and training ratings for Army National Guard
16 forces.

17 (c) SENSE OF CONGRESS REGARDING ARMY NA-
18 TIONAL GUARD END STRENGTH.—

19 (1) FINDINGS.—Congress finds the following:

20 (A) The President's budget for fiscal year
21 2010 included a 2.82 percent increase in end
22 strength for the Army, but only a 1.59 percent
23 end strength increase for the Army National
24 Guard.

1 (B) The disproportionate growth in the
2 end strengths of the reserve components is in-
3 consistent with the emphasis placed by the De-
4 partment of Defense on responding to asym-
5 metric threats at home and abroad.

6 (2) SENSE OF CONGRESS.—In light of such
7 findings, Congress is concerned about unit readiness
8 and the effect of pre-deployment cross-leveling on
9 the Army National Guard and it is the sense of Con-
10 gress that an increase in Army National Guard end
11 strength should be considered in the deliberations of
12 the next quadrennial defense review conducted under
13 section 118 of title 10, United States Code.

14 **Subtitle C—Authorization of**
15 **Appropriations**

16 **SEC. 421. MILITARY PERSONNEL.**

17 There is hereby authorized to be appropriated to the
18 Department of Defense for military personnel for fiscal
19 year 2010 a total of \$135,723,781,000. The authorization
20 in the preceding sentence supersedes any other authoriza-
21 tion of appropriations (definite or indefinite) for such pur-
22 pose for fiscal year 2010.

1 **SEC. 422. REPEAL OF DELAYED ONE-TIME SHIFT OF MILI-**
 2 **TARY RETIREMENT PAYMENTS.**

3 (a) REPEAL.—Section 1002 of the Duncan Hunter
 4 National Defense Authorization Act for Fiscal Year 2009
 5 (Public Law 110–417; 122 Stat. 4581) is repealed.

6 (b) EFFECT ON EARLIER TRANSFER.—The repeal of
 7 section 1002 of the Duncan Hunter National Defense Au-
 8 thorization Act for Fiscal Year 2009 by subsection (a)
 9 shall not affect the validity of the transfer of funds made
 10 pursuant to subsection (e) of such section before the date
 11 of the enactment of this Act.

12 **TITLE V—MILITARY PERSONNEL**
 13 **POLICY**

Subtitle A—Military Personnel Policy Generally

- Sec. 501. Extension of temporary increase in maximum number of days' leave members may accumulate and carryover.
- Sec. 502. Rank requirement for officer serving as Chief of the Navy Dental Corps to correspond to Army and Air Force requirements.
- Sec. 503. Computation of retirement eligibility for enlisted members of the Navy who complete the Seaman to Admiral (STA–21) officer candidate program.

Subtitle B—Joint Qualified Officers and Requirements

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

Subtitle C—General Service Authorities

- Sec. 521. Medical examination required before separation of members diagnosed with or asserting post-traumatic stress disorder or traumatic brain injury.
- Sec. 522. Evaluation of test of utility of test preparation guides and education programs in improving qualifications of recruits for the Armed Forces.
- Sec. 523. Inclusion of email address on Certificate of Release or Discharge from Active Duty (DD Form 214).

Subtitle D—Education and Training

- Sec. 531. Appointment of persons enrolled in Advanced Course of the Army Reserve Officers' Training Corps at military junior colleges as cadets in Army Reserve or Army National Guard of the United States.
- Sec. 532. Increase in number of private sector civilians authorized for admission to National Defense University.
- Sec. 533. Appointments to military service academies from nominations made by Delegate from the Commonwealth of the Northern Mariana Islands.
- Sec. 534. Pilot program to establish and evaluate Language Training Centers for members of the Armed Forces and civilian employees of the Department of Defense.
- Sec. 535. Use of Armed Forces Health Professions Scholarship and Financial Assistance program to increase number of health professionals with skills to assist in providing mental health care.
- Sec. 536. Establishment of Junior Reserve Officer's Training Corps units for students in grades above sixth grade.

Subtitle E—Defense Dependents' Education

- Sec. 551. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 552. Determination of number of weighted student units for local educational agencies for receipt of basic support payments under impact aid.
- Sec. 553. Permanent authority for enrollment in defense dependents' education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe.

Subtitle F—Missing or Deceased Persons

- Sec. 561. Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing in conflicts occurring before enactment of new system for accounting for missing persons.
- Sec. 562. Clarification of guidelines regarding return of remains and media access at ceremonies for the dignified transfer of remains at Dover Air Force Base.

Subtitle G—Decorations and Awards

- Sec. 571. Award of Vietnam Service Medal to veterans who participated in Mayaguez rescue operation.
- Sec. 572. Authorization and request for award of Medal of Honor to Anthony T. Koho'ohanohano for acts of valor during the Korean War.
- Sec. 573. Authorization and request for award of distinguished-service cross to Jack T. Stewart for acts of valor during the Vietnam War.
- Sec. 574. Authorization and request for award of distinguished-service cross to William T. Miles, Jr., for acts of valor during the Korean War.

Subtitle H—Military Families

- Sec. 581. Pilot program to secure internships for military spouses with Federal agencies.
- Sec. 582. Report on progress made in implementing recommendations to reduce domestic violence in military families.

Sec. 583. Modification of Servicemembers Civil Relief Act regarding termination or suspension of service contracts and effect of violation of interest rate limitation.

Sec. 584. Protection of child custody arrangements for parents who are members of the armed forces deployed in support of a contingency operation.

Sec. 585. Definitions in Family and Medical Leave Act of 1993 related to active duty, servicemembers, and related matters.

Subtitle I—Other Matters

Sec. 591. Navy grants to Naval Sea Cadet Corps.

Sec. 592. Improved response and investigation of allegations of sexual assault involving members of the Armed Forces.

Sec. 593. Modification of matching fund requirements under National Guard Youth Challenge Program.

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

3 **SEC. 501. EXTENSION OF TEMPORARY INCREASE IN MAX-**
 4 **IMUM NUMBER OF DAYS' LEAVE MEMBERS**
 5 **MAY ACCUMULATE AND CARRYOVER.**

6 Section 701(d) of title 10, United States Code, is
 7 amended by striking “December 31, 2010” and inserting
 8 “December 31, 2012”.

9 **SEC. 502. RANK REQUIREMENT FOR OFFICER SERVING AS**
 10 **CHIEF OF THE NAVY DENTAL CORPS TO COR-**
 11 **RESPOND TO ARMY AND AIR FORCE RE-**
 12 **QUIREMENTS.**

13 Section 5138(a) of title 10, United States Code, is
 14 amended—

15 (1) by striking “not below the grade of rear ad-
 16 miral (lower half) shall be detailed” and inserting
 17 “shall be appointed”; and

1 (2) by adding at the end the following new sen-
2 tence: “An appointee who holds a lower regular
3 grade shall be appointed as Chief of the Dental
4 Corps in the regular grade of rear admiral.”.

5 **SEC. 503. COMPUTATION OF RETIREMENT ELIGIBILITY FOR**
6 **ENLISTED MEMBERS OF THE NAVY WHO**
7 **COMPLETE THE SEAMAN TO ADMIRAL (STA-**
8 **21) OFFICER CANDIDATE PROGRAM.**

9 Section 6328 of title 10, United States Code, is
10 amended by adding the following new subsection:

11 “(c) TIME SPENT IN SEAMAN TO ADMIRAL PRO-
12 GRAM.—The months of active service after January 1,
13 2011, in pursuit of a baccalaureate-level degree under the
14 Seaman to Admiral (STA–21) program of the Navy for
15 officer candidates selected for the program after January
16 11, 2010, shall be excluded in computing the years of serv-
17 ice of an officer who was appointed to the grade of ensign
18 in the Navy upon completion of the program to determine
19 the eligibility of the officer for voluntary retirement. Such
20 active service shall be counted in computing the years of
21 active service of the officer for all other purposes.”.

1 **Subtitle B—Joint Qualified Officers**
2 **and Requirements**

3 **SEC. 511. REVISIONS TO ANNUAL REPORTING REQUIRE-**
4 **MENT ON JOINT OFFICER MANAGEMENT.**

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

7 (1) in paragraph (1)—

8 (A) in subparagraph (A), by striking “and
9 their education and experience”; and

10 (B) by adding at the end the following new
11 subparagraph:

12 “(C) A comparison of the number of officers
13 who were designated as a joint qualified officer who
14 had served in a Joint Duty Assignment List billet
15 and completed Joint Professional Military Education
16 Phase II, with the number designated as a joint
17 qualified officer based on their aggregated joint ex-
18 periences and completion of Joint Professional Mili-
19 tary Education Phase II.”.

20 (2) by striking paragraphs (3), (4), (6), and
21 (12);

22 (3) by redesignating paragraph (5) as para-
23 graph (3);

24 (4) by redesignating paragraphs (7) through
25 (11) as paragraphs (4) through (8), respectively;

1 (5) by inserting after paragraph (8), as so re-
2 designated, the following new paragraph:

3 “(9) With regard to the principal courses of in-
4 struction for Joint Professional Military Education
5 Level II, the number of officers graduating from
6 each of the following:

7 “(A) The Joint Forces Staff College.

8 “(B) The National Defense University.

9 “(C) Senior Service Schools.”; and

10 (6) by redesignating paragraph (13) as para-
11 graph (10).

12 **Subtitle C—General Service** 13 **Authorities**

14 **SEC. 521. MEDICAL EXAMINATION REQUIRED BEFORE SEP-** 15 **ARATION OF MEMBERS DIAGNOSED WITH OR** 16 **ASSERTING POST-TRAUMATIC STRESS DIS-** 17 **ORDER OR TRAUMATIC BRAIN INJURY.**

18 (a) MEDICAL EXAMINATION REQUIRED.—

19 (1) IN GENERAL.—Chapter 59 of title 10,
20 United States Code, is amended by inserting after
21 section 1176 the following new section:

1 **“§ 1177. Members diagnosed with or asserting post-**
2 **traumatic stress disorder or traumatic**
3 **brain injury: medical examination re-**
4 **quired before separation**

5 “(a) MEDICAL EXAMINATION REQUIRED.—(1) If a
6 member of the armed forces who has been deployed over-
7 seas in support of a contingency operation is diagnosed
8 by a physician, clinical psychologist, or psychiatrist as ex-
9 periencing post-traumatic stress disorder or traumatic
10 brain injury or otherwise asserts the influence of such a
11 condition, the Secretary concerned may not authorize the
12 involuntarily separation of the member or separation of
13 the member under conditions other than honorable until
14 after the member receives a medical examination to evalu-
15 ate a diagnosis of post-traumatic stress disorder or trau-
16 matic brain injury.

17 “(2) In a case involving post-traumatic stress dis-
18 order, the medical examination shall be performed by a
19 clinical psychologist or psychiatrist. In other cases, the ex-
20 amination may be performed by a physician, clinical psy-
21 chologist, psychiatrist, or other health care professional,
22 whoever is determined to be most appropriate.

23 “(b) PURPOSE OF MEDICAL EXAMINATION.—The
24 medical examination required by subsection (a) shall en-
25 deavor to assess the degree to which the behavior of the
26 member, on which the initial recommendation for an invol-

1 untarily separation or separation under conditions other
2 than honorable is based, has been affected by post-trau-
3 matic stress disorder or traumatic brain injury.

4 “(c) SECRETARIAL DISCRETION.—The Secretary
5 concerned shall review the medical examination performed
6 under subsection (a) with respect to a member, and the
7 findings and conclusions of any physical evaluation board
8 conducted with respect the member, to determine the ap-
9 propriate course of action with regard to the separation
10 of the member.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of such chapter is amended
13 by inserting after the item relating to section 1176
14 the following new item:

“1177. Members diagnosed with or asserting post-traumatic stress disorder or
traumatic brain injury: physical evaluation board review before
separation.”.

15 (b) REVIEW OF PREVIOUS DISCHARGES AND DISMIS-
16 SALS.—Section 1553 of such title is amended by adding
17 at the end the following new subsection:

18 “(d)(1) In the case of a former member of the armed
19 forces who, while a member, was deployed in support of
20 a contingency operation and who, at any time after such
21 deployment, was diagnosed by a physician, clinical psy-
22 chologist, or psychiatrist as experiencing post-traumatic
23 stress disorder or traumatic brain injury, a board estab-
24 lished under this section to review the former member’s

1 discharge or dismissal shall include a member who is a
2 physician, clinical psychologist, or psychiatrist.

3 “(2) In the case of a former member described in
4 paragraph (1) or a former member whose case involves
5 personal health care issues as supporting rationale or as
6 justification for priority consideration, the Secretary con-
7 cerned shall render a final decision within 6 months of
8 the receipt of an application to review a discharge or dis-
9 missal. The Secretary may delay a final decision beyond
10 6 months if the Secretary determines that, due to adminis-
11 trative reasons or to serve the best interest of the former
12 member, a final decision cannot be rendered within such
13 6-month period.

14 “(3) When authorized by a former member described
15 in paragraph (1) or (2), a Member of Congress shall be
16 advised of the decision of the board conducting the review
17 of the former member’s discharge or dismissal and the ra-
18 tionale used to support the decision.”.

19 **SEC. 522. EVALUATION OF TEST OF UTILITY OF TEST PREP-**
20 **ARATION GUIDES AND EDUCATION PRO-**
21 **GRAMS IN IMPROVING QUALIFICATIONS OF**
22 **RECRUITS FOR THE ARMED FORCES.**

23 Section 546(d) of the John Warner National Defense
24 Authorization Act for Fiscal Year 2007 (Public Law 109–
25 364; 120 Stat. 2215) is amended—

1 (1) in the second sentence, by striking “in
2 training and unit settings” and inserting “during
3 training and unit assignments”; and

4 (2) by adding at the end the following new sen-
5 tence: “Data to make the comparison between the
6 two groups shall be derived from existing sources,
7 which may include performance ratings, separations,
8 promotions, awards and decorations, and reenlist-
9 ment statistics.”.

10 **SEC. 523. INCLUSION OF EMAIL ADDRESS ON CERTIFICATE**
11 **OF RELEASE OR DISCHARGE FROM ACTIVE**
12 **DUTY (DD FORM 214).**

13 Section 596 of the National Defense Authorization
14 Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C.
15 1168 note) is amended—

16 (1) by inserting “(a) ELECTION TO FORWARD
17 CERTIFICATE TO VA OFFICES.—” before “The Sec-
18 retary of Defense”; and

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

21 “(b) INCLUSION OF EMAIL ADDRESS.—The Sec-
22 retary of Defense shall further modify the DD Form 214
23 in order to permit a member of the Armed Forces to in-
24 clude an email address on the form.”.

1 **SEC. 524. PROHIBITION ON RECRUITMENT, ENLISTMENT,**
2 **OR RETENTION OF PERSONS ASSOCIATED OR**
3 **AFFILIATED WITH GROUPS ASSOCIATED**
4 **WITH HATE-RELATED VIOLENCE AGAINST**
5 **GROUPS OR PERSONS OR THE UNITED**
6 **STATES GOVERNMENT.**

7 Section 504 of title 10, United States Code, is
8 amended by adding at the end the following new sub-
9 section:

10 “(c) PERSONS ASSOCIATED OR AFFILIATED WITH
11 HATE GROUPS.—

12 “(1) PROHIBITION.—A person associated or af-
13 filiated with a group associated with hate-related vi-
14 olence against groups or persons or the United
15 States Government, as determined by the Attorney
16 General, may not be recruited, enlisted, or retained
17 in the armed forces.

18 “(2) DEFINITION OF HATE GROUP.—In this
19 subsection, the terms ‘group associated with hate-re-
20 lated violence’ or ‘hate group’ mean the following:

21 “(A) Groups or organizations that espouse
22 or engage in acts of violence against other
23 groups or minorities based on ideals of hate,
24 ethnic supremacies, white supremacies, racism,
25 anti-Semitism, xenophobia, or other bigotry
26 ideologies.

1 “(B) Groups or organizations engaged in
2 criminal gang activity including drug and weap-
3 ons trafficking and smuggling.

4 “(C) Groups or organizations that espouse
5 an intention or expectation of armed revolu-
6 tionary activity against the United States Gov-
7 ernment, or the violent overthrow of the United
8 States Government.

9 “(D) Groups or organizations that espouse
10 an intention or expectation of armed activity in
11 a ‘race war’.

12 “(E) Groups or organizations that encour-
13 age members to join the armed forces in order
14 to obtain military training to be used for acts
15 of violence against minorities, other groups, or
16 the United States Government.

17 “(F) Groups or organizations that espouse
18 violence based on race, creed, religion, ethnicity,
19 or sexual orientation.

20 “(G) Other groups or organizations that
21 are determined by the Attorney General to be
22 of a violent, extremist nature.

23 “(3) EVIDENCE OF ASSOCIATION OR AFFILI-
24 ATION WITH HATE GROUP.—The following shall con-
25 stitute evidence that a person is associated or affili-

1 ated with a group associated with hate-related vio-
2 lence:

3 “(A) Individuals possessing tattoos or
4 other body markings indicating association or
5 affiliation with a hate group.

6 “(B) Individuals known to have attended
7 meetings, rallies, conferences, or other activities
8 sponsored by a hate group.

9 “(C) Individuals known to be involved in
10 online activities with a hate group, including
11 being engaged in online discussion groups or
12 blog or other postings that support, encourage,
13 or affirm the group’s extremist or violent views
14 and goals.

15 “(D) Individuals who are known to have in
16 their possession photographs, written
17 testimonials (including diaries or journals),
18 propaganda, or other materials indicating in-
19 volvement or affiliation with a hate group. Such
20 materials can include photographs, written ma-
21 terials relating to or referring to extreme hatred
22 that are clearly not of an academic nature, pos-
23 session of objects that venerate or glorify hate-
24 inspired violence, and related materials, as de-
25 termined by the Attorney General.

1 “(E) Individuals espousing the intent to
2 acquire military training for the purpose of
3 using such training towards committing acts of
4 violence of a purpose not affiliated with the
5 armed forces.

6 “(4) REQUIREMENTS FOR RECRUITERS AND
7 ENLISTMENT PROCESSING STATIONS.—A military re-
8 cruiters may not enlist, or assist in enlisting, a per-
9 son who is associated or affiliated with a group asso-
10 ciated with hate-related violence, as evidenced pursu-
11 ant to paragraph (3). A person at any military en-
12 listment processing station who, during the screen-
13 ing process, is found to be affiliated or associated
14 with a hate group (including through admitting to
15 any such affiliation or association on any form or
16 document) is automatically prohibited from enlisting.

17 “(5) SEPARATION.—

18 “(A) SEPARATION REQUIRED.—A person
19 discovered or determined to be associated or af-
20 filiated with a group associated with hate-re-
21 lated violence, as evidenced pursuant to para-
22 graph (3), shall be immediately discharged from
23 the armed forces, in the manner prescribed in
24 regulations regarding discharge from service.

1 “(B) EXCEPTION.—Subparagraph (A)
2 shall not apply to a member of the armed forces
3 who has renounced the member’s previous affili-
4 ation or association with a group associated
5 with hate-related violence, as determined by the
6 commanding officer of the member.

7 “(6) REPORTING REQUIREMENT.—Not later
8 than April 1, 2010, and annually thereafter, the
9 Secretary concerned shall submit to the Committees
10 on Armed Service of the Senate and House of Rep-
11 resentatives a report—

12 “(A) on the presence in the armed forces
13 of members who are associated or affiliated
14 with a group associated with hate-related vio-
15 lence and describing the actions of the Sec-
16 retary to discharge such members; and

17 “(B) describing the actions of the Sec-
18 retary to prevent persons who are associated or
19 affiliated with a hate group from enlisting.”.

20 **SEC. 525. SECURE ELECTRONIC DELIVERY OF CERTIFICATE**
21 **OF RELEASE OR DISCHARGE FROM ACTIVE**
22 **DUTY (DD FORM 214).**

23 Section 596 of the National Defense Authorization
24 Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C.

1 1168 note), as amended by section 523, is further amend-
2 ed by adding at the end the following new subsection:

3 “(c) SECURE METHOD OF ELECTRONIC DELIV-
4 ERY.—

5 “(1) DEVELOPMENT AND IMPLEMENTATION.—

6 The Secretary of Veterans Affairs, in consultation
7 with the Secretary of Defense, shall develop and im-
8 plement a secure electronic method of forwarding
9 the DD Form 214 to the appropriate office specified
10 in subsection (a)(2). The Secretary of Veterans Af-
11 fairs shall ensure that the method permits such of-
12 fices to access the forms electronically using current
13 computer operating systems.

14 “(2) AUTHORITY TO CEASE DELIVERY.—In de-
15 veloping the secure electronic method of forwarding
16 DD Forms 214, the Secretary of Veterans Affairs
17 shall ensure that the information provided is not dis-
18 closed or used for unauthorized purposes and may
19 cease forwarding the forms electronically to an office
20 specified in subsection (a)(2) if demonstrated prob-
21 lems arise.”.

1 **Subtitle D—Education and**
2 **Training**

3 **SEC. 531. APPOINTMENT OF PERSONS ENROLLED IN AD-**
4 **VANCED COURSE OF THE ARMY RESERVE OF-**
5 **FICERS' TRAINING CORPS AT MILITARY JUN-**
6 **IOR COLLEGES AS CADETS IN ARMY RESERVE**
7 **OR ARMY NATIONAL GUARD OF THE UNITED**
8 **STATES.**

9 Section 2107a(h) of title 10, United States Code, is
10 amended—

11 (1) by striking “17 cadets” and inserting “22
12 cadets”;

13 (2) by striking “17 members” and inserting
14 “22 members”; and

15 (3) by striking “17 such members” and insert-
16 ing “22 such members”.

17 **SEC. 532. INCREASE IN NUMBER OF PRIVATE SECTOR CI-**
18 **VILIANS AUTHORIZED FOR ADMISSION TO**
19 **NATIONAL DEFENSE UNIVERSITY.**

20 Section 2167(a) of title 10, United States Code, is
21 amended by striking “10 full-time student positions” and
22 inserting “20 full-time student positions”.

1 **SEC. 533. APPOINTMENTS TO MILITARY SERVICE ACAD-**
2 **EMIES FROM NOMINATIONS MADE BY DELE-**
3 **GATE FROM THE COMMONWEALTH OF THE**
4 **NORTHERN MARIANA ISLANDS.**

5 (a) UNITED STATES MILITARY ACADEMY.—Section
6 4342(a)(10) of title 10, United States Code, is amended
7 by striking “One cadet” and inserting “Two cadets”.

8 (b) UNITED STATES NAVAL ACADEMY.—Section
9 6954(a)(10) of such title is amended by striking “One”
10 and inserting “Two”.

11 (c) UNITED STATES AIR FORCE ACADEMY.—Section
12 9342(a)(10) of such title is amended by striking “One
13 cadet” and inserting “Two cadets”.

14 (d) EFFECTIVE DATE.—The amendments made by
15 this section shall apply with respect to appointments to
16 the United States Military Academy, the United States
17 Naval Academy, and the United States Air Force Acad-
18 emy beginning with the first class of candidates nominated
19 for appointment to these military service academies after
20 the date of the enactment of this Act.

1 **SEC. 534. PILOT PROGRAM TO ESTABLISH AND EVALUATE**
2 **LANGUAGE TRAINING CENTERS FOR MEM-**
3 **BERS OF THE ARMED FORCES AND CIVILIAN**
4 **EMPLOYEES OF THE DEPARTMENT OF DE-**
5 **FENSE.**

6 (a) PILOT PROGRAM REQUIRED.—The Secretary of
7 Defense shall carry out a pilot program to establish at
8 least three Language Training Centers at accredited uni-
9 versities, senior military colleges, or other similar institu-
10 tions of higher education to create the foundational critical
11 and strategic language and regional area expertise, as de-
12 fined by the Secretary of Defense, for members of the
13 Armed Forces, including reserve component members and
14 Reserve Officers' Training Corps candidates, and civilian
15 employees of the Department of Defense.

16 (b) DURATION.—

17 (1) TERMINATION DATE.—The Language
18 Training Centers under the pilot program shall be
19 established not later than October 1, 2010, and the
20 authority to support the Language Training Centers
21 under the pilot program shall terminate on Sep-
22 tember 30, 2015.

23 (2) EFFECT ON PARTICIPANTS.—Students par-
24 ticipating in the pilot program before the termi-
25 nation date specified in paragraph (1) may be al-

1 lowed to complete their studies under the program
2 after that date.

3 (c) PILOT PROGRAM REQUIREMENTS.—At a min-
4 imum, the Language Training Centers shall—

5 (1) develop a program to graduate members of
6 the Armed Forces and civilian employees of the De-
7 partment who are skilled in critical and strategic
8 languages from beginning through advanced skill
9 levels;

10 (2) develop language proficiency training pro-
11 grams in designated critical and strategic languages
12 tailored to meet operational readiness requirements;

13 (3) develop alternative training delivery systems
14 and modalities to meet language and regional area
15 requirements, prior to deployment, during deploy-
16 ment, and post-deployment;

17 (4) develop critical and strategic language pro-
18 grams that can be incorporated into Reserve Offi-
19 cers' Training Corps units to develop language skills
20 among future military officers;

21 (5) develop training and education programs
22 that would expand the pool of qualified instructors
23 and educators for the Armed Forces; and

24 (6) develop a program to encourage native and
25 heritage speakers of critical and strategic languages

1 for recruitment into the Department of Defense or
2 support the Civilian Linguist Reserve Corps.

3 (d) PROGRAM EXPANSION.—The Language Training
4 Centers may partner with elementary and secondary edu-
5 cational institutions to help develop critical and strategic
6 language skills in students who may pursue a military ca-
7 reer.

8 (e) PROGRAM COORDINATION.—The Secretary of De-
9 fense shall ensure that the Language Training Centers
10 build upon and take advantage of the experience and lead-
11 ership of the National Security Education Program and
12 the Defense Language Institute.

13 (f) EVALUATION.—The Secretary of Defense shall
14 evaluate each Language Training Center in order to as-
15 sess the cost and the effectiveness of the pilot program,
16 including the following:

17 (1) The success of the Language Training Cen-
18 ter in providing critical and strategic language capa-
19 bilities to members and Department of Defense em-
20 ployees.

21 (2) The ability of the Language Training Cen-
22 ter to create foundational critical and strategic lan-
23 guage and regional area expertise in support of the
24 Defense Language Transformation Roadmap;

1 (g) REPORT TO CONGRESS.—Not later than Decem-
2 ber 31, 2015, the Secretary of Defense shall submit to
3 the congressional defense committees a report on the pilot
4 program. The report shall include the following:

5 (1) A description of each Language Training
6 Center.

7 (2) An assessment of the effectiveness and the
8 cost of the pilot program taken to create the
9 foundational critical and strategic language and re-
10 gional area expertise in support of the Defense Lan-
11 guage Transformation Roadmap.

12 (3) The success of each Language Training
13 Center to provide critical and strategic language ca-
14 pabilities to members and Department of Defense
15 employees.

16 (4) Recommendations as to whether the pilot
17 programs should be continued, and any modifica-
18 tions that may be necessary to continue the pro-
19 gram.

1 **SEC. 535. USE OF ARMED FORCES HEALTH PROFESSIONS**
2 **SCHOLARSHIP AND FINANCIAL ASSISTANCE**
3 **PROGRAM TO INCREASE NUMBER OF**
4 **HEALTH PROFESSIONALS WITH SKILLS TO**
5 **ASSIST IN PROVIDING MENTAL HEALTH**
6 **CARE.**

7 (a) ADDITIONAL ELEMENT WITHIN SCHOLARSHIP
8 PROGRAM.—Section 2121(a) of title 10, United States
9 Code, is amended—

10 (1) by inserting “(1)” after “(a)”;

11 (2) by striking “in the various health profes-
12 sions” and inserting “(A) in the various health pro-
13 fessions or (B) as a health professional with specific
14 skills to assist in providing mental health care to
15 members of the armed forces”; and

16 (3) by adding at the end the following new
17 paragraph:

18 “(2) Under the program of a military department,
19 the Secretary of that military department shall allocate
20 a portion of the total number of scholarships to members
21 of the program described in paragraph (1)(B) for the pur-
22 pose of assisting such members to pursue a degree at the
23 masters and doctoral level in any of the following dis-
24 ciplines:

25 “(A) Social work.

26 “(B) Clinical psychology.

1 “(C) Psychiatry.

2 “(D) Other disciplines that contribute to mental
3 health care programs in that military department.”.

4 (b) AUTHORIZED NUMBER OF MEMBERS OF THE
5 PROGRAM.—Section 2124 of such title is amended—

6 (1) by striking “The number” and inserting
7 “(a) AUTHORIZED NUMBER OF MEMBERS OF THE
8 PROGRAM.—The number”;

9 (2) by striking “6,000” and inserting “6,300”;
10 and

11 (3) by adding at the end the following new sub-
12 section:

13 “(b) MENTAL HEALTH PROFESSIONALS.—Of the
14 number of persons designated as members of the program
15 at any time, 300 may be members of the program de-
16 scribed in section 2121(a)(1)(B) of this title.”.

17 (c) FUNDING SOURCE.—Of the amounts authorized
18 to be appropriated to the Department of Defense for mili-
19 tary personnel accounts for fiscal year 2010, not more
20 than \$20,000,000 shall be available to cover the additional
21 costs incurred to implement the amendments made by this
22 section.

1 **SEC. 536. ESTABLISHMENT OF JUNIOR RESERVE OFFICER'S**
2 **TRAINING CORPS UNITS FOR STUDENTS IN**
3 **GRADES ABOVE SIXTH GRADE.**

4 Section 2031 of title 10, United States Code, is
5 amended by adding at the end the following new sub-
6 section:

7 “(g)(1) In addition to units of the Junior Reserve Of-
8 ficers’ Training Corps established at public and private
9 secondary educational institutions under subsection (a),
10 the Secretary of each military department may carry out
11 a pilot program to establish and support units at public
12 and private educational institutions that are not secondary
13 educational institutions to permit the enrollment of stu-
14 dents in the Corps who, notwithstanding the limitation in
15 subsection (b)(1), are in a grade above the sixth grade.

16 “(2) A unit of the Junior Reserve Officers’ Training
17 Corps established and supported under the pilot program
18 must meet the requirements of this section, except—

19 “(A) as provided in paragraph (1) with respect
20 to the grades in which students are enrolled; and

21 “(B) that the Secretary of the military depart-
22 ment concerned may authorize a course of military
23 instruction of not less than two academic years’ du-
24 ration, notwithstanding subsection (b)(3).

25 “(3) The Secretary of the military department con-
26 cerned shall conduct a review of the pilot program. The

1 review shall include an evaluation of what impacts, if any,
2 the pilot program may have on the operation of the Junior
3 Reserve Officers' Training Corps in secondary educational
4 institutions.”.

5 **SEC. 537. AIR FORCE ACADEMY ATHLETIC ASSOCIATION.**

6 (a) IN GENERAL.—Chapter 903 of title 10, United
7 States Code, is amended by inserting after section 9359
8 the following new section:

9 **“§ 9359a. Air Force Academy Athletic Association: au-**
10 **thorization, purpose, and governance**

11 “(a) ESTABLISHMENT AUTHORIZED.—The Secretary
12 of the Air Force may establish a nonprofit corporation,
13 to be known as the ‘Air Force Academy Athletic Associa-
14 tion’, to support the athletic program of the Air Force
15 Academy.

16 “(b) ORGANIZATION AND DUTIES.—(1) The Air
17 Force Academy Athletic Association (in this section re-
18 ferred to as the ‘Association’) shall be organized and oper-
19 ated as a nonprofit corporation under section 501(c)(3)
20 of the Internal Revenue Code of 1986 and under the pow-
21 ers and authorities set forth in this section and the provi-
22 sions of the laws of the State of incorporation. The Asso-
23 ciation shall operate on a nonpartisan basis exclusively for
24 charitable, educational, and civic purposes consistent with

1 the authorities referred to in this subsection to support
2 the athletic program of the Academy.

3 “(2) Subject to the approval of the Secretary of the
4 Air Force, the Association may—

5 “(A) operate and manage athletic and revenue
6 generating facilities on Academy property;

7 “(B) use Government facilities, utilities, and
8 services on the Academy, without charge, in support
9 of its mission;

10 “(C) sell products to the general public on or
11 off Government property;

12 “(D) charge market-based fees for admission to
13 Association events and other athletic or athletic-re-
14 lated events at the Academy and for use of Academy
15 athletic facilities and property; and

16 “(E) engage in other activities, consistent with
17 the Academy athletic mission as determined by the
18 Board of Directors.

19 “(c) BOARD OF DIRECTORS.—(1) The Association
20 shall be governed by a Board of Directors made up of at
21 least nine members. The members, other than the member
22 referred to in paragraph (2), shall serve without com-
23 pensation, except for reasonable travel and other related
24 expenses for attendance at required meetings.

1 “(2) The Director of Athletics at the Academy shall
2 be a standing member of the Board as part of the Direc-
3 tor’s duties as the Director of Athletics.

4 “(3) Subject to the prior approval of all nominees for
5 appointment by the Secretary of the Air Force, the Super-
6 intendent shall appoint the remaining members of the
7 Board.

8 “(4) The Secretary of the Air Force shall select one
9 of the members of the Board appointed under paragraph
10 (3) to serve as chairperson of the Board.

11 “(d) BYLAWS.—Not later than July 1, 2010, the As-
12 sociation shall propose its by-laws. The Association shall
13 submit the by-laws, and all future changes to the by-laws,
14 to the Secretary of the Air Force for review and approval.
15 The by-laws shall be made available to Congress for re-
16 view.

17 “(e) TRANSITION FROM NONAPPROPRIATED FUND
18 OPERATION.—(1) Until September 30, 2011, the Sec-
19 retary of the Air Force may provide for parallel operations
20 of the Association and the Air Force nonappropriated fund
21 instrumentality whose functions include providing support
22 for the athletic program of the Academy. Not later than
23 that date, the Secretary shall dissolve the nonappropriated
24 fund instrumentality and transfer its assets and liabilities
25 to the Association.

1 “(2) The Secretary may transfer title and ownership
2 to all the assets and liabilities of the nonappropriated fund
3 instrumentality referred to in paragraph (1), including
4 bank accounts and financial reserves in its accounts,
5 equipment, supplies, and other personal property without
6 cost or obligation to the Association.

7 “(f) CONTRACTING AUTHORITIES.—(1) The Super-
8 intendent may procure, at fair and reasonable prices, such
9 athletic goods, services, human resources, and other sup-
10 port from the Association as the Superintendent considers
11 appropriate to support the athletic program of the Acad-
12 emy. The Association shall be exempt from the require-
13 ments of section 2533a of this title and the Buy American
14 Act (41 U.S.C. 10a et seq.).

15 “(2) The Superintendent may accept from the Asso-
16 ciation funds, goods, and services for use by cadets and
17 Academy personnel during participation in, or in support
18 of, Academy or Association contests, events, and pro-
19 grams.

20 “(g) USE OF AIR FORCE PERSONNEL.—Air Force
21 personnel may participate in—

22 “(1) the management, operation, and oversight
23 of the Association;

24 “(2) events and athletic contests sponsored by
25 the Association; and

1 “(3) management and sport committees for the
 2 National Collegiate Athletic Association and other
 3 athletic conferences and associations.

4 “(h) FUNDING AUTHORITY.—The authorization of
 5 appropriations for the operation and maintenance of the
 6 Academy includes Association operations in support of the
 7 Academy athletic program, as approved by the Secretary
 8 of the Air Force.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
 10 at the beginning of such chapter is amended by inserting
 11 after the item relating to section 9359 the following new
 12 item:

“9359a. Air Force Academy Athletic Association: authorization, purpose, and
 governance.”.

13 **Subtitle E—Defense Dependents’**
 14 **Education**

15 **SEC. 551. CONTINUATION OF AUTHORITY TO ASSIST LOCAL**
 16 **EDUCATIONAL AGENCIES THAT BENEFIT DE-**
 17 **PENDENTS OF MEMBERS OF THE ARMED**
 18 **FORCES AND DEPARTMENT OF DEFENSE CI-**
 19 **VILIAN EMPLOYEES.**

20 (a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT
 21 NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the
 22 amount authorized to be appropriated for fiscal year 2010
 23 pursuant to section 301(5) for operation and maintenance
 24 for Defense-wide activities, \$50,000,000 shall be available

1 only for the purpose of providing assistance to local edu-
2 cational agencies under subsection (a) of section 572 of
3 the National Defense Authorization Act for Fiscal Year
4 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C.
5 7703b).

6 (b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT
7 CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE
8 CHANGES, OR FORCE RELOCATIONS.—Of the amount au-
9 thorized to be appropriated for fiscal year 2010 pursuant
10 to section 301(5) for operation and maintenance for De-
11 fense-wide activities, \$15,000,000 shall be available only
12 for the purpose of providing assistance to local educational
13 agencies under subsection (b) of such section 572.

14 (c) LOCAL EDUCATIONAL AGENCY DEFINED.—In
15 this section, the term “local educational agency” has the
16 meaning given that term in section 8013(9) of the Ele-
17 mentary and Secondary Education Act of 1965 (20 U.S.C.
18 7713(9)).

19 **SEC. 552. DETERMINATION OF NUMBER OF WEIGHTED STU-**
20 **DENT UNITS FOR LOCAL EDUCATIONAL**
21 **AGENCIES FOR RECEIPT OF BASIC SUPPORT**
22 **PAYMENTS UNDER IMPACT AID.**

23 Section 8003(a)(2)(C)(i) of the Elementary and Sec-
24 ondary Education Act of 1965 (20 U.S.C.

1 7703(a)(2)(C)(i)) is amended by striking “6,500” and in-
2 serting “5,000”.

3 **SEC. 553. PERMANENT AUTHORITY FOR ENROLLMENT IN**
4 **DEFENSE DEPENDENTS’ EDUCATION SYSTEM**
5 **OF DEPENDENTS OF FOREIGN MILITARY**
6 **MEMBERS ASSIGNED TO SUPREME HEAD-**
7 **QUARTERS ALLIED POWERS, EUROPE.**

8 (a) PERMANENT ENROLLMENT AUTHORITY.—Sub-
9 section (a)(2) of section 1404A of the Defense Depend-
10 ents’ Education Act of 1978 (20 U.S.C. 923a) is amended
11 by striking “, and only through the 2010-2011 school
12 year”.

13 (b) COMBATANT COMMANDER ADVICE AND ASSIST-
14 ANCE.—Subsection (c)(1) of such section is amended by
15 adding at the end the following new sentence: “The Sec-
16 retary shall prescribe such methodology with the advice
17 and assistance of the commander of the geographic com-
18 batant command with jurisdiction over Mons, Belgium.”.

1 **Subtitle F—Missing or Deceased**
2 **Persons**

3 **SEC. 561. ADDITIONAL REQUIREMENTS FOR ACCOUNTING**
4 **FOR MEMBERS OF THE ARMED FORCES AND**
5 **DEPARTMENT OF DEFENSE CIVILIAN EM-**
6 **PLOYEES LISTED AS MISSING IN CONFLICTS**
7 **OCCURRING BEFORE ENACTMENT OF NEW**
8 **SYSTEM FOR ACCOUNTING FOR MISSING**
9 **PERSONS.**

10 (a) IMPOSITION OF ADDITIONAL REQUIREMENTS.—

11 Section 1509 of title 10, United States Code, is amended
12 to read as follows:

13 **“§ 1509. Program to resolve preenactment missing**
14 **person cases**

15 “(a) PROGRAM REQUIRED; COVERED CONFLICTS.—

16 The Secretary of Defense shall implement a comprehen-
17 sive, coordinated, integrated, and fully resourced program
18 to account for persons described in subparagraph (A) or
19 (B) of section 1513(1) of this title who are unaccounted
20 for from the following conflicts:

21 “(1) World War II during the period beginning
22 on December 7, 1941, and ending on December 31,
23 1946, including members of the Armed Forces who
24 were lost during flight operations in the Pacific the-
25 ater of operations covered by section 576 of the Na-

1 tional Defense Authorization Act for Fiscal Year
2 2000 (Public Law 106–65; 113 Stat. 624; 10 U.S.C.
3 1501 note).

4 “(2) The Cold War during the period beginning
5 on September 2, 1945, and ending on August 21,
6 1991.

7 “(3) The Korean War during the period begin-
8 ning on June 27, 1950, and ending on January 31,
9 1955.

10 “(4) The Indochina War era during the period
11 beginning on July 8, 1959, and ending on May 15,
12 1975.

13 “(5) The Persian Gulf War during the period
14 beginning on August 2, 1990, and ending on Feb-
15 ruary 28, 1991.

16 “(6) Such other conflicts in which members of
17 the armed forces served as the Secretary of Defense
18 may designate.

19 “(b) IMPLEMENTATION PROCESS.—(1) The Sec-
20 retary of Defense shall implement the program within the
21 Department of Defense POW/MIA accounting community.

22 “(2) For purposes of paragraph (1), the term ‘POW/
23 MIA accounting community’ means—

24 “(A) The Defense Prisoner of War/Missing Per-
25 sonnel Office (DPMO).

1 “(B) The Joint POW/MIA Accounting Com-
2 mand (JPAC).

3 “(C) The Armed Forces DNA Identification
4 Laboratory (AFDIL).

5 “(D) The Life Sciences Equipment Laboratory
6 of the Air Force (LSEL).

7 “(E) The casualty and mortuary affairs offices
8 of the military departments.

9 “(F) Any other element of the Department of
10 Defense the mission of which (as designated by the
11 Secretary of Defense) involves the accounting for
12 and recovery of members of the armed forces who
13 are missing in action or prisoners of war or who are
14 unaccounted for, such as the Stony Beach Program.

15 “(c) TREATMENT AS MISSING PERSONS.—Each un-
16 accounted for person covered by subsection (a) shall be
17 considered to be a missing person for purposes of the ap-
18 plicability of other provisions of this chapter to the person.

19 “(d) ESTABLISHMENT OF PERSONNEL FILES.—(1)
20 The Secretary of Defense shall ensure that a personnel
21 file is established and maintained for each person covered
22 by subsection (a) if the Secretary—

23 “(A) possesses any information relevant to the
24 status of the person; or

1 “(B) receives any new information regarding
2 the missing person as provided in subsection (d).

3 “(2) The Secretary of Defense shall ensure that each
4 file established under this subsection contains all relevant
5 information pertaining to a person covered by subsection
6 (a) and is readily accessible to all elements of the depart-
7 ment, the combatant commands, and the armed forces in-
8 volved in the effort to account for the person.

9 “(3) Each file established under this subsection shall
10 be handled in accordance with, and subject to the provi-
11 sions of, section 1506 of this title in the same manner
12 as applies to the file of a missing person otherwise subject
13 to such section.

14 “(e) REVIEW OF STATUS REQUIREMENTS.—(1) If
15 new information (as described in paragraph (3)) is found
16 or received that may be related to one or more unac-
17 counted for persons covered by subsection (a), whether or
18 not such information specifically relates (or may specifi-
19 cally relate) to any particular such unaccounted for per-
20 son, that information shall be provided to the Secretary
21 of Defense.

22 “(2) Upon receipt of new information under para-
23 graph (1), the Secretary shall ensure that—

24 “(A) the information is treated under para-
25 graph (2) of subsection (c) of section 1505 of this

1 title, relating to addition of the information to the
2 personnel file of a person and notification require-
3 ments, in the same manner as information received
4 under paragraph (1) under such subsection; and

5 “(B) the information is treated under para-
6 graph (3) of subsection (c) and subsection (d) of
7 such section, relating to a board review under such
8 section, in the same manner as information received
9 under paragraph (1) of such subsection (c).

10 “(3) For purposes of this subsection, new information
11 is information that is credible and that—

12 “(A) is found or received after November 18,
13 1997, by a United States intelligence agency, by a
14 Department of Defense agency, or by a person speci-
15 fied in section 1504(g) of this title; or

16 “(B) is identified after November 18, 1997, in
17 records of the United States as information that
18 could be relevant to the case of one or more unac-
19 counted for persons covered by subsection (a).

20 “(f) COORDINATION REQUIREMENTS.—(1) In estab-
21 lishing and carrying out the program, the Secretary of De-
22 fense shall coordinate with the Secretaries of the military
23 departments, the Chairman of the Joint Chiefs of Staff,
24 and the combatant commanders.

1 “(2) In carrying out the program, the Secretary of
2 Defense shall establish close coordination with the Depart-
3 ment of State, the Central Intelligence Agency, and the
4 National Security Council to enhance the ability of the De-
5 partment of Defense POW/MIA accounting community to
6 account for persons covered by subsection (a).”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of chapter 76 of such title is amended
9 by striking the item relating to section 1509 and inserting
10 the following new section:

“1509. Program to resolve preenactment missing person cases.”.

11 (c) CONFORMING AMENDMENT.—Section 1513(1) of
12 such title is amended in the matter after subparagraph
13 (B) by striking “section 1509(b) of this title who is re-
14 quired by section 1509(a)(1) of this title” and inserting
15 “subsection (a) of section 1509 of this title who is required
16 by subsection (b) of such section”.

17 (d) IMPLEMENTATION.—

18 (1) PRIORITY.—A priority of the program re-
19 quired by section 1509 of title 10, United States
20 Code, as amended by subsection (a), to resolve miss-
21 ing person cases arising before the enactment of
22 chapter 76 of such title by section 569 of the Na-
23 tional Defense Authorization Act for Fiscal Year
24 1996 (Public Law 104–106; 110 Stat. 336) shall be

1 the return of missing persons to United States con-
2 trol alive.

3 (2) ACCOUNTING FOR GOAL.—In implementing
4 the program, the Secretary of Defense, in coordina-
5 tion with the officials specified in subsection (f)(1)
6 of section 1509 of title 10, United States Code, shall
7 take such measures as the Secretary considers ap-
8 propriate to increase significantly the capability and
9 capacity of the Department of Defense, the Armed
10 Forces, and combatant commanders to account for
11 missing persons, as defined by section 1513(3)(B) of
12 such title. Such measures shall include fully funding,
13 manning, and resourcing the Department of De-
14 fense-wide effort to ensure that, at a minimum—

15 (A) 200 missing persons are accounted for
16 under the program annually beginning with fis-
17 cal year 2015; and

18 (B) 350 missing persons are accounted for
19 under the program annually beginning with fis-
20 cal year 2020.

1 **SEC. 562. CLARIFICATION OF GUIDELINES REGARDING RE-**
2 **TURN OF REMAINS AND MEDIA ACCESS AT**
3 **CEREMONIES FOR THE DIGNIFIED TRANSFER**
4 **OF REMAINS AT DOVER AIR FORCE BASE.**

5 (a) PROMPT RETURN.—The remains of a deceased
6 member of the Armed Forces shall be recovered from the
7 theater of combat operations and returned to the United
8 States via the Dover Port Mortuary without delay unless
9 very specific extenuating circumstances presented by the
10 person designated pursuant to section 1482(c) of title 10,
11 United States Code, to direct disposition of the remains
12 of the decedent (in this section referred to as the “primary
13 next of kin”) dictate otherwise and can reasonably be ac-
14 commodated by the Department.

15 (b) MEDIA ACCESS.—

16 (1) DECISION OF PRIMARY NEXT OF KIN.—The
17 primary next of kin of a deceased member of the
18 Armed Forces shall make the family decision regard-
19 ing media access at ceremonies for the dignified
20 transfer of the remains of the decedent at Dover Air
21 Force Base. The option to allow media access shall
22 be briefed to the primary next of kin at the time of
23 initial notification or as soon as practicable there-
24 after. Media access to dignified transfers shall only
25 be permitted with the approval of the primary next
26 of kin. Media contact, filming or recording of family

1 members shall be permitted only if specifically re-
2 quested by the primary next of kin.

3 (2) RELATION TO CURRENT DOD CASUALTY IN-
4 FORMATION POLICY.—Media access approved by the
5 primary next of kin shall waive the Department of
6 Defense policy on 24-hour delay in release of cas-
7 ualty information to the media and general public
8 for that specific case.

9 (3) MEMBER PREFERENCE.—The Secretary of
10 Defense shall develop a long-term plan to obtain the
11 preference of members of the Armed Forces regard-
12 ing media access at ceremonies for the dignified
13 transfer of the remains of the member if they ever
14 become a casualty.

15 (c) TRAVEL AND TRANSPORTATION ALLOWANCE.—
16 The Secretary of a military department shall provide the
17 primary next of kin and two additional family members
18 of a deceased member of the Armed Forces with travel
19 to, and from, Dover Air Force Base via Invitational Travel
20 Authorizations to attend the dignified transfer ceremony.
21 The Secretary may include additional family members on
22 a case-by-case basis. At the discretion of the Secretary,
23 and at the request of the primary next of kin, the service
24 casualty assistance officer or family liaison officer may es-

1 cort and accompany the primary next of kin to the dig-
2 nified transfer ceremony.

3 (d) EFFECTIVE DATE.—This section shall take effect
4 1 year after the date of the enactment of this Act.

5 **SEC. 563. REPORT ON EXPANSION OF AUTHORITY OF A**
6 **MEMBER TO DESIGNATE PERSONS TO DI-**
7 **RECT DISPOSITION OF THE REMAINS OF A**
8 **DECEASED MEMBER.**

9 Not later than 180 days after the date of the enact-
10 ment of this Act, the Secretary of Defense shall submit
11 to Congress a report evaluating the potential effects of ex-
12 panding the list of persons under section 1482(c) of title
13 10, United States Code, who may be designated by a mem-
14 ber of the Armed Forces as the person authorized to direct
15 disposition of the remains of the member if the member
16 is deceased.

17 **SEC. 564. SENSE OF CONGRESS REGARDING THE RECOV-**
18 **ERY OF THE REMAINS OF MEMBERS OF THE**
19 **ARMED FORCES WHO WERE KILLED DURING**
20 **WORLD WAR II IN THE BATTLE OF TARAWA**
21 **ATOLL.**

22 (a) FINDINGS.—Congress makes the following find-
23 ings:

24 (1) On November 20, 1943, units of the United
25 States Marine Corps, supported by units of the

1 United States Army and warships and aircraft of
2 the United States Navy, conducted an amphibious
3 landing on the Island of Betio, Tarawa Atoll, in the
4 Gilbert Islands in the Pacific Ocean.

5 (2) The United States military forces faced an
6 entrenched force of 5,000 Japanese soldiers.

7 (3) The Tarawa landing was the first American
8 amphibious assault on a fortified beachhead in
9 World War II.

10 (4) Just 76 hours later, the American flag was
11 raised at Tarawa.

12 (5) More than 1,100 Marines and other mem-
13 bers of the Armed Forces were killed during the bat-
14 tle.

15 (6) Most of the Marines, soldiers, and sailors
16 who were killed during the battle were buried in
17 hastily dug graves and cemeteries on Tarawa.

18 (7) Between 1943 and 1946, the remains of
19 some of the Marines and other members of the
20 Armed Forces were disinterred and reinterred in
21 temporary graves by the Navy.

22 (8) After World War II, the remains of some of
23 these Marines and other members of the Armed
24 Forces were recovered and returned to the United
25 States for burial.

1 (9) Due to mistakes in reinterment, poor
2 records, as well as other causes, the remains of 564
3 Marines and other members of the Armed Forces
4 killed in the battle of Tarawa are in unmarked, un-
5 known graves.

6 (10) Since 1980, the Department of Defense
7 has recovered remains from some unmarked graves
8 that have been found through construction or other
9 activity on Tarawa.

10 (11) The remains of members of the Armed
11 Forces on Tarawa continue to be threatened by con-
12 struction or other land disturbing activity.

13 (12) Recent research has shed new light on the
14 locations of unmarked and lost graves of members of
15 the Armed Forces on Tarawa.

16 (13) It is the responsibility of the Federal Gov-
17 ernment to return to the United States for proper
18 burial and respect all members of the Armed Forces
19 killed at Tarawa who lie in unmarked and lost
20 graves.

21 (b) SENSE OF CONGRESS.—In light of these findings,
22 Congress—

23 (1) reaffirms its support for the recovery and
24 return to the United States of the remains of mem-
25 bers of the Armed Forces killed in battle, and for

1 the efforts by the Joint POW-MIA Accounting Com-
2 mand to recover the remains of members of the
3 Armed Forces from all wars;

4 (2) recognizes the courage and sacrifice of the
5 members of the Armed Forces who fought on
6 Tarawa;

7 (3) acknowledges the dedicated research and ef-
8 forts by persons to identify, locate, and advocate for
9 the recovery of remains from Tarawa; and

10 (4) encourages the Department of Defense to
11 review this research and, as appropriate, pursue new
12 efforts to conduct field studies, new research, and
13 undertake all feasible efforts to recover, identify, and
14 return remains of members of the Armed Forces
15 from Tarawa.

16 **Subtitle G—Decorations and** 17 **Awards**

18 **SEC. 571. AWARD OF VIETNAM SERVICE MEDAL TO VET-** 19 **ERANS WHO PARTICIPATED IN MAYAGUEZ** 20 **RESCUE OPERATION.**

21 (a) IN GENERAL.—The Secretary of the military de-
22 partment concerned shall, upon the application of an indi-
23 vidual who is an eligible veteran, award that individual the
24 Vietnam Service Medal, notwithstanding any otherwise ap-
25 plicable requirements for the award of that medal. Any

1 such award shall be made in lieu of any Armed Forces
2 Expeditionary Medal awarded the individual for the indi-
3 vidual's participation in the Mayaguez rescue operation.

4 (b) ELIGIBLE VETERAN.—For purposes of this sec-
5 tion, the term “eligible veteran” means a member or
6 former member of the Armed Forces who was awarded
7 the Armed Forces Expeditionary Medal for participation
8 in military operations known as the Mayaguez rescue oper-
9 ation of May 12–15, 1975.

10 **SEC. 572. AUTHORIZATION AND REQUEST FOR AWARD OF**
11 **MEDAL OF HONOR TO ANTHONY T.**
12 **KOHO’OHANOHANO FOR ACTS OF VALOR**
13 **DURING THE KOREAN WAR.**

14 (a) AUTHORIZATION.—Notwithstanding the time lim-
15 itations specified in section 3744 of title 10, United States
16 Code, or any other time limitation with respect to the
17 awarding of certain medals to persons who served in the
18 Armed Forces, the President is authorized and requested
19 to award the Medal of Honor under section 3741 of such
20 title to former Private First Class Anthony T.
21 Koho’ohanohano for the acts of valor during the Korean
22 War described in subsection (b).

23 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
24 referred to in subsection (a) are the actions of then Pri-
25 vate First Class Anthony T. Koho’ohanohano of Company

1 H of the 17th Infantry Regiment of the 7th Infantry Divi-
2 sion on September 1, 1951, during the Korean War for
3 which he was originally awarded the distinguished-service
4 cross.

5 **SEC. 573. AUTHORIZATION AND REQUEST FOR AWARD OF**
6 **DISTINGUISHED-SERVICE CROSS TO JACK T.**
7 **STEWART FOR ACTS OF VALOR DURING THE**
8 **VIETNAM WAR.**

9 (a) **AUTHORIZATION.**—Notwithstanding the time lim-
10 itations specified in section 3744 of title 10, United States
11 Code, or any other time limitation with respect to the
12 awarding of certain medals to persons who served in the
13 Armed Forces, the Secretary of the Army is authorized
14 and requested to award the distinguished-service cross
15 under section 3742 of such title to former Captain Jack
16 T. Stewart of the United States Army for the acts of valor
17 during the Vietnam War described in subsection (b).

18 (b) **ACTS OF VALOR DESCRIBED.**—The acts of valor
19 referred to in subsection (a) are the actions of Captain
20 Jack T. Stewart as commander of a two-platoon Special
21 Forces Mike Force element in combat with two battalions
22 of the North Vietnamese Army on March 24, 1967, during
23 the Vietnam War.

1 **SEC. 574. AUTHORIZATION AND REQUEST FOR AWARD OF**
2 **DISTINGUISHED-SERVICE CROSS TO WILLIAM**
3 **T. MILES, JR., FOR ACTS OF VALOR DURING**
4 **THE KOREAN WAR.**

5 (a) AUTHORIZATION.—Notwithstanding the time lim-
6 itations specified in section 3744 of title 10, United States
7 Code, or any other time limitation with respect to the
8 awarding of certain medals to persons who served in the
9 Armed Forces, the Secretary of the Army is authorized
10 and requested to award the distinguished-service cross
11 under section 3742 of such title to former to former Ser-
12 geant First William T. Miles, Jr., of the United States
13 Army for the acts of valor during the Korean War de-
14 scribed in subsection (b).

15 (b) ACTS OF VALOR DESCRIBED.—The acts of valor
16 referred to in subsection (a) are the actions of Sergeant
17 First Class William T. Miles, Jr., as a member of United
18 States Special Forces from June 18, 1951, to July 6,
19 1951, during the Korean War, when he fought a delaying
20 action against enemy forces in order to allow other mem-
21 bers of his squad to escape an ambush.

22 **SEC. 575. RETROACTIVE AWARD OF ARMY COMBAT ACTION**
23 **BADGE.**

24 (a) AUTHORITY TO AWARD.—The Secretary of the
25 Army may award the Army Combat Action Badge (estab-
26 lished by order of the Secretary of the Army through

1 Headquarters, Department of the Army Letter 600–05–
2 1, dated June 3, 2005) to a person who, while a member
3 of the Army, participated in combat during which the per-
4 son personally engaged, or was personally engaged by, the
5 enemy at any time during the period beginning on Decem-
6 ber 7, 1941, and ending on September 18, 2001 (the date
7 of the otherwise applicable limitation on retroactivity for
8 the award of such decoration), if the Secretary determines
9 that the person has not been previously recognized in an
10 appropriate manner for such participation.

11 (b) PROCUREMENT OF BADGE.—The Secretary of
12 the Army may make arrangements with suppliers of the
13 Army Combat Action Badge so that eligible recipients of
14 the Army Combat Action Badge pursuant to subsection
15 (a) may procure the badge directly from suppliers, thereby
16 eliminating or at least substantially reducing administra-
17 tive costs for the Army to carry out this section.

18 **SEC. 576. ESTABLISHMENT OF COMBAT MEDEVAC BADGE.**

19 (a) ARMY.—

20 (1) IN GENERAL.—Chapter 357 of title 10,
21 United States Code, is amended by adding at the
22 end the following new section:

23 **“§ 3757. Combat Medevac Badge**

24 “(a) ISSUANCE.—The Secretary of the Army shall
25 issue a badge of appropriate design, to be known as the

1 Combat Medevac Badge, to each person who while a mem-
2 ber of the Army served in combat on or after June 25,
3 1950, as a pilot or crew member of a helicopter medical
4 evacuation ambulance and who meets the requirements for
5 the award of that badge.

6 “(b) ELIGIBILITY REQUIREMENTS.—The Secretary
7 of the Army shall prescribe requirements for eligibility for
8 the Combat Medevac Badge.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of such chapter is amended
11 by adding at the end the following new item:

“3757. Combat Medevac Badge”.

12 (b) NAVY AND MARINE CORPS.—

13 (1) IN GENERAL.—Chapter 567 of title 10,
14 United States Code, is amended by adding at the
15 end the following new section:

16 “§ 6259. **Combat Medevac Badge**

17 “(a) ISSUANCE.—The Secretary of the Navy shall
18 issue a badge of appropriate design, to be known as the
19 Combat Medevac Badge, to each person who while a mem-
20 ber of the Navy or Marine Corps served in combat on or
21 after June 25, 1950, as a pilot or crew member of a heli-
22 copter medical evacuation ambulance and who meets the
23 requirements for the award of that badge.

1 “(b) ELIGIBILITY REQUIREMENTS.—The Secretary
2 of the Navy shall prescribe requirements for eligibility for
3 the Combat Medevac Badge.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions at the beginning of such chapter is amended
6 by adding at the end the following new item:

“6259. Combat Medevac Badge”.

7 (c) AIR FORCE.—

8 (1) IN GENERAL.—Chapter 857 of title 10,
9 United States Code, is amended by adding at the
10 end the following new section:

11 **“§ 8757. Combat Medevac Badge**

12 “(a) ISSUANCE.—The Secretary of the Air Force
13 shall issue a badge of appropriate design, to be known as
14 the Combat Medevac Badge, to each person who while a
15 member of the Air Force served in combat on or after
16 June 25, 1950, as a pilot or crew member of a helicopter
17 medical evacuation ambulance and who meets the require-
18 ments for the award of that badge.

19 “(b) ELIGIBILITY REQUIREMENTS.—The Secretary
20 of the Air Force shall prescribe requirements for eligibility
21 for the Combat Medevac Badge.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of such chapter is amended
24 by adding at the end the following new item:

“8757. Combat Medevac Badge”.

1 (d) AWARD FOR SERVICE BEFORE DATE OF ENACT-
2 MENT.—In the case of persons who, while a member of
3 the Armed Forces, served in combat as a pilot or crew
4 member of a helicopter medical evacuation ambulance dur-
5 ing the period beginning on June 25, 1950, and ending
6 on the date of enactment of this Act, the Secretary of the
7 military department concerned shall issue the Combat
8 Medevac Badge—

9 (1) to each such person who is known to the
10 Secretary before the date of enactment of this Act;
11 and

12 (2) to each such person with respect to whom
13 an application for the issuance of the badge is made
14 to the Secretary after such date in such manner,
15 and within such time period, as the Secretary may
16 require.

17 **Subtitle H—Military Families**

18 **SEC. 581. PILOT PROGRAM TO SECURE INTERNSHIPS FOR** 19 **MILITARY SPOUSES WITH FEDERAL AGEN-** 20 **CIES.**

21 (a) COST-REIMBURSEMENT AGREEMENTS WITH
22 FEDERAL AGENCIES.—The Secretary of Defense may
23 enter into an agreement with the head of an executive de-
24 partment or agency that has an established internship pro-
25 gram to reimburse the department or agency for author-

1 ized costs associated with the first year of employment of
2 an eligible military spouse who is selected to participate
3 in the internship program of the department or agency.

4 (b) ELIGIBLE MILITARY SPOUSES.—

5 (1) ELIGIBILITY.—Except as provided in para-
6 graph (2), any person who is married to a member
7 of the Armed Forces on active duty is eligible for se-
8 lection to participate in an internship program under
9 a reimbursement agreement entered into under sub-
10 section (a).

11 (2) EXCLUSIONS.—Reimbursement may not be
12 provided with respect to the following persons:

13 (A) A person who is legally separated from
14 a member of the Armed Forces under court
15 order or statute of any State, the District of
16 Columbia, or possession of the United States
17 when the person begins the internship.

18 (B) A person who is also a member of the
19 Armed Forces on active duty.

20 (C) A person who is a retired member of
21 the Armed Forces.

22 (c) FUNDING SOURCE.—Amounts authorized to be
23 appropriated for operation and maintenance, for Defense-
24 wide activities, shall be available to carry out this section.

25 (d) DEFINITIONS.—In this section:

1 (1) The term “authorized costs” includes the
2 costs of the salary, benefits and allowances, and
3 training for an eligible military spouse during the
4 first year of the participation of the military spouse
5 in an internship program pursuant to an agreement
6 under subsection (a).

7 (2) The term “internship” means a profes-
8 sional, analytical, or administrative position in the
9 Federal Government that operates under a develop-
10 mental program leading to career advancement.

11 (e) TERMINATION OF AGREEMENT AUTHORITY.—No
12 agreement may be entered into under subsection (a) after
13 September 30, 2011. Authorized costs incurred after that
14 date may be reimbursed under an agreement entered into
15 before that date in the case of eligible military spouses
16 who begin their internship by that date.

17 (f) REPORTING REQUIREMENT.—Not later than Jan-
18 uary 1, 2012, the Secretary of Defense shall submit to
19 the congressional defense committees a report that pro-
20 vides information on how many eligible military spouses
21 received internships pursuant to agreements entered into
22 under subsection (a) and the types of internship positions
23 they occupied. The report shall specify the number of in-
24 terns who subsequently obtained permanent employment
25 with the department or agency administering the intern-

1 ship program or with another department or agency. The
2 Secretary shall include a recommendation regarding
3 whether, given the investment of Department of Defense
4 funds, the authority to enter into agreements should be
5 extended, modified, or terminated.

6 **SEC. 582. REPORT ON PROGRESS MADE IN IMPLEMENTING**
7 **RECOMMENDATIONS TO REDUCE DOMESTIC**
8 **VIOLENCE IN MILITARY FAMILIES.**

9 (a) ASSESSMENT.—The Comptroller General shall re-
10 view and assess the progress made by the Department of
11 Defense in implementing the recommendations contained
12 in the report by the Comptroller General entitled “Military
13 Personnel: Progress Made in Implementing Recommenda-
14 tions to reduce Domestic Violence, but Further Manage-
15 ment Action Needed” (GAO–06–540).

16 (b) REPORT.—Not later than 180 days after the date
17 of the enactment of this Act, the Comptroller General shall
18 submit to the congressional defense committees a report
19 containing the results of the review and assessment under
20 subsection (a).

1 **SEC. 583. MODIFICATION OF SERVICEMEMBERS CIVIL RE-**
2 **LIEF ACT REGARDING TERMINATION OR SUS-**
3 **PENSION OF SERVICE CONTRACTS AND EF-**
4 **FECT OF VIOLATION OF INTEREST RATE LIM-**
5 **ITATION.**

6 (a) TERMINATION OR SUSPENSION OF SERVICE CON-
7 TRACTS.—Section 305A of the Servicemembers Civil Re-
8 lief Act (50 U.S.C. App. 535a) is amended to read as fol-
9 lows:

10 **“SEC. 305A. TERMINATION OR SUSPENSION OF SERVICE**
11 **CONTRACTS.**

12 “(a) TERMINATION OR SUSPENSION BY SERVICE-
13 MEMBER.—A servicemember who is party to or enters into
14 a contract described in subsection (c) may terminate or
15 suspend, at the servicemember’s option, the contract at
16 any time after the date of the servicemember’s military
17 orders, as described in subsection (c).

18 “(b) SPECIAL RULES.—

19 “(1) A suspension under subsection (a) of a
20 contract by a servicemember shall continue for the
21 length of the servicemember’s deployment pursuant
22 to the servicemember’s military orders.

23 “(2) A service provider under a contract sus-
24 pended or terminated under subsection (a) by a
25 servicemember may not impose a suspension fee or
26 early termination fee in connection with the suspen-

1 sion or termination of the contract, other than a
2 nominal fee for the suspension; except that the serv-
3 ice provider may impose a reasonable fee for any
4 equipment remaining on the premises of the service-
5 member during the period of the suspension. The
6 servicemember may defer, without penalty, payment
7 of such a nominal fee or reasonable fee for the
8 length of the servicemember's deployment pursuant
9 to the servicemember's military orders.

10 “(3) In any case in which the contract being
11 suspended under subsection (a) is for cellular tele-
12 phone service or telephone exchange service, the
13 servicemember, after the date on which the suspen-
14 sion of the contract ends, may keep, to the extent
15 practicable and in accordance with all applicable
16 laws and regulations, the same telephone number
17 the servicemember had before the servicemember
18 suspended the contract.

19 “(c) COVERED CONTRACTS.—This section applies to
20 a contract for cellular telephone service (including a con-
21 tract to which the servicemember is included with family
22 members), telephone exchange service, multichannel video
23 programming service, Internet access service, water, elec-
24 tricity, oil, gas, or other utility if the servicemember enters
25 into the contract and thereafter receives military orders—

1 “(1) to deploy with a military unit, or as an in-
2 dividual, in support of a contingency operation for a
3 period of not less than 90 days; or

4 “(2) for a change of permanent station to a lo-
5 cation that does not support the contract.

6 “(d) MANNER OF TERMINATION OR SUSPENSION.—

7 “(1) IN GENERAL.—Termination or suspension
8 of a contract under subsection (a) is made by deliv-
9 ery by the servicemember of written notice of such
10 termination or suspension and a copy of the
11 servicemember’s military orders to the other party to
12 the contract (or to that party’s grantee or agent).

13 “(2) NATURE OF NOTICE.—Delivery of notice
14 under paragraph (1) may be accomplished—

15 “(A) by hand delivery;

16 “(B) by private business carrier;

17 “(C) by facsimile; or

18 “(D) by placing the written notice and a
19 copy of the servicemember’s military orders in
20 an envelope with sufficient postage and with re-
21 turn receipt requested, and addressed as des-
22 ignated by the party to be notified (or that par-
23 ty’s grantee or agent), and depositing the enve-
24 lope in the United States mails.

1 “(e) DATE OF CONTRACT TERMINATION OR SUSPEN-
2 SION.—Termination or suspension of a service contract
3 under subsection (a) is effective as of the date on which
4 the notice under subsection (d) is delivered.

5 “(f) OTHER OBLIGATIONS AND LIABILITIES.—The
6 service provider under the contract may not impose an
7 early termination or suspension charge, but any tax or any
8 other obligation or liability of the servicemember that, in
9 accordance with the terms of the contract, is due and un-
10 paid or unperformed at the time of termination or suspen-
11 sion of the contract shall be paid or performed by the serv-
12 icemember.

13 “(g) FEES PAID IN ADVANCE.—A fee or amount paid
14 in advance for a period after the effective date of the ter-
15 mination of the contract shall be refunded to the service-
16 member by the other party (or that party’s grantee or
17 agent) within 60 days of the effective date of the termi-
18 nation of the contract.

19 “(h) RELIEF TO OTHER PARTY.—Upon application
20 by the other party to the contract to a court before the
21 termination date provided in the written notice, relief
22 granted by this section to a servicemember may be modi-
23 fied as justice and equity require.

24 “(i) CRIMINAL PENALTY.—Whoever knowingly vio-
25 lates this section shall be fined not more than \$5,000 in

1 the case of an individual or \$10,000 in the case of an orga-
2 nization.

3 “(j) PRIVATE RIGHT OF ACTION.—

4 “(1) IN GENERAL.—A servicemember harmed
5 by a violation of this section may in a civil action—

6 “(A) obtain any appropriate equitable re-
7 lief with respect to the violation; and

8 “(B) recover an amount equal to three
9 times the damages sustained as a result of the
10 violation.

11 “(2) COSTS AND ATTORNEY FEES.—The court
12 shall award to a servicemember who prevails in an
13 action under paragraph (1) the costs of the action,
14 including a reasonable attorney fee.

15 “(3) PRESERVATION OF OTHER REMEDIES.—
16 Nothing in this section shall be construed to pre-
17 clude or limit any remedy otherwise available under
18 law to the servicemember with respect to conduct
19 prohibited under this section.

20 “(k) DEFINITIONS.—In this section:

21 “(1) MULTICHANNEL VIDEO PROGRAMMING
22 SERVICE.—The term ‘multichannel video program-
23 ming service’ means video programming service pro-
24 vided by a multichannel video programming dis-
25 tributor, as such term is defined in section 602(13)

1 of the Communications Act of 1934 (47 U.S.C.
2 522(13)).

3 “(2) INTERNET ACCESS SERVICE.—The term
4 ‘Internet access service’ has the meaning given that
5 term under section 231(e)(4) of the Communications
6 Act of 1934 (47 U.S.C. 231(e)(4)).

7 “(3) CELLULAR TELEPHONE SERVICE.—The
8 term ‘cellular telephone service’ means commercial
9 mobile service, as that term is defined in section
10 332(d) of the Communications Act of 1934 (47
11 U.S.C. 332(d)).

12 “(4) TELEPHONE EXCHANGE SERVICE.—The
13 term ‘telephone exchange service’ has the meaning
14 given that term under section 3 of the Communica-
15 tions Act of 1934 (47 U.S.C. 153).”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 in section 1(b) of such Act is amended by striking the
18 item relating to section 305A and inserting the following
19 new item:

“Sec. 305A. Termination or suspension of service contracts.”.

20 (c) VIOLATION OF INTEREST RATE LIMITATION.—
21 Section 207 of such Act is amended—

22 (1) by amending subsection (e) to read as fol-
23 lows:

24 “(e) CRIMINAL PENALTY.—

1 “(1) IN GENERAL.—Whoever knowingly violates
2 this section shall be fined not more than \$5,000 in
3 the case of an individual or \$10,000 in the case of
4 an organization.

5 “(2) DETERMINATION OF NUMBER OF VIOLA-
6 TIONS.—The court shall count as a separate viola-
7 tion each obligation or liability of a servicemember
8 with respect to which—

9 “(A) the servicemember properly provided
10 to the creditor written notice and a copy of the
11 military orders calling the servicemember to
12 military service and any orders further extend-
13 ing military service under subsection (b); and

14 “(B) the creditor fails to act in accordance
15 with subsection (a).”;

16 (2) by redesignating subsection (f) as sub-
17 section (g);

18 (3) by inserting after subsection (e) the fol-
19 lowing new subsection (f):

20 “(f) RIGHTS OF SERVICEMEMBERS.—

21 “(1) PRIVATE RIGHT OF ACTION.—A service-
22 member harmed by a violation of this section may
23 in a civil action—

24 “(A) obtain any appropriate equitable re-
25 lief with respect to the violation; and

1 “(B) recover an amount equal to three
2 times the damages sustained as a result of the
3 violation.

4 “(2) COSTS AND ATTORNEY FEES.—The court
5 shall award to a servicemember who prevails in an
6 action under paragraph (1) the costs of the action,
7 including a reasonable attorney fee.

8 “(3) PRESERVATION OF OTHER REMEDIES.—
9 Nothing in this section shall be construed to pre-
10 clude or limit any remedy otherwise available under
11 law to the servicemember with respect to conduct
12 prohibited under this section.”; and

13 (4) in subsection (g), as redesignated by para-
14 graph (2) of this subsection, by inserting “and (f)”
15 after “subsection (e)”.

16 (d) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall apply with respect to a contract en-
18 tered into on or after the date of the enactment of this
19 Act.

20 **SEC. 584. PROTECTION OF CHILD CUSTODY ARRANGE-**
21 **MENTS FOR PARENTS WHO ARE MEMBERS OF**
22 **THE ARMED FORCES DEPLOYED IN SUPPORT**
23 **OF A CONTINGENCY OPERATION.**

24 (a) CHILD CUSTODY PROTECTION.—Title II of the
25 Servicemembers Civil Relief Act (50 U.S.C. App. 521 et

1 seq.) is amended by adding at the end the following new
2 section:

3 **“SEC. 208. CHILD CUSTODY PROTECTION.**

4 “(a) RESTRICTION ON CHANGE OF CUSTODY.—If a
5 motion for change of custody of a child of a servicemember
6 is filed while the servicemember is deployed in support of
7 a contingency operation, no court may enter an order
8 modifying or amending any previous judgment or order,
9 or issue a new order, that changes the custody arrange-
10 ment for that child that existed as of the date of the de-
11 ployment of the servicemember, except that a court may
12 enter a temporary custody order if the court finds that
13 it is in the best interest of the child.

14 “(b) COMPLETION OF DEPLOYMENT.—In any pre-
15 ceding covered under subsection (a), a court shall require
16 that, upon the return of the servicemember from deploy-
17 ment in support of a contingency operation, the custody
18 order that was in effect immediately preceding the date
19 of the deployment of the servicemember is reinstated, un-
20 less the court finds that such a reinstatement is not in
21 the best interest of the child, except that any such finding
22 shall be subject to subsection (c).

23 “(c) EXCLUSION OF MILITARY SERVICE FROM DE-
24 TERMINATION OF CHILD’S BEST INTEREST.—If a motion
25 for the change of custody of the child of a servicemember

1 is filed, no court may consider the absence of the service-
2 member by reason of deployment, or possibility of deploy-
3 ment, in determining the best interest of the child.

4 “(d) NO FEDERAL RIGHT OF ACTION.—Nothing in
5 this section shall create a Federal right of action.

6 “(e) PREEMPTION.—In any case where State or Fed-
7 eral law applicable to a child custody proceeding under
8 State or Federal law provides a higher standard of protec-
9 tion to the rights of the parent who is a servicemember
10 than the rights provided under this section, the State or
11 Federal court shall apply the State or Federal standard.

12 “(f) CONTINGENCY OPERATION DEFINED.—In this
13 section, the term ‘contingency operation’ has the meaning
14 given that term in section 101(a)(13) of title 10, United
15 States Code, except that the term may include such other
16 deployments as the Secretary may prescribe.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 in section 1(b) of such Act is amended by adding at the
19 end of the items relating to title II the following new item:

“208. Child custody protection.”.

20 **SEC. 585. DEFINITIONS IN FAMILY AND MEDICAL LEAVE**
21 **ACT OF 1993 RELATED TO ACTIVE DUTY,**
22 **SERVICEMEMBERS, AND RELATED MATTERS.**

23 (a) DEFINITION OF COVERED ACTIVE DUTY.—

1 (1) DEFINITION.—Paragraph (14) of section
2 101 of the Family and Medical Leave Act of 1993
3 (29 U.S.C. 2611) is amended—

4 (A) by striking all that precedes “under a
5 call” and inserting the following:

6 “(14) COVERED ACTIVE DUTY.—The term ‘cov-
7 ered active duty’ means—

8 “(A) in the case of a member of a regular
9 component of the Armed Forces, duty during
10 the deployment of the member with the Armed
11 Forces to a foreign country; and

12 “(B) in the case of a member of a reserve
13 component of the Armed Forces, duty during
14 the deployment of the member with the Armed
15 Forces to a foreign country”; and

16 (B) by striking “101(a)(13)(B)” and in-
17 serting “101(a)(13)”.

18 (2) LEAVE.—Section 102 of the Family and
19 Medical Leave Act of 1993 (29 U.S.C. 2612) is
20 amended—

21 (A) in subsection (a)(1)(E), by striking
22 “active duty” each place it appears and insert-
23 ing “covered active duty”; and

24 (B) in subsection (e)(3)—

1 (i) in the paragraph heading, by strik-
2 ing “ACTIVE DUTY” and inserting “COV-
3 ERED ACTIVE DUTY”; and

4 (ii) by striking “active duty” each
5 place it appears and inserting “covered ac-
6 tive duty”.

7 (3) CONFORMING AMENDMENT.—Section 103(f)
8 of the Family and Medical Leave Act of 1993 (29
9 U.S.C. 2613(f)) is amended, in the subsection head-
10 ing, by striking “ACTIVE DUTY” both places it ap-
11 pears and inserting “COVERED ACTIVE DUTY”.

12 (b) DEFINITION OF COVERED SERVICEMEMBER.—
13 Section 101 of the Family and Medical Leave Act of 1993
14 is further amended by striking paragraph (16) and insert-
15 ing the following new paragraph:

16 “(16) COVERED SERVICEMEMBER.—The term
17 ‘covered servicemember’ means—

18 “(A) a member of the Armed Forces (in-
19 cluding a member of the National Guard or Re-
20 serves) who is undergoing medical treatment,
21 recuperation, or therapy, is otherwise in out-
22 patient status, or is otherwise on the temporary
23 disability retired list, for a serious injury or ill-
24 ness; or

1 “(B) a veteran who is undergoing medical
2 treatment, recuperation, or therapy, for a seri-
3 ous injury or illness and who was a member of
4 the Armed Forces (including a member of the
5 National Guard or Reserves) at any time dur-
6 ing the period of 5 years preceding the date on
7 which the veteran undergoes that medical treat-
8 ment, recuperation, or therapy.”.

9 (c) DEFINITIONS OF SERIOUS INJURY OR ILLNESS;
10 VETERAN.—Section 101 of the Family and Medical Leave
11 Act of 1993 is further amended by striking paragraph
12 (19) and inserting the following new paragraphs:

13 “(19) SERIOUS INJURY OR ILLNESS.—The term
14 ‘serious injury or illness’—

15 “(A) in the case of a member of the Armed
16 Forces (including a member of the National
17 Guard or Reserves), means an injury or illness
18 incurred by the member in line of duty on cov-
19 ered active duty in the Armed Forces that may
20 render the member medically unfit to perform
21 the duties of the member’s office, grade, rank,
22 or rating; and

23 “(B) in the case of a veteran who was a
24 member of the Armed Forces (including a mem-
25 ber of the National Guard or Reserves) at any

1 time during a period described in paragraph
2 (16)(B), means an injury or illness incurred by
3 the member in line of duty on covered active
4 duty in the Armed Forces, that manifested
5 itself after the member became a veteran, and
6 that may have rendered the member medically
7 unfit to perform the duties of the member’s of-
8 fice, grade, rank, or rating on the date the in-
9 jury or illness was incurred if the injury or ill-
10 ness had manifested itself on that date.

11 “(20) VETERAN.—The term ‘veteran’ has the
12 meaning given the term in section 101 of title 38,
13 United States Code.”.

14 (d) TECHNICAL AMENDMENT.—Section 102(e)(2)(A)
15 of the Family and Medical Leave Act of 1993 (29 U.S.C.
16 2612(e)(2)(A)) is amended by striking “or parent” and
17 inserting “parent, or next of kin (for leave taken under
18 subsection (a)(3))”.

19 (e) EFFECTIVE DATE AND REGULATIONS.—The
20 amendments made by this section shall take effect on the
21 date of the enactment of this Act. Not later than 120 days
22 after such date, the Secretary of Labor shall issue direct
23 final conforming regulations solely to implement such
24 amendments.

1 **SEC. 586. REPORT ON IMPACT OF DOMESTIC VIOLENCE ON**
2 **MILITARY FAMILIES.**

3 The Comptroller General shall submit to Congress a
4 report containing—

5 (1) an assessment of the impact of domestic vi-
6 olence in families of members of the Armed Forces
7 on the children of such families; and

8 (2) information on progress being made to en-
9 sure that children of families of members of the
10 Armed Forces receive adequate care and services
11 when such children are exposed to domestic violence.

12 **SEC. 587. OVERSEAS VOTING ADVISORY BOARD.**

13 (a) ESTABLISHMENT; DUTIES.—There is hereby es-
14 tablished the Overseas Voting Advisory Board (hereafter
15 in this Act referred to as the “Board”).

16 (b) DUTIES.—

17 (1) IN GENERAL.—The Board shall conduct
18 studies and issue reports with respect to the fol-
19 lowing issues:

20 (A) The ability of citizens of the United
21 States who reside outside of the United States
22 to register to vote and vote in elections for pub-
23 lic office.

24 (B) Methods to promote voter registration
25 and voting among such citizens.

1 (C) The effectiveness of the Director of the
2 Federal Voting Assistance Program under the
3 Uniformed and Overseas Citizens Absentee Vot-
4 ing Act in assisting such citizens in registering
5 to vote and casting votes in elections.

6 (D) The effectiveness of the administration
7 and enforcement of the requirements of the
8 Uniformed and Overseas Citizens Absentee Vot-
9 ing Act.

10 (E) The need for the enactment of legisla-
11 tion or the adoption of administrative actions to
12 ensure that all Americans who are away from
13 the jurisdiction in which they are eligible to
14 vote because they live overseas or serve in the
15 military (or are a spouse or dependent of some-
16 one who serves in the military) are able to reg-
17 ister to vote and vote in elections for public of-
18 fice.

19 (2) REPORTS.—In addition to issuing such re-
20 ports as it considers appropriate, the Board shall
21 transmit to Congress a report not later than March
22 31 of each year describing its activities during the
23 previous year, and shall include in that report such
24 recommendations as the Board considers appropriate
25 for legislative or administrative action, including the

1 provision of funding, to address the issues described
2 in paragraph (1).

3 (3) COMMITTEE HEARINGS ON ANNUAL RE-
4 PORT.—During each year, the Committees on Armed
5 Services of the House of Representatives and Sen-
6 ate, the Committee on House Administration of the
7 House of Representatives, and the Committee on
8 Rules and Administration of the Senate may each
9 hold a hearing on the annual report submitted by
10 the Board under paragraph (2).

11 (c) MEMBERSHIP.—

12 (1) APPOINTMENT.—The Board shall be com-
13 posed of 5 members appointed by the President not
14 later than 6 months after the date of the enactment
15 of this Act, of whom—

16 (A) 1 shall be appointed from among a list
17 of nominees submitted by the Speaker of the
18 House of Representatives;

19 (B) 1 shall be appointed from among a list
20 of nominees submitted by the Minority Leader
21 of the House of Representatives;

22 (C) 1 shall be appointed from among a list
23 of nominees submitted by the Majority Leader
24 of the Senate; and

1 (D) 1 shall be appointed from among a list
2 of nominees submitted by the Minority Leader
3 of the Senate.

4 (2) QUALIFICATIONS.—An individual may serve
5 as a member of the Board only if the individual has
6 experience in election administration and resides or
7 has resided for an extended period of time overseas
8 (as a member of the uniformed services or as a civil-
9 ian), except that the President shall ensure that at
10 least one member of the Board is a citizen who re-
11 sides overseas while serving on the Board.

12 (3) TERMS OF SERVICE.—

13 (A) IN GENERAL.—Except as provided in
14 subparagraph (B), each member shall be ap-
15 pointed for a term of 4 years. A member may
16 be reappointed for additional terms.

17 (B) VACANCIES.—A vacancy in the Board
18 shall be filled in the manner in which the origi-
19 nal appointment was made. Any member ap-
20 pointed to fill a vacancy occurring before the
21 expiration of the term for which the member's
22 predecessor was appointed shall be appointed
23 only for the remainder of that term. A member
24 may serve after the expiration of that member's
25 term until a successor has taken office.

1 (4) PAY.—

2 (A) NO PAY FOR SERVICE.—A member
3 shall serve without pay, except that a member
4 shall receive travel expenses, including per diem
5 in lieu of subsistence, in accordance with appli-
6 cable provisions under subchapter I of chapter
7 57 of title 5, United States Code.

8 (B) REIMBURSEMENT OF TRAVEL EX-
9 PENSES BY DIRECTOR.—Upon request of the
10 Chairperson of the Board, the Director of the
11 Federal Voting Assistance Program under the
12 Uniformed and Overseas Citizens Absentee Vot-
13 ing Act shall, from amounts made available for
14 the salaries and expenses of the Director, reim-
15 burse the Board for any travel expenses paid on
16 behalf of a member under subparagraph (A).

17 (5) QUORUM.—Three members of the Board
18 shall constitute a quorum but a lesser number may
19 hold hearings.

20 (6) CHAIRPERSON.—The members of the Board
21 shall designate one member to serve as Chairperson.

22 (d) STAFF.—

23 (1) AUTHORITY TO APPOINT.—Subject to rules
24 prescribed the Board, the chairperson may appoint

1 and fix the pay of such staff as the chairperson con-
2 siders necessary.

3 (2) APPLICATION OF CIVIL SERVICE LAWS.—

4 The staff of the Board shall be appointed subject to
5 the provisions of title 5, United States Code, gov-
6 erning appointments in the competitive service, and
7 shall be paid in accordance with the provisions of
8 chapter 51 and subchapter III of chapter 53 of that
9 title relating to classification and General Schedule
10 pay rates.

11 (3) EXPERTS AND CONSULTANTS.—Subject to
12 rules prescribed by the Board, the Chairperson may
13 procure temporary and intermittent services under
14 section 3109(b) of title 5, United States Code.

15 (4) STAFF OF FEDERAL AGENCIES.—Upon re-
16 quest of the Chairperson, the head of any Federal
17 department or agency may detail, on a reimbursable
18 basis, any of the personnel of that department or
19 agency to the Board to assist it in carrying out its
20 duties under this Act.

21 (e) POWERS.—

22 (1) HEARINGS AND SESSIONS.—The Board
23 may, for the purpose of carrying out this Act, hold
24 hearings, sit and act at times and places, take testi-
25 mony, and receive evidence as the Board considers

1 appropriate. The Board may administer oaths or af-
2 firmations to witnesses appearing before it.

3 (2) OBTAINING OFFICIAL DATA.—The Board
4 may secure directly from any department or agency
5 of the United States information necessary to enable
6 it to carry out this Act. Upon request of the Chair-
7 person, the head of that department or agency shall
8 furnish that information to the Board.

9 (3) MAILS.—The Board may use the United
10 States mails in the same manner and under the
11 same conditions as other departments and agencies
12 of the United States.

13 (4) ADMINISTRATIVE SUPPORT SERVICES.—
14 Upon the request of the Board, the Administrator of
15 General Services shall provide to the Board, on a re-
16 imburseable basis, the administrative support services
17 necessary for the Board to carry out its responsibil-
18 ities under this Act.

19 (f) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to the Board such sums
21 as may be necessary to carry out this section for fiscal
22 year 2010 and each succeeding fiscal year.

1 **SEC. 588. SENSE OF CONGRESS AND REPORT ON INTRA-FAMILIAL ABDUCTION OF CHILDREN OF MILITARY PERSONNEL.**
2
3

4 (a) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the intra-familial abduction to foreign countries
6 of children of members of the Armed Forces constitutes
7 a grave violation of the rights of military parents whose
8 children are abducted and poses a significant threat to the
9 psychological well-being and development of the abducted
10 children.

11 (b) REPORT ON INTRA-FAMILIAL CHILD ABDUCTION
12 EFFECTING ACTIVE DUTY MILITARY PERSONNEL.—

13 (1) REPORT REQUIRED.—Not later than 60
14 days after the date of the enactment of this Act, and
15 not later than December 31 of calendar year 2010
16 and each December 31 thereafter, the Secretary of
17 Defense shall submit to the Committees on Armed
18 Services of the Senate and House of Representatives
19 a report on the programs, projects, and activities
20 carried out by the Department of Defense to assist
21 members of the Armed Forces whose children are
22 abducted.

23 (2) CONTENTS.—The report required under
24 paragraph (1) shall include information concerning
25 the following:

1 (A) The total number of children abducted
2 from military parents, with a breakdown of the
3 number of children abducted to each country
4 that is a party to the Hague Convention on the
5 Civil Aspects of International Child Abduction
6 (the “Hague Convention”) and each country
7 that is not a party to the Hague Convention.

8 (B) The total number of children abducted
9 from military parents who were returned to
10 their military parent, with a breakdown of the
11 number of children returned from each country
12 that is a party to the Hague Convention and
13 each country that is not a party to the Hague
14 Convention, including the average length of
15 time per country that the children spent sepa-
16 rated from their military parent, whether the
17 Department of Defense helped facilitate any of
18 the returns, specific actions taken to facilitate
19 the return, and other Departments involved.

20 (C) Whether these numbers are shared
21 with the Department of State for inclusion in
22 the Report on Compliance with the Hague Con-
23 vention on the Civil Aspects of International
24 Child Abduction.

1 (D) An assessment as to how international
2 child abductions impact the force readiness of
3 affected military personnel.

4 (E) An assessment of the effectiveness of
5 the centralized office within the Department of
6 Defense responsible for implementing measures
7 to prevent international child abductions and to
8 provide assistance to military personnel, includ-
9 ing—

10 (i) the coordination of international
11 child abduction-related issues between the
12 relevant agencies and departments with the
13 Department of Defense;

14 (ii) the education of appropriate per-
15 sonnel;

16 (iii) the coordination with family sup-
17 port offices and other applicable agencies,
18 both within the United States and in host
19 countries, to implement mechanisms for
20 assistance to left behind parents;

21 (iv) the coordination with the Depart-
22 ment of State and National Center for
23 Missing and Exploited Children to provide
24 assistance to left behind parents in obtain-
25 ing the return of their children; and

1 (v) the collection of the data required
2 by subparagraphs (A) and (B).

3 (F) An assessment of the current avail-
4 ability of, and additional need for assistance, in-
5 cluding general information, psychological coun-
6 seling, financial assistance, leave for travel,
7 legal services, and the contact information for
8 the office identified in subparagraph (E), pro-
9 vided by the Department of Defense to left be-
10 hind military parents for the purpose of obtain-
11 ing the return of their abducted children and
12 ensuring the force readiness of military per-
13 sonnel.

14 (G) The means through which available
15 services, information, and activities relating to
16 international child abductions are commu-
17 nicated to left behind military parents.

18 (H) The proportion of identified left be-
19 hind military parents who utilize the services
20 and activities referred to in subparagraph (F).

21 (I) Measures taken by the Department of
22 Defense, including any written policy guidelines,
23 to prevent the abduction of children.

24 (J) The means by which military personnel
25 are educated on the risks of international child

1 abduction, particularly when they first arrive on
2 a base abroad or when the military receives no-
3 tice that the personnel is considering marriage
4 or divorce abroad.

5 (K) The training provided to those who
6 supply legal assistance to military personnel, in
7 particular the Armed Forces Legal Assistance
8 Offices, on the legal aspects of international
9 child abduction and legal options available to
10 left behind military parents, including the risks
11 of conferring jurisdiction on the host country
12 court system by applying for child custody in
13 the host country court system.

14 (L) Which of the Status of Forces Agree-
15 ments negotiated with host countries, if any,
16 are written to protect the ability of a member
17 of the Armed Forces to have international child
18 abduction cases adjudicated in the member's
19 State of legal residence.

20 (M) The feasibility of including in present
21 and future Status of Forces Agreements a
22 framework for the expeditious and just resolu-
23 tion of intra-familial child abduction.

24 (N) Identification of potential strategies
25 for engagement with host countries with high

1 incidences of military international child abduc-
2 tions.

3 (O) Whether the Department of Defense
4 has engaged in joint efforts with the State De-
5 partment to provide a forum, such as a con-
6 ference, for left behind military parents to
7 share their experiences, network, and develop
8 best practices for securing the return of ab-
9 ducted children, and the assistance provided for
10 left behind parents to attend such an event.

11 (P) Whether the Department of Defense
12 currently partners with, or intends to partner
13 with, civilian experts on International Child Ab-
14 duction, to understand the psychological and so-
15 cial implications of this issue upon Department
16 of Defense personnel, and to help develop an ef-
17 fective awareness campaign and training.

18 **Subtitle I—Other Matters**

19 **SEC. 591. NAVY GRANTS TO NAVAL SEA CADET CORPS.**

20 (a) GRANTS AUTHORIZED.—Chapter 647 of title 10,
21 United States Code, is amended by inserting after section
22 7541a the following new section:

1 **“§ 7541b. Authority to make grants to Naval Sea**
2 **Cadet Corps**

3 “Subject to the availability of funds for this purpose,
4 the Secretary of the Navy may make grants to support
5 the purposes of the Naval Sea Cadet Corps, a federally
6 chartered corporation under chapter 1541 of title 36.”.

7 (b) CLERICAL AMENDMENT.—The table of sections
8 at the beginning of such chapter is amended by inserting
9 after the item relating to section 7541a the following new
10 item:

“7541b. Authority to make grants to Naval Sea Cadet Corps.”.

11 **SEC. 592. IMPROVED RESPONSE AND INVESTIGATION OF**
12 **ALLEGATIONS OF SEXUAL ASSAULT INVOLV-**
13 **ING MEMBERS OF THE ARMED FORCES.**

14 (a) COMPTROLLER GENERAL REPORT.—

15 (1) REPORT REQUIRED.—Not later than 1 year
16 after the date of the enactment of this Act, the
17 Comptroller General shall submit to the congress-
18 sional defense committees a report containing a re-
19 view of the capacity of each service of the Armed
20 Forces to investigate and adjudicate allegations of
21 sexual assault to determine whether there are any
22 barriers that negatively affect the ability of that
23 service to facilitate the investigation and adjudica-
24 tion of such allegations to the full extent of the Uni-
25 form Code of Military Justice.

1 (2) ELEMENTS OF REPORT.—The report re-
2 quired by paragraph (1) shall include a review of the
3 following:

4 (A) The command processes of each of the
5 Armed Forces for handling allegations of sexual
6 assault (including command guidance, standing
7 orders, and related matters), the staff judge ad-
8 vocate structure of each Armed Force for cases
9 of sexual assault, and the personnel and budget
10 resources allocated to handle allegations of sex-
11 ual assault.

12 (B) The extent to which command deci-
13 sions regarding the disposition of cases properly
14 direct cases to the most-appropriate venue for
15 adjudication.

16 (C) The effectiveness of personnel training
17 methods regarding investigation and adjudica-
18 tion of sexual assault cases.

19 (D) The capacity to investigate and adju-
20 dicate sexual assault cases in combat zones.

21 (E) The recommendations of the Defense
22 Task Force on Sexual Assault in the Military
23 regarding investigation and adjudication of sex-
24 ual assault.

1 (b) PREVENTION.—Not later than 180 days after the
2 dates of the enactment of this Act, the Secretary of De-
3 fense shall develop and submit to the congressional de-
4 fense committees a sexual assault prevention program,
5 which shall include, at minimum, the following compo-
6 nents:

7 (1) Action plans for reducing the number of
8 sexual assaults, with timelines for implementation of
9 the plans, development tools, and a comprehensive
10 evaluation process.

11 (2) A mechanism to measure the effectiveness
12 of the program, to include outcome measurement
13 and metrics.

14 (3) Training programs for commanders and
15 senior enlisted leaders, including pre-command
16 courses.

17 (4) The budget necessary to permit full imple-
18 mentation of the program.

19 (c) SEXUAL ASSAULT FORENSIC EXAMS.—

20 (1) AVAILABILITY OF SEXUAL ASSAULT FOREN-
21 SIC EXAMS IN COMBAT ZONES.—Not later than 180
22 days after the date of the enactment of this Act, the
23 Secretary of Defense shall submit to the congress-
24 sional defense committees a report evaluating the
25 availability of sexual assault forensic examinations in

1 combat zones. The report shall include, at a min-
2 imum, the following:

3 (A) The current availability of sexual as-
4 sault forensic examinations in combat zones.

5 (B) The barriers to providing sexual as-
6 sault forensic examinations at all echelons of
7 care in combat zones.

8 (C) Any legislative actions required to im-
9 prove the availability of sexual assault forensic
10 examinations in combat zones.

11 (2) TRICARE COVERAGE FOR FORENSIC EXAM-
12 INATION FOLLOWING SEXUAL ASSAULT OR DOMES-
13 TIC VIOLENCE.—Not later than 30 days after the
14 date of the enactment of this Act, the Secretary of
15 Defense shall submit to the congressional defense
16 committees a report describing the progress made in
17 implementing section 1079(a)(17) of title 10, United
18 States Code, as added by section 701 of the John
19 Warner National Defense Authorization Act for Fis-
20 cal Year 2007 (Public Law 109–324; 120 Stat.
21 2279).

22 (d) MILITARY PROTECTIVE ORDERS.—

23 (1) COLLECTION OF STATISTICAL INFORMA-
24 TION.—Not later than 30 days after the date of en-
25 actment of this Act, the Secretary of Defense shall

1 require that sexual assault statistics collected by the
2 Department of Defense include information on
3 whether a military protective order was issued that
4 involved either the victim or alleged perpetrator of a
5 sexual assault. The Secretary shall include such in-
6 formation in the annual report submitted to Con-
7 gress on sexual assaults involving members of the
8 Armed Forces.

9 (2) INFORMATION TO MEMBERS.—The Sec-
10 retary of Defense shall ensure that, when a military
11 protective order is issued to protect a member of the
12 Armed Forces, the member is informed of the right
13 of the member to request a base transfer from the
14 command.

15 **SEC. 593. MODIFICATION OF MATCHING FUND REQUIRE-**
16 **MENTS UNDER NATIONAL GUARD YOUTH**
17 **CHALLENGE PROGRAM.**

18 (a) AUTHORITY TO INCREASE DOD SHARE OF PRO-
19 GRAM.—Section 509(d)(1) of title 32, United States Code,
20 is amended by striking “60 percent of the costs” and in-
21 serting “75 percent of the costs”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 subsection (a) shall take effect on October 1, 2009, and
24 shall apply with respect to fiscal years beginning on or
25 after that date.

1 **SEC. 594. MODIFICATION OF SERVICEMEMBERS CIVIL RE-**
2 **LIEF ACT REGARDING RESIDENTIAL AND**
3 **MOTOR VEHICLE LEASES.**

4 Section 305(e) of the Servicemembers Civil Relief Act
5 (50 U.S.C. App. 535) is amended to read as follows:

6 “(e) ARREARAGES AND OTHER OBLIGATIONS AND
7 LIABILITIES.—

8 “(1) LEASES OF PREMISES.—Rent amounts for
9 a lease described in subsection (b)(1) that are un-
10 paid for the period preceding the effective date of
11 the lease termination shall be paid on a prorated
12 basis. The lessor may not impose an early termi-
13 nation charge, but any taxes, summonses, or other
14 obligations and liabilities of the lessee in accordance
15 with the terms of the lease, including reasonable
16 charges to the lessee for excess wear, that are due
17 and unpaid at the time of termination of the lease
18 shall be paid by the lessee.

19 “(2) LEASES OF MOTOR VEHICLES.—Lease
20 amounts for a lease described in subsection (b)(2)
21 that are unpaid for the period preceding the effective
22 date of the lease termination shall be paid on a pro-
23 rated basis. The lessor may not impose an early ter-
24 mination charge, but any taxes, summonses, title
25 and registration fees, or other obligations and liabil-
26 ities of the lessee in accordance with the terms of

1 the lease, including reasonable charges to the lessee
2 for excess wear or use and mileage, that are due and
3 unpaid at the time of termination of the lease shall
4 be paid by the lessee.”.

5 **SEC. 595. EXPANSION OF MILITARY LEADERSHIP DIVER-**
6 **SITY COMMISSION TO INCLUDE RESERVE**
7 **COMPONENT REPRESENTATIVES.**

8 Section 596(b)(1) of the Duncan Hunter National
9 Defense Authorization Act for Fiscal Year 2009 (Public
10 Law 110–417; 122 Stat. 4476) is amended by striking
11 subparagraphs (C), (D), (E) and inserting the following
12 new subparagraphs:

13 “(C) A commissioned officer from each of
14 the Army, Navy, Air Force, Marine Corps, Na-
15 tional Guard, and Reserves who serves or has
16 served in a leadership position with either a
17 military department command or combatant
18 command.

19 “(D) A retired general or flag officer from
20 each of the Army, Navy, Air Force, Marine
21 Corps, National Guard, and Reserves.

22 “(E) A retired noncommissioned officer
23 from each of the Army, Navy, Air Force, Ma-
24 rine Corps, National Guard, and Reserves.”.

1 **SEC. 596. EXPANSION OF SUICIDE PREVENTION AND COM-**
2 **MUNITY HEALING AND RESPONSE TRAINING**
3 **UNDER THE YELLOW RIBBON REINTEGRA-**
4 **TION PROGRAM.**

5 Section 582 of the National Defense Authorization
6 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
7 122) is amended—

8 (1) in subsection (h)—

9 (A) by striking paragraph (3); and

10 (B) by redesignating paragraphs (4)
11 through (15) as paragraphs (3) through (14),
12 respectively; and

13 (2) by adding at the end the following new sub-
14 section:

15 “(i) SUICIDE PREVENTION AND COMMUNITY HEAL-
16 ING AND RESPONSE PROGRAM.—

17 “(1) ESTABLISHMENT.—As part of the Yellow
18 Ribbon Reintegration Program, the Office for Re-
19 integration Programs shall establish a program to
20 provide National Guard and Reserve members, their
21 families, and their communities with training in sui-
22 cide prevention and community healing and response
23 to suicide.

24 “(2) DESIGN.—In establishing the program
25 under paragraph (1), the Office for Reintegration
26 Programs shall consult with—

1 “(A) persons that have experience and ex-
2 pertise with combining military and civilian
3 intervention strategies that reduce risk and pro-
4 mote healing after a suicide attempt or suicide
5 death for National Guard and Reserve mem-
6 bers; and

7 “(B) the adjutant general of each state,
8 the Commonwealth of Puerto Rico, the District
9 of Columbia, Guam, and the Virgin Islands.

10 “(3) OPERATION.—

11 “(A) SUICIDE PREVENTION TRAINING.—
12 The Office for Reintegration Programs shall
13 provide National Guard and Reserve members
14 with training in suicide prevention. Such train-
15 ing shall include—

16 “(i) describing the warning signs for
17 suicide and teaching effective strategies for
18 prevention and intervention;

19 “(ii) examining the influence of mili-
20 tary culture on risk and protective factors
21 for suicide; and

22 “(iii) engaging in interactive case sce-
23 narios and role plays to practice effective
24 intervention strategies.

1 “(B) COMMUNITY HEALING AND RE-
2 SPONSE TRAINING.—The Office for Reintegra-
3 tion Programs shall provide the families and
4 communities of National Guard and Reserve
5 members with training in responses to suicide
6 that promote individual and community healing.
7 Such training shall include—

8 “(i) enhancing collaboration among
9 community members and local service pro-
10 viders to create an integrated, coordinated
11 community response to suicide;

12 “(ii) communicating best practices for
13 preventing suicide, including safe mes-
14 saging, appropriate memorial services, and
15 media guidelines;

16 “(iii) addressing the impact of suicide
17 on the military and the larger community,
18 and the increased risk that can result; and

19 “(iv) managing resources to assist key
20 community and military service providers
21 in helping the families, friends, and fellow
22 soldiers of a suicide victim through the
23 processes of grieving and healing.

24 “(C) COLLABORATION WITH CENTERS OF
25 EXCELLENCE.—The Office for Reintegration

1 Programs, in consultation with the Defense
2 Centers of Excellence for Psychological Health
3 and Traumatic Brain Injury, shall collect and
4 analyze ‘lessons learned’ and suggestions from
5 State National Guard and Reserve organiza-
6 tions with existing or developing suicide preven-
7 tion and community response programs.”.

8 **SEC. 597. REPORT ON PROGRESS IN COMPLETING DEFENSE**
9 **INCIDENT-BASED REPORTING SYSTEM.**

10 Not later than 120 days after the date of the enact-
11 ment of this Act, and every 6 months thereafter, the Sec-
12 retary of Defense shall submit to Congress a report detail-
13 ing the progress of the Secretary with respect to the De-
14 fense Incident-Based Reporting System.

15 **SEC. 598. LEGAL ASSISTANCE FOR ADDITIONAL RESERVE**
16 **COMPONENT MEMBERS.**

17 Section 1044(a)(4) of title 10, United States Code,
18 is amended by striking “the Secretary of Defense), for a
19 period of time, prescribed by the Secretary of Defense,”
20 and inserting “the Secretary), for a period of time (pre-
21 scribed by the Secretary)”.

22 **TITLE VI—COMPENSATION AND**
23 **OTHER PERSONNEL BENEFITS**

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2010 increase in military basic pay.

- Sec. 602. Special monthly compensation allowance for members with combat-related catastrophic injuries or illnesses pending their retirement or separation for physical disability.
- Sec. 603. Stabilization of pay and allowances for senior enlisted members and warrant officers appointed as officers and officers reappointed in a lower grade.
- Sec. 604. Report on housing standards used to determine basic allowance for housing.

Subtitle B—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 title 37 consolidated special pay, incentive pay, and bonus authorities.
- Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pay.
- Sec. 616. One-year extension of authorities relating to payment of referral bonuses.
- Sec. 617. Technical corrections and conforming amendments to reconcile conflicting amendments regarding continued payment of bonuses and similar benefits for certain members.
- Sec. 618. Proration of certain special and incentive pays to reflect time during which a member satisfies eligibility requirements for the special or incentive pay.

Subtitle C—Travel and Transportation Allowances

- Sec. 631. Transportation of additional motor vehicle of members on change of permanent station to or from nonforeign areas outside the continental United States.
- Sec. 632. Travel and transportation allowances for designated individuals of wounded, ill, or injured members for duration of inpatient treatment.
- Sec. 633. Authorized travel and transportation allowances for non-medical attendants for very seriously and seriously wounded, ill, or injured members.
- Sec. 634. Increased weight allowance for transportation of baggage and household effects for certain enlisted members.

Subtitle D—Retired Pay and Survivor Benefits

- Sec. 641. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.
- Sec. 642. Election to receive retired pay for non-regular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

- Sec. 651. Additional exception to limitation on use of appropriated funds for Department of Defense golf courses.

Sec. 652. Limitation on Department of Defense entities offering personal information services to members and their dependents.

Sec. 653. Report on impact of purchasing from local distributors all alcoholic beverages for resale on military installations on Guam.

Subtitle F—Other Matters

Sec. 661. Limitations on collection of overpayments of pay and allowances erroneously paid to members.

Sec. 662. Army authority to provide additional recruitment incentives.

Sec. 663. Benefits under Post-Deployment/Mobilization Respite Absence program for certain periods before implementation of program.

Sec. 664. Sense of Congress regarding support for compensation, retirement, and other military personnel programs.

1 **Subtitle A—Pay and Allowances**

2 **SEC. 601. FISCAL YEAR 2010 INCREASE IN MILITARY BASIC**

3 **PAY.**

4 (a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The
5 adjustment to become effective during fiscal year 2010 re-
6 quired by section 1009 of title 37, United States Code,
7 in the rates of monthly basic pay authorized members of
8 the uniformed services shall not be made.

9 (b) **INCREASE IN BASIC PAY.**—Effective on January
10 1, 2010, the rates of monthly basic pay for members of
11 the uniformed services are increased by 3.4 percent.

12 **SEC. 602. SPECIAL MONTHLY COMPENSATION ALLOWANCE**

13 **FOR MEMBERS WITH COMBAT-RELATED CAT-**

14 **ASTROPHIC INJURIES OR ILLNESSES PEND-**

15 **ING THEIR RETIREMENT OR SEPARATION**

16 **FOR PHYSICAL DISABILITY.**

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

1 **“§ 439. Special monthly compensation: members with**
2 **combat-related catastrophic injuries or**
3 **illnesses pending their retirement or sep-**
4 **aration for physical disability**

5 “(a) COMPENSATION AUTHORIZED.—(1) The Sec-
6 retary concerned may pay to any member of the uniformed
7 services described in paragraph (2) a special monthly com-
8 pensation in an amount determined under subsection (b).

9 “(2) Subject to paragraph (3), a member eligible for
10 the compensation authorized by paragraph (1) is a mem-
11 ber—

12 “(A) who has a combat-related catastrophic in-
13 jury or illness; and

14 “(B) who has been certified by a licensed physi-
15 cian as being in need of assistance from another per-
16 son to perform the personal functions required in ev-
17 eryday living; and

18 “(3) The Secretary of Defense (or the Secretary of
19 Homeland Security, with respect to the Coast Guard) may
20 establish additional eligibility criteria in the regulations re-
21 quired by subsection (e).

22 “(b) AUTHORIZED AMOUNT OF COMPENSATION.—(1)
23 The amount of the special monthly compensation author-
24 ized by subsection (a) shall be determined under criteria
25 prescribed in the regulations required by subsection (e),
26 except that the amount may not exceed the amount of the

1 aid and attendance allowance authorized by section
2 1114(r) of title 38 for veterans in need of regular aid and
3 attendance.

4 “(2) In determining the amount of the special month-
5 ly compensation to be provided to a member, the Secretary
6 concerned shall consider the extent to which—

7 “(A) home health care and related services are
8 being provided to the member by the Government;
9 and

10 “(B) aid and attendance services are being pro-
11 vided by family and friends of the member who may
12 be compensated with funds provided through the
13 special monthly compensation authorized by this sec-
14 tion.

15 “(c) TERMINATION.—The eligibility of a member to
16 receive special monthly compensation under subsection (a)
17 terminates on the earlier of the following:

18 “(1) The first month following the end of the
19 90-day period beginning on the date of the separa-
20 tion or retirement of the member.

21 “(2) The first month beginning after the death
22 of the member.

23 “(3) The first month beginning after the date
24 on which the member is determined to be no longer
25 afflicted with a catastrophic injury or illness.

1 “(d) DEFINITIONS.—In this section:

2 “(1) The term ‘catastrophic injury or illness’
3 means a permanent, severely disabling injury, dis-
4 order, or illness that the Secretary concerned deter-
5 mines compromises the ability of the afflicted person
6 to carry out the activities of daily living to such a
7 degree that the person requires—

8 “(A) personal or mechanical assistance to
9 leave home or bed; or

10 “(B) constant supervision to avoid physical
11 harm to self or others.

12 “(2) The term ‘combat-related’, with respect to
13 a catastrophic injury or illness, means a wound, in-
14 jury, or illness for which the member involved was
15 awarded the Purple Heart or that was incurred as
16 described in section 1413a(e)(2) of title 10.

17 “(e) REGULATIONS.—The Secretary of Defense (or
18 the Secretary of Homeland Security, with respect to the
19 Coast Guard) shall prescribe regulations to carry out this
20 section.”.

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

“439. Special monthly compensation: members with combat-related catastrophic
injuries or illnesses pending their retirement or separation for
physical disability.”.

1 **SEC. 603. STABILIZATION OF PAY AND ALLOWANCES FOR**
2 **SENIOR ENLISTED MEMBERS AND WARRANT**
3 **OFFICERS APPOINTED AS OFFICERS AND OF-**
4 **FICERS REAPPOINTED IN A LOWER GRADE.**

5 (a) IN GENERAL.—Section 907 of title 37, United
6 States Code, is amended to read as follows:

7 **“§ 907. Members appointed or reappointed as officers:**
8 **no reduction in pay and allowances**

9 “(a) STABILIZATION OF PAY AND ALLOWANCES.—A
10 member of the armed forces who accepts an appointment
11 or reappointment as an officer without a break in service
12 shall, for service as an officer, be paid the greater of—

13 “(1) the pay and allowances to which the officer
14 is entitled as an officer; or

15 “(2) the pay and allowances to which the officer
16 would be entitled if the officer were in the last grade
17 the officer held before the appointment or reappoint-
18 ment as an officer.

19 “(b) COVERED PAYS.—(1) Subject to paragraphs (2)
20 and (3), for the purposes of this section, the pay of a grade
21 formerly held by an officer described in subsection (a) in-
22 clude special and incentive pays under chapter 5 of this
23 title.

24 “(2) In determining the amount of the pay of a grade
25 formerly held by an officer, special and incentive pays may
26 be considered only so long as the officer continues to per-

1 form the duty that creates the entitlement to, or eligibility
2 for, that pay and would otherwise be eligible to receive
3 that pay in the former grade.

4 “(3) Special and incentive pays that are dependent
5 on a member being in an enlisted status may not be con-
6 sidered in determining the amount of the pay of a grade
7 formerly held by an officer.

8 “(c) COVERED ALLOWANCES.—(1) Subject to para-
9 graph (2), for the purposes of this section, the allowances
10 of a grade formerly held by an officer described in sub-
11 section (a) include allowances under chapter 7 of this title.

12 “(2) The clothing allowance under section 418 of this
13 title may not be considered in determining the amount of
14 the allowances of a grade formerly held by an officer de-
15 scribed in subsection (a) if the officer is entitled to a uni-
16 form allowance under section 415 of this title.

17 “(d) RATES OF PAY AND ALLOWANCES.—For the
18 purposes of this section, the rates of pay and allowances
19 of a grade that an officer formerly held are those rates
20 that the officer would be entitled to had the officer re-
21 mained in that grade and continued to receive the in-
22 creases in pay and allowances authorized for that grade,
23 as otherwise provided in this title or other provisions of
24 law.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 17 of such title is amended
3 by striking the item relating to section 907 and inserting
4 the following new item:

“907. Members appointed or reappointed as officers: no reduction in pay and allowances.”.

5 **SEC. 604. REPORT ON HOUSING STANDARDS USED TO DE-**
6 **TERMINE BASIC ALLOWANCE FOR HOUSING.**

7 (a) REPORT REQUIRED.—Not later than July 1,
8 2010, the Secretary of Defense shall submit to the con-
9 gressional defense committees a report containing—

10 (1) a review of the housing standards used to
11 determine the monthly rates of basic allowance for
12 housing under section 403 of title 37, United States
13 Code; and

14 (2) such recommended changes to the stand-
15 ards, including an estimate of the cost of each rec-
16 ommended change, as the Secretary considers appro-
17 priate.

18 (b) ELEMENTS OF REVIEW.—The Secretary shall
19 consider whether the housing standards are suitable in
20 terms of—

21 (1) recognizing the societal needs and expecta-
22 tions of families in the United States;

23 (2) providing for an appropriate quality of life
24 for members of the Armed Forces in all grades; and

1 (3) recognizing the appropriate rewards and
2 prestige associated with promotion to higher military
3 grades throughout the rank structure.

4 **Subtitle B—Bonuses and Special**
5 **and Incentive Pays**

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

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

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

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

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

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

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

1 (6) Section 308i(f), relating to Selected Reserve
2 enlistment and reenlistment bonus for persons with
3 prior service.

4 (7) Section 910(g), relating to income replace-
5 ment payments for reserve component members ex-
6 periencing extended and frequent mobilization for
7 active duty service.

8 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
9 **SPECIAL PAY AUTHORITIES FOR HEALTH**
10 **CARE PROFESSIONALS.**

11 (a) TITLE 10 AUTHORITIES.—The following sections
12 of title 10, United States Code, are amended by striking
13 “December 31, 2009” and inserting “December 31,
14 2010”:

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

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

20 (b) TITLE 37 AUTHORITIES.—The following sections
21 of title 37, United States Code, are amended by striking
22 “December 31, 2009” and inserting “December 31,
23 2010”:

24 (1) Section 302c-1(f), relating to accession and
25 retention bonuses for psychologists.

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

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

5 (4) Section 302g(e), relating to special pay for
6 Selected Reserve health professionals in critically
7 short wartime specialties.

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

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

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

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

18 **SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
19 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
20 **CERS.**

21 The following sections of title 37, United States
22 Code, are amended by striking “December 31, 2009” and
23 inserting “December 31, 2010”:

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

4 (2) Section 312b(c), relating to nuclear career
5 accession bonus.

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

8 **SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
9 **ING TO TITLE 37 CONSOLIDATED SPECIAL**
10 **PAY, INCENTIVE PAY, AND BONUS AUTHORI-**
11 **TIES.**

12 The following sections of title 37, United States
13 Code, are amended by striking “December 31, 2009” and
14 inserting “December 31, 2010”:

15 (1) Section 331(h), relating to general bonus
16 authority for enlisted members.

17 (2) Section 332(g), relating to general bonus
18 authority for officers.

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

21 (4) Section 334(i), relating to special aviation
22 incentive pay and bonus authorities for officers.

23 (5) Section 335(k), relating to special bonus
24 and incentive pay authorities for officers in health
25 professions.

1 (6) Section 351(i), relating to hazardous duty
2 pay.

3 (7) Section 352(g), relating to assignment pay
4 or special duty pay.

5 (8) Section 353(j), relating to skill incentive
6 pay or proficiency bonus.

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

10 **SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
11 **ING TO PAYMENT OF OTHER TITLE 37 BO-**
12 **NUSES AND SPECIAL PAY.**

13 The following sections of chapter 5 of title 37, United
14 States Code, are amended by striking “December 31,
15 2009” and inserting “December 31, 2010”:

16 (1) Section 301b(a), relating to aviation officer
17 retention bonus.

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

20 (3) Section 308(g), relating to reenlistment
21 bonus for active members.

22 (4) Section 309(e), relating to enlistment
23 bonus.

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

1 (6) Section 326(g), relating to incentive bonus
2 for conversion to military occupational specialty to
3 ease personnel shortage.

4 (7) Section 327(h), relating to incentive bonus
5 for transfer between armed forces.

6 (8) Section 330(f), relating to accession bonus
7 for officer candidates.

8 **SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
9 **ING TO PAYMENT OF REFERRAL BONUSES.**

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

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

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

17 **SEC. 617. TECHNICAL CORRECTIONS AND CONFORMING**
18 **AMENDMENTS TO RECONCILE CONFLICTING**
19 **AMENDMENTS REGARDING CONTINUED PAY-**
20 **MENT OF BONUSES AND SIMILAR BENEFITS**
21 **FOR CERTAIN MEMBERS.**

22 (a) TECHNICAL CORRECTIONS TO RECONCILE CON-
23 FLICTING AMENDMENTS.—Section 303a(e) of title 37,
24 United States Code, is amended—

1 (1) in paragraph (1)(A), by striking “paragraph
2 (2)” and inserting “paragraphs (2) and (3)”;

3 (2) by redesignating paragraphs (3) and (4) as
4 paragraphs (4) and (5), respectively;

5 (3) in paragraph (5), as so redesignated, by
6 striking “paragraph (3)(B)” and inserting “para-
7 graph (4)(B)”;

8 (4) by redesignating paragraph (2), as added by
9 section 651(b) of the Duncan Hunter National De-
10 fense Authorization Act for Fiscal Year 2009 (Pub-
11 lic Law 110–417; 122 Stat. 4495), as paragraph
12 (3); and

13 (5) by redesignating the second subparagraph
14 (B) of paragraph (1), originally added as paragraph
15 (2) by section 2(a)(3) of the Hubbard Act (Public
16 Law 110–317; 122 Stat. 3526) and erroneously des-
17 ignated as subparagraph (B) by section 651(a)(3) of
18 the Duncan Hunter National Defense Authorization
19 Act for Fiscal Year 2009 (Public Law 110–417; 122
20 Stat. 4495), as paragraph (2).

21 (b) INCLUSION OF HUBBARD ACT AMENDMENT IN
22 CONSOLIDATED SPECIAL PAY AND BONUS AUTHORI-
23 TIES.—Section 373(b) of such title is amended—

1 (1) in paragraph (2), by striking the paragraph
2 heading and inserting “SPECIAL RULE FOR DE-
3 CEASED AND DISABLED MEMBERS.—”; and

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

6 “(3) SPECIAL RULE FOR MEMBERS WHO RE-
7 CEIVE SOLE SURVIVORSHIP DISCHARGE.—(A) If a
8 member of the uniformed services receives a sole
9 survivorship discharge, the Secretary concerned—

10 “(i) shall not require repayment by the
11 member of the unearned portion of any bonus,
12 incentive pay, or similar benefit previously paid
13 to the member; and

14 “(ii) may grant an exception to the re-
15 quirement to terminate the payment of any un-
16 paid amounts of a bonus, incentive pay, or simi-
17 lar benefit if the Secretary concerned deter-
18 mines that termination of the payment of the
19 unpaid amounts would be contrary to a per-
20 sonnel policy or management objective, would
21 be against equity and good conscience, or would
22 be contrary to the best interests of the United
23 States.

24 “(B) In this paragraph, the term ‘sole survivor-
25 ship discharge’ means the separation of a member

1 from the Armed Forces, at the request of the mem-
2 ber, pursuant to the Department of Defense policy
3 permitting the early separation of a member who is
4 the only surviving child in a family in which—

5 “(i) the father or mother or one or more
6 siblings—

7 “(I) served in the Armed Forces; and

8 “(II) was killed, died as a result of
9 wounds, accident, or disease, is in a cap-
10 tured or missing in action status, or is per-
11 manently 100 percent disabled or hospital-
12 ized on a continuing basis (and is not em-
13 ployed gainfully because of the disability or
14 hospitalization); and

15 “(ii) the death, status, or disability did not
16 result from the intentional misconduct or willful
17 neglect of the parent or sibling and was not in-
18 curred during a period of unauthorized ab-
19 sence.”.

1 **SEC. 618. PRORATION OF CERTAIN SPECIAL AND INCEN-**
2 **TIVE PAYS TO REFLECT TIME DURING WHICH**
3 **A MEMBER SATISFIES ELIGIBILITY REQUIRE-**
4 **MENTS FOR THE SPECIAL OR INCENTIVE**
5 **PAY.**

6 (a) SPECIAL PAY FOR DUTY SUBJECT TO HOSTILE
7 FIRE OR IMMINENT DANGER.—Section 310 of title 37,
8 United States Code, is amended—

9 (1) in subsection (a)—

10 (A) by striking “AND SPECIAL PAY
11 AMOUNT” in the subsection heading; and

12 (B) by striking “at the rate of \$225 for
13 any month” in the matter preceding paragraph
14 (1) and inserting “under subsection (b) for any
15 month or portion of a month”;

16 (2) in subsection (c), by striking paragraph (3);

17 (3) by redesignating subsections (b), (c), and
18 (d) as subsections (c), (d), and (e), respectively; and

19 (4) by inserting after subsection (a) the fol-
20 lowing new subsection:

21 “(b) SPECIAL PAY AMOUNT; PRORATION.—(1) The
22 special pay authorized by subsection (a) may not exceed
23 \$225 a month.

24 “(2) Except as provided in subsection (c), if a mem-
25 ber does not satisfy the eligibility requirements specified
26 in paragraphs (1) and (2) of subsection (a) for an entire

1 month for receipt of special pay under subsection (a), the
2 Secretary concerned may prorate the payment amount to
3 reflect the duration of the member's actual qualifying
4 service during the month.”.

5 (b) HAZARDOUS DUTY PAY.—Section 351 of such
6 title is amended—

7 (1) by striking subsections (c) and (d) and re-
8 designating subsections (e) through (i) as sub-
9 sections (d) through (h), respectively; and

10 (2) by inserting after subsection (b) the fol-
11 lowing new subsection:

12 “(c) METHOD OF PAYMENT; PRORATION.—

13 “(1) MONTHLY PAYMENT.—Subject to para-
14 graph (2), hazardous duty pay shall be paid on a
15 monthly basis.

16 “(2) PRORATION.—If a member does not sat-
17 isfy the eligibility requirements specified in para-
18 graph (1), (2), or (3) of subsection (a) for an entire
19 month for receipt of hazardous duty pay, the Sec-
20 retary concerned may prorate the payment amount
21 to reflect the duration of the member's actual quali-
22 fying service during the month.”.

23 (c) ASSIGNMENT OR SPECIAL DUTY PAY.—Section
24 352(b)(1) of such title is amended by adding at the end
25 the following new sentence: “If paid monthly, the Sec-

1 retary concerned may prorate the monthly amount of the
2 assignment or special duty pay for a member who does
3 not satisfy the eligibility requirement for an entire month
4 to reflect the duration of the member’s actual qualifying
5 service during the month.”.

6 (d) SKILL INCENTIVE PAY.—Section 353 of such title
7 is amended—

8 (1) by striking subsection (f) and redesignating
9 subsections (g) through (j) as subsections (f)
10 through (i), respectively; and

11 (2) in subsection (c), by striking paragraph (1)
12 and inserting the following new paragraph:

13 “(1) SKILL INCENTIVE PAY.—(A) Skill incen-
14 tive pay under subsection (a) may not exceed \$1,000
15 a month.

16 “(B) If a member does not satisfy the eligibility
17 requirements specified in paragraphs (1) and (2) of
18 subsection (a) for an entire month for receipt of skill
19 incentive pay, the Secretary concerned may prorate
20 the payment amount to reflect the duration of the
21 member’s actual qualifying service during the
22 month. A member of a reserve component entitled to
23 compensation under section 206 of this title who is
24 authorized skill incentive pay under subsection (a)
25 may be paid an amount of such pay that is propor-

1 tionate to the compensation received by the member
2 under section 206 of this title for inactive-duty
3 training.”.

4 (e) APPLICATION OF AMENDMENTS.—The amend-
5 ments made by this section shall apply with respect to
6 months beginning 90 or more days after the date of the
7 enactment of this Act.

8 **SEC. 619. ADDITIONAL SPECIAL PAYS AND BONUSES AU-**
9 **THORIZED FOR MEMBERS AGREEING TO**
10 **SERVE IN AFGHANISTAN FOR THE DURATION**
11 **OF THE UNITED STATES MISSION.**

12 (a) AUTHORITY TO DEVELOP DEMONSTRATION PRO-
13 GRAM.—Notwithstanding the limitations specified in sub-
14 section (b) of section 352 of title 37, United States Code,
15 on the maximum amount of assignment or special duty
16 pay that may be paid to a member of the Armed Forces
17 under such section, the Secretary of Defense may develop
18 a program to provide additional special pays and bonuses
19 to members (particularly members who score a 4.0 on the
20 Foreign Service Institute test for the dominant languages
21 of Pashto and Dari) who agree to serve on active duty
22 in Afghanistan for 6 years or the duration of the United
23 States mission in Afghanistan, whichever occurs first. The
24 assignment period required by the agreement shall provide
25 for reasonable periods of leave.

1 (b) RELATION TO OTHER AUTHORITIES.—A pro-
2 gram developed under subsection (a) may be provided—

3 (1) without regard to the lack of specific au-
4 thority for the program or policy under title 10 or
5 title 37, United States Code; and

6 (2) notwithstanding any provision of such titles,
7 or any rule or regulation prescribed under such pro-
8 vision, relating to methods of—

9 (A) determining requirements for oper-
10 ational assignment stability; and

11 (B) establishing programs to achieve great-
12 er stability when operational requirements so
13 dictate.

14 (c) WAIVER OF OTHERWISE APPLICABLE LAWS.—
15 Except as provided in subsection (a), a provision of title
16 10 or title 37, United States Code, may not be waived
17 with respect to, or otherwise determined to be inapplicable
18 to, a program developed under subsection (a) without the
19 approval of the Secretary of Defense.

20 (d) NOTICE AND WAIT REQUIREMENT.—A program
21 initiated under subsection (a) may not be implemented
22 until—

23 (1) the Secretary of the Defense submits to
24 Congress—

1 (A) a description of the program, including
2 the purpose and the expected benefit to the
3 Government;

4 (B) a description of the provisions of titles
5 10, or 37, United States Code, from which the
6 program would require a waiver, and the ration-
7 ale to support the waiver;

8 (C) a statement of the anticipated out-
9 comes as a result of implementing the program;
10 and

11 (D) the method to be used to evaluate the
12 effectiveness of the program.

13 (e) DURATION OF DEVELOPED PROGRAM.—A pro-
14 gram developed under subsection (a) may be provided for
15 not longer than a three-year period beginning on the im-
16 plementation date, except that the Secretary of Defense
17 may extend the period if the Secretary determines that
18 additional time is needed to fully evaluate the effectiveness
19 of the program.

20 (f) REPORTING REQUIREMENTS.—

21 (1) REPORT.—The Secretary shall submit to
22 Congress an annual report on the program provided
23 under subsection (a) during the preceding year, in-
24 cluding—

1 (A) a description of any programs devel-
2 oped and fielded under subsection (a) during
3 that fiscal year; and

4 (B) an assessment of the impact of the
5 programs on the effectiveness and efficiency in
6 achieving the United States mission in Afghani-
7 stan.

8 (g) TERMINATION OF AUTHORITY.—Subject to sub-
9 section (e), the authority to carry out a program under
10 this section expires on December 31, 2012.

11 **Subtitle C—Travel and** 12 **Transportation Allowances**

13 **SEC. 631. TRANSPORTATION OF ADDITIONAL MOTOR VEHI-** 14 **CLE OF MEMBERS ON CHANGE OF PERMA-** 15 **NENT STATION TO OR FROM NONFOREIGN** 16 **AREAS OUTSIDE THE CONTINENTAL UNITED** 17 **STATES.**

18 (a) AUTHORITY TO TRANSPORT ADDITIONAL MOTOR
19 VEHICLE.—Subsection (a) of section 2634 of title 10,
20 United States Code, is amended—

21 (1) by striking the sentence following paragraph
22 (4);

23 (2) by redesignating paragraphs (1), (2), (3),
24 and (4) as subparagraphs (A), (B), (C), and (D), re-
25 spectively;

1 (3) by inserting “(1)” after “(a)”; and

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

4 “(2) One additional motor vehicle of a member (or
5 a dependent of the member) may be transported as pro-
6 vided in paragraph (1) if—

7 “(A) the member is ordered to make a change
8 of permanent station to or from a nonforeign area
9 outside the continental United States and the mem-
10 ber has at least one dependent of driving age who
11 will use the motor vehicle; or

12 “(B) the Secretary concerned determines that a
13 replacement for the motor vehicle transported under
14 paragraph (1) is necessary for reasons beyond the
15 control of the member and is in the interest of the
16 United States and the Secretary approves the trans-
17 portation in advance.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
19 Such subsection is further amended—

20 (1) by striking “his dependents” and inserting
21 “a dependent of the member”;

22 (2) by striking “him” and inserting “the mem-
23 ber”;

24 (3) by striking “his)” and inserting “the mem-
25 ber)”;

1 (4) by striking “his new” and inserting “the
2 member’s new”; and

3 (5) in paragraph (1)(C), as redesignated by
4 subsection (a), by striking “clauses (1) and (2)” and
5 inserting “subparagraphs (A) and (B)”.

6 (c) EFFECTIVE DATE.—Paragraph (2)(A) of sub-
7 section (a) of section 2634 of title 10, United States Code,
8 as added by subsection (a)(4), shall apply with respect to
9 orders issued on or after the date of the enactment of this
10 Act for members of the Armed Forces to make a change
11 of permanent station to or from nonforeign areas outside
12 the continental United States.

13 **SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES**
14 **FOR DESIGNATED INDIVIDUALS OF WOUND-**
15 **ED, ILL, OR INJURED MEMBERS FOR DURA-**
16 **TION OF INPATIENT TREATMENT.**

17 (a) AUTHORITY TO PROVIDE TRAVEL TO DES-
18 IGNATED INDIVIDUALS.—Subsection (a) of section 411h
19 of title 37, United States Code, is amended—

20 (1) in paragraph (1)—

21 (A) by striking “family members of a
22 member described in paragraph (2)” and insert-
23 ing “individuals who, with respect to a member
24 described in paragraph (2), are designated indi-
25 viduals for that member”;

1 (B) by striking “that the presence of the
2 family member” and inserting “that the pres-
3 ence of the designated individual”; and

4 (C) by striking “of family members” and
5 inserting “of designated individuals”; and

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

8 “(4) In the case of a designated individual who is also
9 a member of the uniformed services, that member may be
10 provided travel and transportation under this section in
11 the same manner as a designated individual who is not
12 a member.”.

13 (b) DEFINITION OF DESIGNATED INDIVIDUAL.—
14 Subsection (b) of such section is amended by striking
15 paragraphs (1) and (2) and inserting the following new
16 paragraphs:

17 “(1) In this section, the term ‘designated individual’,
18 with respect to a member, means—

19 “(A) an individual designated by the member
20 for the purposes of this section; or

21 “(B) in the case of a member who has not
22 made a designation under subparagraph (A) and, as
23 determined by the attending physician or surgeon, is
24 not able to make such a designation, an individual
25 who, as designated by the attending physician or

1 surgeon and the commander or head of the military
2 medical facility exercising control over the member,
3 is someone with a personal relationship to the mem-
4 ber whose presence would aid and support the health
5 and welfare of the member during the duration of
6 the member's inpatient treatment.

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 OUT-
11 SIDE THE UNITED STATES WHO WERE WOUNDED OR IN-
12 JURED 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) FREQUENCY OF AUTHORIZED TRAVEL.—Para-
6 graph (3) of subsection (a) of such section is amended
7 to read as follows:

8 “(3)(A) Not more than a total of three round trips
9 may be provided under paragraph (1) in any 60-day period
10 at Government expense to the individuals who are the des-
11 ignated individuals of a member during that period.

12 “(B) If the Secretary concerned has waived the limi-
13 tation in paragraph (1) on the number of designated indi-
14 viduals for a member, then for any 60-day period during
15 which the waiver is in effect, the limitation in subpara-
16 graph (A) shall be adjusted accordingly.

17 “(C) During any period during which there is in ef-
18 fect a non-medical attendant designation for a member,
19 not more than a total of two round trips may be provided
20 under paragraph (1) in any 60-day period at Government
21 expense until a non-medical attendant is no longer des-
22 ignated or that designation transfers to another indi-
23 vidual, in which case during the transfer period three
24 round trips may be provided.”.

1 (e) STYLISTIC AND CONFORMING AMENDMENTS.—

2 Such section is further amended—

3 (1) in subsection (a), by inserting “TRAVEL
4 AND TRANSPORTATION AUTHORIZED.—” after
5 “(a)”;

6 (2) in subsection (b), by inserting “DEFINI-
7 TIONS.—” after “(b)”;

8 (3) in subsection (c)—

9 (A) by inserting “ROUND TRIP TRANSPOR-
10 TATION AND PER DIEM ALLOWANCE.—” after
11 “(c)”; and

12 (B) in paragraph (1), by striking “family
13 member” and inserting “designated individual”;
14 and

15 (4) in subsection (d), by inserting “METHOD OF
16 TRANSPORTATION AUTHORIZED.—” after “(d)”.

17 (f) CLERICAL AMENDMENTS.—

18 (1) SECTION HEADING.—The heading of such
19 section is amended to read as follows:

20 **“§ 411h. Travel and transportation allowances: trans-
21 portation of designated individuals inci-
22 dent to hospitalization of members for
23 treatment of wounds, illness, or injury”.**

24 (2) TABLE OF SECTIONS.—The table of sections
25 at the beginning of chapter 7 of such title is amend-

1 ed by striking the item relating to section 411h and
2 inserting the following new item:

“411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.”.

3 (g) CONFORMING AMENDMENT TO WOUNDED WAR-
4 RIOR ACT.—Paragraph (4) of section 1602 of the Wound-
5 ed Warrior Act (title XVI of Public Law 110–181; 10
6 U.S.C. 1071 note) is amended to read as follows:

7 “(4) ELIGIBLE FAMILY MEMBER.—(A) The
8 term ‘eligible family member’ means a family mem-
9 ber who is on invitational travel orders or serving as
10 a non-medical attendee while caring for a recovering
11 service member for more than 45 days during a one-
12 year period.

13 “(B) For purposes of subparagraph (A), the
14 term ‘family member’, with respect to a recovering
15 service member, means the following:

16 “(i) The member’s spouse.

17 “(ii) Children of the member (including
18 stepchildren, adopted children, and illegitimate
19 children).

20 “(iii) Parents of the member or persons in
21 loco parentis to the member, including fathers
22 and mothers through adoption and persons who
23 stood in loco parentis to the member for a pe-
24 riod not less than 1 year immediately before the

1 member entered the uniformed service, except
2 that only one father and one mother or their
3 counterparts in loco parentis may be recognized
4 in any one case.

5 “(iv) Siblings of the member. Such term
6 includes a person related to the member as de-
7 scribed in clause (i), (ii), (iii), or (iv) who is
8 also a member of the uniformed services.”.

9 (h) **APPLICABILITY OF AMENDMENTS.**—No reim-
10 bursement may be provided under section 411h of title 37,
11 United States Code, by reason of the amendments made
12 by this section for travel and transportation costs incurred
13 before the date of the enactment of this Act.

14 **SEC. 633. AUTHORIZED TRAVEL AND TRANSPORTATION AL-**
15 **LOWANCES FOR NON-MEDICAL ATTENDANTS**
16 **FOR VERY SERIOUSLY AND SERIOUSLY**
17 **WOUNDED, ILL, OR INJURED MEMBERS.**

18 (a) **PAYMENT OF TRAVEL COSTS AUTHORIZED.**—

19 (1) **IN GENERAL.**—Chapter 7 of title 37, United
20 States Code, is amended by inserting after section
21 411j the following new section:

1 **“§ 411k. Travel and transportation allowances: non-**
2 **medical attendants for members who are**
3 **determined to be very seriously or seri-**
4 **ously wounded, ill, or injured**

5 “(a) ALLOWANCE FOR NON-MEDICAL ATTENDANT.—

6 (1) Under uniform regulations prescribed by the Secre-
7 taries concerned, travel and transportation described in
8 subsection (d) may be provided for a qualified non-medical
9 attendant for a covered member of the uniformed services
10 described in subsection (c) if the attending physician or
11 surgeon and the commander or head of the military med-
12 ical facility exercising control over the member determine
13 that the presence of such an attendant may contribute to
14 the member’s health and welfare.

15 “(b) QUALIFIED NON-MEDICAL ATTENDANT.—For
16 purposes of this section, a qualified non-medical attend-
17 ant, with respect to a covered member, is an individual
18 who—

19 “(1) is designated by the member to be a non-
20 medical attendant for the member for purposes of
21 this section; and

22 “(2) is determined by the attending physician
23 or surgeon and the commander or head of the mili-
24 tary medical facility to be appropriate to serve as a
25 non-medical attendant for the member and whose

1 presence may contribute to the health and welfare of
2 the member.

3 “(c) COVERED MEMBERS.—A member of the uni-
4 formed services covered by this section is a member who—

5 “(1) as a result of a wound, illness, or injury,
6 has been determined by the attending physician or
7 surgeon to be in the category known as ‘very seri-
8 ously wounded, ill, or injured’ or ‘seriously wounded,
9 ill, or injured’; and

10 “(2) is hospitalized for treatment of the wound,
11 illness, or injury or requires continuing outpatient
12 treatment for the wound, illness, or injury.

13 “(d) AUTHORIZED TRAVEL AND TRANSPOR-
14 TATION.—(1) The transportation authorized by subsection
15 (a) for a qualified non-medical attendant for a member
16 is round-trip transportation between the home of the at-
17 tendant and the location at which the member is receiving
18 treatment and may include transportation, while accom-
19 panying the member, to any other location to which the
20 member is subsequently transferred for further treatment.
21 A designated non-medical attendant under this section
22 may not also be a designated individual for travel and
23 transportation allowances section 411h(a) of this title.

24 “(2) The transportation authorized by subsection (a)
25 includes any travel necessary to obtain treatment for the

1 member at the location to which the member is perma-
2 nently assigned.

3 “(3) In addition to the transportation authorized by
4 subsection (a), the Secretary concerned may provide a per
5 diem allowance or reimbursement for the actual and nec-
6 essary expenses of the travel, or a combination thereof,
7 but not to exceed the rates established under section
8 404(d) of this title.

9 “(4) The transportation authorized by subsection (a)
10 may be provided by any of the following means:

11 “(A) Transportation in-kind.

12 “(B) A monetary allowance in place of trans-
13 portation in-kind at a rate to be prescribed by the
14 Secretaries concerned.

15 “(C) Reimbursement for the commercial cost of
16 transportation.

17 “(5) An allowance payable under this subsection may
18 be paid in advance.

19 “(6) Reimbursement payable under this subsection
20 may not exceed the cost of Government-procured commer-
21 cial round-trip air travel.”.

22 (2) CLERICAL AMENDMENT.—The table of sec-
23 tions at the beginning of such chapter is amended
24 by inserting after the item related to section 411j
25 the following new item:

“411k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.”.

1 (b) **APPLICABILITY.**—No reimbursement may be pro-
 2 vided under section 411k of title 37, United States Code,
 3 as added by subsection (a), for travel and transportation
 4 costs incurred before the date of the enactment of this
 5 Act.

6 **SEC. 634. INCREASED WEIGHT ALLOWANCE FOR TRANS-**
 7 **PORTATION OF BAGGAGE AND HOUSEHOLD**
 8 **EFFECTS FOR CERTAIN ENLISTED MEMBERS.**

9 (a) **ALLOWANCE.**—The table in section 406(b)(1)(C)
 10 of title 37, United States Code, is amended by striking
 11 the items relating to pay grades E–5 through E–9 and
 12 inserting the following new items:

Pay Grade	Without Dependents	With Dependents
“E–9	13,500	15,500
E–8	12,500	14,500
E–7	11,500	13,500
E–6	8,500	11,500
E–5	7,500	9,500”.

13 (b) **EFFECTIVE DATE.**—The amendment made by
 14 subsection (a) shall take effect on October 1, 2009.

15 (c) **FUNDING SOURCE.**—Of the amounts authorized
 16 to be appropriated to the Department of Defense for mili-
 17 tary personnel accounts for fiscal year 2010, not more
 18 than \$31,000,000 shall be available to cover the additional
 19 costs incurred to implement the amendment made by sub-
 20 section (a).

1 **Subtitle D—Retired Pay and**
2 **Survivor Benefits**

3 **SEC. 641. RECOMPUTATION OF RETIRED PAY AND ADJUST-**
4 **MENT OF RETIRED GRADE OF RESERVE RE-**
5 **TIREES TO REFLECT SERVICE AFTER RE-**
6 **TIREMENT.**

7 (a) RECOMPUTATION OF RETIRED PAY.—Section
8 12739 of title 10, United States Code, is amended by add-
9 ing at the end the following new subsection:

10 “(e)(1) If a member of the Retired Reserve is recalled
11 to an active status in the Selected Reserve of the Ready
12 Reserve under section 10145(d) of this title and completes
13 not less than two years of service in such active status,
14 the member is entitled to the recomputation under this
15 section of the retired pay of the member.

16 “(2) The Secretary concerned may reduce the two-
17 year service requirement specified in paragraph (1) in the
18 case of a member who—

19 “(A) is recalled to serve in a position of adju-
20 tant general required under section 314 of title 32
21 or in a position of assistant adjutant general subor-
22 dinate to such a position of adjutant general;

23 “(B) completes at least 6 months of service in
24 such position; and

1 “(C) fails to complete the minimum two years
2 of service solely because the appointment of the
3 member to such position is terminated or vacated as
4 described in section 324(b) of title 32.”.

5 (b) ADJUSTMENT OF RETIRED GRADE.—Section
6 12771 of such title is amended—

7 (1) by striking “Unless” and inserting “(a)
8 GRADE ON TRANSFER.—Unless”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(b) EFFECT OF SUBSEQUENT RECALL TO ACTIVE
12 STATUS.—(1) If a member of the Retired Reserve who
13 is a commissioned officer is recalled to an active status
14 in the Selected Reserve of the Ready Reserve under sec-
15 tion 10145(d) of this title and completes not less than two
16 years of service in such active status, the member is enti-
17 tled to an adjustment in the retired grade of the member
18 in the manner provided in section 1370(d) of this title.

19 “(2) The Secretary concerned may reduce the two-
20 year service requirement specified in paragraph (1) in the
21 case of a member who—

22 “(A) is recalled to serve in a position of adju-
23 tant general required under section 314 of title 32
24 or in a position of assistant adjutant general subor-
25 dinate to such a position of adjutant general;

1 “(B) completes at least 6 months of service in
2 such position; and

3 “(C) fails to complete the minimum two years
4 of service solely because the appointment of the
5 member to such position is terminated or vacated as
6 described in section 324(b) of title 32.”.

7 (c) **RETROACTIVE APPLICABILITY.**—The amend-
8 ments made by this section shall take effect as of January
9 1, 2008.

10 **SEC. 642. ELECTION TO RECEIVE RETIRED PAY FOR NON-**
11 **REGULAR SERVICE UPON RETIREMENT FOR**
12 **SERVICE IN AN ACTIVE RESERVE STATUS**
13 **PERFORMED AFTER ATTAINING ELIGIBILITY**
14 **FOR REGULAR RETIREMENT.**

15 (a) **ELECTION AUTHORITY; REQUIREMENTS.**—Sub-
16 section (a) of section 12741 of title 10, United States
17 Code, is amended to read as follows:

18 “(a) **AUTHORITY TO ELECT TO RECEIVE RESERVE**
19 **RETIRED PAY.**—(1) Notwithstanding the requirement in
20 paragraph (4) of section 12731(a) of this title that a per-
21 son may not receive retired pay under this chapter when
22 the person is entitled, under any other provision of law,
23 to retired pay or retainer pay, a person may elect to re-
24 ceive retired pay under this chapter, instead of receiving

1 retired or retainer pay under chapter 65, 367, 571, or 867
2 of this title, if the person—

3 “(A) satisfies the requirements specified in
4 paragraphs (1) and (2) of such section for entitle-
5 ment to retired pay under this chapter;

6 “(B) served in an active status in the Selected
7 Reserve of the Ready Reserve after becoming eligible
8 for retirement under chapter 65, 367, 571, or 867
9 of this title (without regard to whether the person
10 actually retired or received retired or retainer pay
11 under one of those chapters); and

12 “(C) completed not less than two years of satis-
13 factory service (as determined by the Secretary con-
14 cerned) in such active status (excluding any period
15 of active service).

16 “(2) The Secretary concerned may reduce the min-
17 imum two-year service requirement specified in paragraph
18 (1)(C) in the case of a person who—

19 “(A) completed at least 6 months of service in
20 a position of adjutant general required under section
21 314 of title 32 or in a position of assistant adjutant
22 general subordinate to such a position of adjutant
23 general; and

24 “(B) failed to complete the minimum years of
25 service solely because the appointment of the person

1 to such position was terminated or vacated as de-
2 scribed in section 324(b) of title 32.”.

3 (b) ACTIONS TO EFFECTUATE ELECTION.—Sub-
4 section (b) of such section is amended by striking para-
5 graph (1) and inserting the following new paragraph:

6 “(1) terminate the eligibility of the person to
7 retire under chapter 65, 367, 571, or 867 of this
8 title, if the person is not already retired under one
9 of those chapters, and terminate entitlement of the
10 person to retired or retainer pay under one of those
11 chapters, if the person was already receiving retired
12 or retainer pay under one of those chapters; and”.

13 (c) CONFORMING AMENDMENT TO REFLECT NEW
14 VARIABLE AGE REQUIREMENT FOR RETIREMENT.—Sub-
15 section (d) of such section is amended—

16 (1) in paragraph (1), by striking “attains 60
17 years of age” and inserting “attains the eligibility
18 age applicable to the person under section 12731(f)
19 of this title”; and

20 (2) in paragraph (2)(A), by striking “attains 60
21 years of age” and inserting “attains the eligibility
22 age applicable to the person under such section”.

23 (d) CLERICAL AMENDMENTS.—

1 (1) SECTION HEADING.—The heading for sec-
2 tion 12741 of such title is amended to read as fol-
3 lows:

4 “§ 12741. **Retirement for service in an active status**
5 **performed in the Selected Reserve of the**
6 **Ready Reserve after eligibility for reg-**
7 **ular retirement”.**

8 (2) TABLE OF SECTIONS.—The table of sections
9 at the beginning of chapter 1223 of such title is
10 amended by striking the item relating to section
11 12741 and inserting the following new item:

 “12741. Retirement for service in an active status performed in the Selected Re-
 serve of the Ready Reserve after eligibility for regular retire-
 ment.”.

12 (e) RETROACTIVE APPLICABILITY.—The amend-
13 ments made by this section shall take effect as of January
14 1, 2008.

15 **Subtitle E—Commissary and Non-**
16 **appropriated Fund Instrumen-**
17 **tality Benefits and Operations**

18 **SEC. 651. ADDITIONAL EXCEPTION TO LIMITATION ON USE**
19 **OF APPROPRIATED FUNDS FOR DEPART-**
20 **MENT OF DEFENSE GOLF COURSES.**

21 Section 2491a of title 10, United States Code, is
22 amended—

1 (1) by redesignating paragraph (2) of sub-
2 section (b) as subsection (c) and, in such subsection
3 (as so redesignated)—

4 (A) by inserting “REGULATIONS.—” before
5 “The Secretary”; and

6 (B) by striking “this subsection” and in-
7 serting “subsection (b)”; and

8 (2) by inserting after paragraph (1) of sub-
9 section (b) the following new paragraph:

10 “(2) Subsection (a) does not apply to the purchase,
11 operation, or maintenance of equipment intended to en-
12 sure compliance with the Americans With Disabilities Act
13 of 1990 (42 U.S.C. 12101 et seq.).”.

14 **SEC. 652. LIMITATION ON DEPARTMENT OF DEFENSE ENTI-**
15 **TIES OFFERING PERSONAL INFORMATION**
16 **SERVICES TO MEMBERS AND THEIR DEPEND-**
17 **ENTS.**

18 (a) IMPOSITION OF LIMITATION.—Subchapter III of
19 chapter 147 of title 10, United States Code, is amended
20 by inserting after section 2492 the following new section:

21 **“§ 2492a. Limitation on Department of Defense enti-**
22 **ties competing with private sector in of-**
23 **fering personal information services**

24 “(a) LIMITATION.—Notwithstanding section 2492 of
25 this title, the Secretary of Defense may not authorize a

1 Department of Defense entity to offer or provide personal
2 information services using Department resources, per-
3 sonnel, or equipment, or compete for contracts to provide
4 such personal information services, if users will be charged
5 a fee for the personal information services to recover the
6 cost incurred to provide the services or to earn a profit.

7 “(b) EXCEPTIONS.—Subsection (a) shall not apply if
8 the Secretary of Defense determines that—

9 “(1) a private sector vendor is not available to
10 provide the personal information services at specific
11 locations; or

12 “(2) the interests of the user population would
13 be best served by allowing the Government to pro-
14 vide such services.

15 “(c) PERSONAL INFORMATION SERVICES DE-
16 FINED.—In this section, the term ‘personal information
17 services’ means the provision of Internet, telephone, or tel-
18 evision services to consumers.”.

19 (b) CLERICAL AMENDMENT.—The table of sections
20 at the beginning of such subchapter is amended by insert-
21 ing after section 2492 the following new item:

“2492a. Limitation on Department of Defense entities competing with private
sector in offering personal information services.”.

22 (c) EFFECT ON EXISTING CONTRACTS.—Section
23 2492a of title 10, United States Code, as added by sub-
24 section (a), does not affect the validity or terms of any

1 contract for the provision of personal information services
2 entered into before the date of the enactment of this Act.

3 **SEC. 653. REPORT ON IMPACT OF PURCHASING FROM**
4 **LOCAL DISTRIBUTORS ALL ALCOHOLIC BEV-**
5 **ERAGES FOR RESALE ON MILITARY INSTAL-**
6 **LATIONS ON GUAM.**

7 (a) REPORT REQUIRED.—Not later than 90 days
8 after the date of the enactment of this Act, the Comp-
9 troller General shall submit to the Committees on Armed
10 Services of the Senate and the House of Representatives
11 a report evaluating the impact of reimposing the require-
12 ment, effective for fiscal year 2008 pursuant to section
13 8073 of the Department of Defense Appropriations Act,
14 2008 (division A of Public Law 110–116; 121 Stat. 1331)
15 but not extended for fiscal year 2009, that all alcoholic
16 beverages intended for resale on military installations on
17 Guam be purchased from local sources.

18 (b) EVALUATION REQUIREMENTS.—As part of the
19 report, the Comptroller General shall specifically evaluate
20 the following:

21 (1) The rationale for and validity of the con-
22 cerns of nonappropriated funds activities over the
23 one-year imposition of the local-purchase require-
24 ment and the impact the requirement had on alcohol
25 resale prices.

1 (2) The justification for the increase in the
2 price of alcoholic beverages for resale on military in-
3 stallations on Guam.

4 (3) The actions of the nonappropriated fund ac-
5 tivities in complying with the local purchase require-
6 ments for resale of alcoholic beverages and their
7 purchase of such affected products before and after
8 the effective date of provision of law referred to in
9 subsection (a).

10 (4) The potential cost savings in transportation
11 costs, including use of second destination transpor-
12 tation funds, accruing from the purchase of alcoholic
13 beverages from local distributors on Guam.

14 (5) The ability of local distributors on Guam to
15 meet demands for stocks of certain alcoholic bev-
16 erages in the event that the local purchase require-
17 ment became permanent for Guam.

18 (6) The consistency in application of the alcohol
19 resale requirement for nonappropriated fund activi-
20 ties on military installations with regards to Depart-
21 ment of Defense Instruction 1330.09 (or any suc-
22 cessor to that instruction) and the methods used to
23 determine the resale price of alcoholic beverages.

1 **Subtitle F—Other Matters**

2 **SEC. 661. LIMITATIONS ON COLLECTION OF OVERPAY-**
3 **MENTS OF PAY AND ALLOWANCES ERRO-**
4 **NEOUSLY PAID TO MEMBERS.**

5 (a) **MAXIMUM MONTHLY PERCENTAGE OF MEM-**
6 **BER’S PAY AUTHORIZED FOR DEDUCTION.**—Paragraph
7 (3) of subsection (c) of section 1007 of title 37, United
8 States Code, is amended by striking “20 percent” and in-
9 serting “10 percent”.

10 (b) **CONSULTATION REGARDING DEDUCTION OR RE-**
11 **PAYMENT TERMS.**—Such paragraph is further amended—

12 (1) by inserting “(A)” after “(3)”; and

13 (2) by adding at the end the following new sub-
14 paragraph:

15 “(B) In all cases described in subparagraph (A), the
16 Secretary concerned shall consult with the member regard-
17 ing the repayment rate to be imposed under such subpara-
18 graph to recover the indebtedness, taking into account the
19 financial ability of the member to pay and avoiding the
20 imposition of an undue hardship on the member and the
21 member’s dependents.”.

22 (c) **DELAY IN INSTITUTING COLLECTIONS FROM**
23 **WOUNDED OR INJURED MEMBERS.**—Paragraph (4) of
24 such subsection is amended to read as follows:

1 “(4)(A) If a member of the uniformed services, while
2 in the line of duty, is injured or wounded by hostile fire,
3 explosion of a hostile mine, or any other hostile action,
4 or otherwise incurs a wound, injury, or illness in a combat
5 operation or combat zone designated by the President or
6 the Secretary of Defense, any overpayment of pay or al-
7 lowances made to the member while the member recovers
8 from the wound, injury, or illness may not be deducted
9 from the member’s pay until—

10 “(i) the member is notified of the overpayment;

11 and

12 “(ii) the later of the following occurs:

13 “(I) The end of the 180-day period begin-
14 ning on the date of the completion of the tour
15 of duty of the member in the combat operation
16 or combat zone.

17 “(II) The end of the 90-day period begin-
18 ning on the date of the reassignment of the
19 member from a military treatment facility or
20 other medical unit outside of the theater of op-
21 erations.

22 “(B) Subparagraph (A) shall not apply if the mem-
23 ber, after receiving notification of the overpayment, re-
24 quests or consents to initiation at an earlier date of the
25 collection of the overpayment of the pay or allowances.”.

1 (d) FIVE-YEAR DEADLINE ON SEEKING REPAY-
2 MENT.—Such subsection is further amended by adding at
3 the end the following new paragraph:

4 “(5) The Secretary concerned may not deduct from
5 the pay of a member of the uniformed services or other-
6 wise recover, seek to recover, or assist in the recovery from
7 a member or former member any overpayment of pay or
8 allowances made to the member through no fault of the
9 member unless the Secretary notifies the member of the
10 indebtedness before the end of the five-year period begin-
11 ning on the date on which the overpayment was made.
12 If the notice is not provided before the end of such period,
13 the Secretary concerned shall cancel the indebtedness of
14 the member to the United States.”.

15 (e) EXPANDED DISCRETION REGARDING REMISSION
16 OR CANCELLATION OF INDEBTEDNESS.—

17 (1) ARMY.—Section 4837(a) of title 10, United
18 States Code, is amended by striking “, but only if
19 the Secretary considers such action to be in the best
20 interest of the United States.” and inserting “if the
21 Secretary determines that the person—

22 “(1) relies on social security benefits or dis-
23 ability compensation under this title or title 38 (or
24 a combination thereof) for more than half of the per-
25 son’s annual income; or

1 “(2) would suffer an undue hardship in repay-
2 ing the indebtedness.”.

3 (2) NAVAL SERVICE.—Section 6161(a) of such
4 title is amended by striking “, but only if the Sec-
5 retary considers such action to be in the best inter-
6 est of the United States.” and inserting “if the Sec-
7 retary determines that the person—

8 “(1) relies on social security benefits or dis-
9 ability compensation under this title or title 38 (or
10 a combination thereof) for more than half of the per-
11 son’s annual income; or

12 “(2) would suffer an undue hardship in repay-
13 ing the indebtedness.”.

14 (3) AIR FORCE.—Section 9837(a) of such title
15 is amended by striking “, but only if the Secretary
16 considers such action to be in the best interest of the
17 United States.” and inserting “if the Secretary de-
18 termines that the person—

19 “(1) relies on social security benefits or dis-
20 ability compensation under this title or title 38 (or
21 a combination thereof) for more than half of the per-
22 son’s annual income; or

23 “(2) would suffer an undue hardship in repay-
24 ing the indebtedness.”.

1 (f) EFFECTIVE DATE.—The amendments made by
2 this section shall apply only with respect to an overpay-
3 ment of pay or allowances made to a member of the uni-
4 formed services after the date of the enactment of this
5 Act.

6 **SEC. 662. ARMY AUTHORITY TO PROVIDE ADDITIONAL RE-**
7 **CRUITMENT INCENTIVES.**

8 (a) EXTENSION OF AUTHORITY.—Subsection (i) of
9 section 681 of the National Defense Authorization Act for
10 Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3321)
11 is amended by striking “December 31, 2009” and insert-
12 ing “December 31, 2012”.

13 (b) LIMITATION ON USE OF AUTHORITY.—Sub-
14 section (e) of such section is amended by inserting “at
15 the same time” after “provided”.

16 **SEC. 663. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZA-**
17 **TION RESPITE ABSENCE PROGRAM FOR CER-**
18 **TAIN PERIODS BEFORE IMPLEMENTATION OF**
19 **PROGRAM.**

20 (a) IN GENERAL.—Under regulations prescribed by
21 the Secretary of Defense, the Secretary concerned may
22 provide any member or former member of the Armed
23 Forces with the benefits specified in subsection (b) if the
24 member or former member would, on any day during the
25 period beginning on January 19, 2007, and ending on the

1 date of the implementation of the Post-Deployment/Mobi-
2 lization Respite Absence (PDMRA) program by the Sec-
3 retary concerned, have qualified for a day of administra-
4 tive absence under the Post-Deployment/Mobilization Res-
5 pite Absence program had the program been in effect dur-
6 ing such period.

7 (b) BENEFITS.—The benefits authorized under this
8 section are the following:

9 (1) In the case of an individual who is a former
10 member of the Armed Forces at the time of the pro-
11 vision of benefits under this section, payment of an
12 amount not to exceed \$200 for each day the indi-
13 vidual would have qualified for a day of administra-
14 tive absence as described in subsection (a) during
15 the period specified in that subsection.

16 (2) In the case of an individual who is a mem-
17 ber of the Armed Forces at the time of the provision
18 of benefits under this section, either one day of ad-
19 ministrative absence or payment of an amount not
20 to exceed \$200, as selected by the Secretary con-
21 cerned, for each day the individual would have quali-
22 fied for a day of administrative absence as described
23 in subsection (a) during the period specified in that
24 subsection.

1 (c) EXCLUSION OF CERTAIN FORMER MEMBERS.—

2 A former member of the Armed Forces is not eligible
3 under this section for the benefits specified in subsection
4 (b)(1) if the former member was discharged or released
5 from the Armed Forces under other than honorable condi-
6 tions.

7 (d) MAXIMUM NUMBER OF DAYS OF BENEFITS.—

8 Not more than 40 days of benefits may be provided to
9 a member or former member of the Armed Forces under
10 this section.

11 (e) FORM OF PAYMENT.—The paid benefits author-

12 ized under this section may be paid in a lump sum or in-
13 stallments, at the election of the Secretary concerned.

14 (f) CONSTRUCTION WITH OTHER PAY AND LEAVE.—

15 The benefits provided a member or former member of the
16 Armed Forces under this section are in addition to any
17 other pay, absence, or leave provided by law.

18 (g) DEFINITIONS.—In this section:

19 (1) The term “Post-Deployment/Mobilization
20 Respite Absence program” means the program of a
21 military department to provide days of administra-
22 tive absence not chargeable against available leave to
23 certain deployed or mobilized members of the Armed
24 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
5 37, United States Code.

6 (h) TERMINATION.—

7 (1) IN GENERAL.—The authority to provide
8 benefits under this section shall expire on the date
9 that is 1 year after the date of the enactment of this
10 Act.

11 (2) CONSTRUCTION.—Expiration under this
12 subsection of the authority to provide benefits under
13 this section shall not affect the utilization of any day
14 of administrative absence provided a member of the
15 Armed Forces under subsection (b)(2), or the pay-
16 ment of any payment authorized a member or
17 former member of the Armed Forces under sub-
18 section (b), before the expiration of the authority in
19 this section.

20 **SEC. 664. SENSE OF CONGRESS REGARDING SUPPORT FOR**
21 **COMPENSATION, RETIREMENT, AND OTHER**
22 **MILITARY PERSONNEL PROGRAMS.**

23 It is the sense of Congress that members of the
24 Armed Forces and their families and military retirees de-
25 serve ongoing recognition and support for their service and

1 sacrifices on behalf of the United States, and Congress
2 will continue to be vigilant in identifying appropriate di-
3 rect spending offsets that can be used to address short-
4 coming within those military personnel programs that
5 incur mandatory spending obligations.

6 **SEC. 665. COMPTROLLER GENERAL REPORT ON COST TO**
7 **CITIES AND OTHER MUNICIPALITIES THAT**
8 **COVER THE DIFFERENCE BETWEEN AN EM-**
9 **PLOYEE'S MILITARY SALARY AND MUNICIPAL**
10 **SALARY.**

11 Not later than 90 days after the date of the enact-
12 ment of this Act, the Comptroller General shall submit
13 to Congress a report on the costs incurred by cities and
14 other municipalities that elect to cover the difference be-
15 tween—

16 (1) an employee's military salary when that em-
17 ployee is a member of a reserve component and
18 called or ordered to active duty; and

19 (2) the municipal salary of the employee.

20 **SEC. 666. POSTAL BENEFITS PROGRAM FOR SENDING FREE**
21 **MAIL TO MEMBERS OF THE ARMED FORCES**
22 **SERVING IN CERTAIN OVERSEAS OPER-**
23 **ATIONS AND HOSPITALIZED MEMBERS.**

24 (a) AVAILABILITY OF POSTAL BENEFITS.—The Sec-
25 retary of Defense, in consultation with the United States

1 Postal Service, shall provide for a program under which
2 postal benefits are provided during fiscal year 2010 to
3 qualified individuals in accordance with this section.

4 (b) QUALIFIED INDIVIDUAL.—In this section, the
5 term “qualified individual” means a member of the Armed
6 Forces described in subsection (a)(1) of section 3401 of
7 title 39, United States Code, who is entitled to free mail-
8 ing privileges under such section.

9 (c) POSTAL BENEFITS DESCRIBED.—

10 (1) VOUCHERS.—The postal benefits provided
11 under the program shall consist of such coupons or
12 other similar evidence of credit (in this section re-
13 ferred to as a “voucher”) to permit a person pos-
14 sessed the voucher to make a qualified mailing to
15 any qualified individual without charge using the
16 Postal Service. The vouchers may be in printed, elec-
17 tronic, or such other format as the Secretary of De-
18 fense, in consultation with the Postal Service, shall
19 determine to be appropriate.

20 (2) QUALIFIED MAILING.—In this section, the
21 term “qualified mailing” means the mailing of a sin-
22 gle mail piece which—

23 (A) is first-class mail (including any
24 sound- or video-recorded communication) not
25 exceeding 13 ounces in weight and having the

1 character of personal correspondence or parcel
2 post not exceeding 15 pounds in weight;

3 (B) is sent from within an area served by
4 a United States post office; and

5 (C) is addressed to any qualified indi-
6 vidual.

7 (3) COORDINATION RULE.—Postal benefits
8 under the program are in addition to, and not in lieu
9 of, any reduced rates of postage or other similar
10 benefits which might otherwise be available by or
11 under law, including any rates of postage resulting
12 from the application of section 3401(b) of title 39,
13 United States Code.

14 (d) NUMBER OF VOUCHERS.—A member of the
15 Armed Forces shall be eligible for one voucher for every
16 month (or part of a month) during fiscal year 2010 in
17 which the member is a qualified individual. Subject to sub-
18 section (f)(2), a voucher earned during fiscal year 2010
19 may be used after the end of such fiscal year.

20 (e) TRANSFER OF VOUCHERS.—A qualified indi-
21 vidual may transfer a voucher to a member of the family
22 of the qualified individual, a nonprofit organization, or any
23 other person selected by the qualified individual for use
24 to send qualified mailings to the qualified individual or
25 other qualified individuals.

1 (f) LIMITATIONS ON USE; DURATION.—A voucher
2 may not be used—

3 (1) for more than one qualified mailing, wheth-
4 er that mailing is a first-class letter or a parcel; or

5 (2) after the expiration date of the voucher, as
6 designated by the Secretary of Defense.

7 (g) REGULATIONS.—Not later than 30 days after the
8 date of the enactment of this Act, the Secretary of Defense
9 (in consultation with the Postal Service) shall prescribe
10 such regulations as may be necessary to carry out the pro-
11 gram, including—

12 (1) procedures by which vouchers will be pro-
13 vided or made available in timely manner to quali-
14 fied individuals; and

15 (2) procedures to ensure that the number of
16 vouchers provided or made available with respect to
17 any qualified individual complies with subsection (d).

18 (h) TRANSFERS OF FUNDS TO POSTAL SERVICE.—

19 (1) BASED ON ESTIMATES.—The Secretary of
20 Defense shall transfer to the Postal Service, out of
21 amounts available to carry out the program and in
22 advance of each calendar quarter during which post-
23 al benefits may be used under the program, an
24 amount equal to the amount of postal benefits that
25 the Secretary estimates will be used during such

1 quarter, reduced or increased (as the case may be)
2 by any amounts by which the Secretary finds that
3 a determination under this subsection for a prior
4 quarter was greater than or less than the amount fi-
5 nally determined for such quarter.

6 (2) **BASED ON FINAL DETERMINATION.**—A
7 final determination of the amount necessary to cor-
8 rect any previous determination under this section,
9 and any transfer of amounts between the Postal
10 Service and the Department of Defense based on
11 that final determination, shall be made not later
12 than 6 months after the expiration date of the final
13 vouchers issued under the program.

14 (3) **CONSULTATION REQUIRED.**—All estimates
15 and determinations under this subsection of the
16 amount of postal benefits under the program used in
17 any period shall be made by the Secretary of De-
18 fense in consultation with the Postal Service.

19 (i) **FUNDING.**—

20 (1) **FUNDING SOURCE AND LIMITATION.**—In
21 addition to the amounts authorized to be appro-
22 priated in section 301(1) for operation and mainte-
23 nance for Army for fiscal year 2010, \$50,000,000 is
24 authorized to be appropriated for postal benefits
25 provided in the this section.

1 (2) OFFSETTING REDUCTION.—Funds author-
 2 ized to be appropriated in section 301 in fiscal year
 3 2010 for operation and maintenance are reduced as
 4 follows:

5 (A) For operation and maintenance for the
 6 Army, Army Claims is reduced by \$10,000,000.

7 (B) For operation and maintenance for the
 8 Navy, System-Wide Navy Communications is
 9 reduced by \$10,000,000.

10 (C) For operation and maintenance for the
 11 Air Force, System-Wide Air Force Communica-
 12 tions is reduced by \$30,000,000.

13 **TITLE VII—HEALTH CARE** 14 **PROVISIONS**

Subtitle A—Improvements to Health Benefits

- Sec. 701. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.
- Sec. 702. Chiropractic health care for members on active duty.
- Sec. 703. Expansion of survivor eligibility under TRICARE dental program.
- Sec. 704. TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.
- Sec. 705. Cooperative health care agreements between military installations and non-military health care systems.
- Sec. 706. Health care for members of the reserve components.
- Sec. 707. National casualty care research center.

Subtitle B—Reports

- Sec. 711. Report on post-traumatic stress disorder efforts.
- Sec. 712. Report on the feasibility of TRICARE Prime in certain commonwealths and territories of the United States.
- Sec. 713. Report on the health care needs of military family members.
- Sec. 714. Report on stipends for members of reserve components for health care for certain dependents.
- Sec. 715. Report on the required number of military mental health providers.

1 **Subtitle A—Improvements to**
2 **Health Benefits**

3 **SEC. 701. PROHIBITION ON CONVERSION OF MILITARY**
4 **MEDICAL AND DENTAL POSITIONS TO CIVIL-**
5 **IAN MEDICAL AND DENTAL POSITIONS.**

6 (a) PROHIBITION.—The Secretary of a military de-
7 partment may not convert any military medical or dental
8 position to a civilian medical or dental position on or after
9 October 1, 2007.

10 (b) RESTORATION OF CERTAIN POSITIONS TO MILI-
11 TARY POSITIONS.—In the case of any military medical or
12 dental position that is converted to a civilian medical or
13 dental position during the period beginning on October 1,
14 2004, and ending on September 30, 2008, if the position
15 is not filled by a civilian by September 30, 2008, the Sec-
16 retary of the military department concerned shall restore
17 the position to a military medical or dental position that
18 may be filled only by a member of the Armed Forces who
19 is a health professional.

20 (c) DEFINITIONS.—In this section:

21 (1) The term “military medical or dental posi-
22 tion” means a position for the performance of health
23 care functions (or coded to work within a military
24 treatment facility) within the Armed Forces held by
25 a member of the Armed Forces.

1 (2) The term “civilian medical or dental posi-
2 tion” means a position for the performance of health
3 care functions within the Department of Defense
4 held by an employee of the Department or of a con-
5 tractor of the Department.

6 (3) The term “conversion”, with respect to a
7 military medical or dental position, means a change
8 of the position to a civilian medical or dental posi-
9 tion, effective as of the date of the manning author-
10 ization document of the military department making
11 the change (through a change in designation from
12 military to civilian in the document, the elimination
13 of the listing of the position as a military position
14 in the document, or through any other means indi-
15 cating the change in the document or otherwise).

16 (d) REPEAL.—Section 721 of the National Defense
17 Authorization Act for Fiscal Year 2008 (Public Law 110–
18 181; 122 Stat. 198; 10 U.S.C. 129c note) is repealed.

19 **SEC. 702. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON**
20 **ACTIVE DUTY.**

21 (a) REQUIREMENT FOR CHIROPRACTIC CARE.—Sub-
22 ject to such regulations as the Secretary of Defense may
23 prescribe, the Secretary shall provide chiropractic services
24 for members of the uniformed services who are entitled
25 to care under section 1074(a) of title 10, United States

1 Code. Such chiropractic services may be provided only by
2 a doctor of chiropractic.

3 (b) DEMONSTRATION PROJECTS.—The Secretary of
4 Defense may conduct one or more demonstration projects
5 to provide chiropractic services to deployed members of the
6 uniformed services. Such chiropractic services may be pro-
7 vided only by a doctor of chiropractic.

8 (c) DEFINITIONS.—In this section:

9 (1) The term “chiropractic services”—

10 (A) includes diagnosis (including by diag-
11 nostic X-ray tests), evaluation and manage-
12 ment, and therapeutic services for the treat-
13 ment of a patient’s health condition, including
14 neuromusculoskeletal conditions and the sub-
15 luxation complex, and such other services deter-
16 mined appropriate by the Secretary and as au-
17 thorized under State law; and

18 (B) does not include the use of drugs or
19 surgery.

20 (2) The term “doctor of chiropractic” means
21 only a doctor of chiropractic who is licensed as a
22 doctor of chiropractic, chiropractic physician, or chi-
23 ropractor by a State, the District of Columbia, or a
24 territory or possession of the United States.

1 **SEC. 703. EXPANSION OF SURVIVOR ELIGIBILITY UNDER**
2 **TRICARE DENTAL PROGRAM.**

3 Paragraph (3) of section 1076a(k) of title 10, United
4 States Code, is amended to read as follows:

5 “(3) Such term does not include a dependent by rea-
6 son of paragraph (2) after the end of the three-year period
7 beginning on the date of the member’s death, except that,
8 in the case of a dependent of the deceased who is described
9 by subparagraph (D) or (I) of section 1072(2) of this title,
10 the period of continued eligibility shall be the longer of
11 the following periods beginning on such date:

12 “(A) Three years.

13 “(B) The period ending on the date on which
14 such dependent attains 21 years of age.

15 “(C) In the case of such dependent who, at 21
16 years of age, is enrolled in a full-time course of
17 study in a secondary school or in a full-time course
18 of study in an institution of higher education ap-
19 proved by the administering Secretary and was, at
20 the time of the member’s death, in fact dependent
21 on the member for over one-half of such dependent’s
22 support, the period ending on the earlier of the fol-
23 lowing dates:

24 “(i) The date on which such dependent
25 ceases to pursue such a course of study, as de-
26 termined by the administering Secretary.

1 “(ii) The date on which such dependent at-
2 tains 23 years of age.”.

3 **SEC. 704. TRICARE STANDARD COVERAGE FOR CERTAIN**
4 **MEMBERS OF THE RETIRED RESERVE WHO**
5 **ARE QUALIFIED FOR A NON-REGULAR RE-**
6 **TIREMENT BUT ARE NOT YET AGE 60.**

7 (a) IN GENERAL.—Chapter 55 of title 10, United
8 States Code, is amended by inserting after section 1076d
9 the following new section:

10 **“§ 1076e. TRICARE program: TRICARE standard cov-**
11 **erage for certain members of the Retired**
12 **Reserve who are qualified for a non-reg-**
13 **ular retirement but are not yet age 60**

14 “(a) ELIGIBILITY.—(1) Except as provided in para-
15 graph (2), a member of the Retired Reserve of a reserve
16 component of the armed forces who is qualified for a non-
17 regular retirement at age 60 under chapter 1223 of this
18 title, but is not age 60, is eligible for health benefits under
19 TRICARE Standard as provided in this section.

20 “(2) Paragraph (1) does not apply to a member who
21 is enrolled, or is eligible to enroll, in a health benefits plan
22 under chapter 89 of title 5.

23 “(b) TERMINATION OF ELIGIBILITY UPON OBTAIN-
24 ING OTHER TRICARE STANDARD COVERAGE.—Eligi-
25 bility for TRICARE Standard coverage of a member

1 under this section shall terminate upon the member be-
2 coming eligible for TRICARE Standard coverage at age
3 60 under section 1086 of this title.

4 “(c) FAMILY MEMBERS.—While a member of a re-
5 serve component is covered by TRICARE Standard under
6 this section, the members of the immediate family of such
7 member are eligible for TRICARE Standard coverage as
8 dependents of the member. If a member of a reserve com-
9 ponent dies while in a period of coverage under this sec-
10 tion, the eligibility of the members of the immediate family
11 of such member for TRICARE Standard coverage under
12 this section shall continue for the same period of time that
13 would be provided under section 1086 of this title if the
14 member had been eligible at the time of death for
15 TRICARE Standard coverage under such section (instead
16 of under this section).

17 “(d) PREMIUMS.—(1) A member of a reserve compo-
18 nent covered by TRICARE Standard under this section
19 shall pay a premium for that coverage.

20 “(2) The Secretary of Defense shall prescribe for the
21 purposes of this section one premium for TRICARE
22 Standard coverage of members without dependents and
23 one premium for TRICARE Standard coverage of mem-
24 bers with dependents referred to in subsection (f)(1). The
25 premium prescribed for a coverage shall apply uniformly

1 to all covered members of the reserve components covered
2 under this section.

3 “(3) The monthly amount of the premium in effect
4 for a month for TRICARE Standard coverage under this
5 section shall be the amount equal to the cost of coverage
6 that the Secretary determines on an appropriate actuarial
7 basis.

8 “(4) The Secretary shall prescribe the requirements
9 and procedures applicable to the payment of premiums
10 under this subsection.

11 “(5) Amounts collected as premiums under this sub-
12 section shall be credited to the appropriation available for
13 the Defense Health Program Account under section 1100
14 of this title, shall be merged with sums in such Account
15 that are available for the fiscal year in which collected,
16 and shall be available under subsection (b) of such section
17 for such fiscal year.

18 “(e) REGULATIONS.—The Secretary of Defense, in
19 consultation with the other administering Secretaries,
20 shall prescribe regulations for the administration of this
21 section.

22 “(f) DEFINITIONS.—In this section:

23 “(1) The term ‘immediate family’, with respect
24 to a member of a reserve component, means all of
25 the member’s dependents described in subpara-

1 graphs (A), (D), and (I) of section 1072(2) of this
2 title.

3 “(2) The term ‘TRICARE Standard’ means—

4 “(A) medical care to which a dependent
5 described in section 1076(a)(2) of this title is
6 entitled; and

7 “(B) health benefits contracted for under
8 the authority of section 1079(a) of this title and
9 subject to the same rates and conditions as
10 apply to persons covered under that section.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of such chapter is amended by inserting
13 after the item relating to section 1076d the following new
14 item:

“1076e. TRICARE program: TRICARE standard coverage for certain members
of the Retired Reserve who are qualified for a non-regular re-
tirement but are not yet age 60.”.

15 (c) EFFECTIVE DATE.—Section 1076e of title 10,
16 United States Code, as inserted by subsection (a), shall
17 apply to coverage for months beginning on or after Octo-
18 ber 1, 2009, or such earlier date as the Secretary of De-
19 fense may specify.

1 **SEC. 705. COOPERATIVE HEALTH CARE AGREEMENTS BE-**
2 **TWEEN MILITARY INSTALLATIONS AND NON-**
3 **MILITARY HEALTH CARE SYSTEMS.**

4 (a) **AUTHORITY.**—The Secretary of Defense may es-
5 tablish cooperative health care agreements between mili-
6 tary installations and local or regional health care systems.

7 (b) **REQUIREMENTS.**—In establishing such agree-
8 ments, the Secretary shall—

9 (1) consult with—

10 (A) the Secretaries of the military depart-
11 ments;

12 (B) representatives from the military in-
13 stallation selected for the agreement, including
14 the TRICARE managed care support con-
15 tractor with responsibility for such installation;
16 and

17 (C) Federal, State, and local government
18 officials;

19 (2) identify and analyze health care services
20 available in the area in which the military installa-
21 tion is located, including such services available at a
22 military medical treatment facility or in the private
23 sector (or a combination thereof);

24 (3) determine the cost avoidance or savings re-
25 sulting from innovative partnerships between the
26 Department of Defense and the private sector; and

1 (4) determine the opportunities for and barriers
2 to coordinating and leveraging the use of existing
3 health care resources, including such resources of
4 Federal, State, local, and private entities.

5 (c) ANNUAL REPORTS.—Not later than December 31
6 of each year an agreement entered into under this section
7 is in effect, the Secretary shall submit to the congressional
8 defense committees a report on each such agreement.
9 Each report shall include, at a minimum, the following:

10 (1) A description of the agreement.

11 (2) Any cost avoidance, savings, or increases as
12 a result of the agreement.

13 (3) A recommendation for continuing or ending
14 the agreement.

15 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion shall be construed as authorizing the provision of
17 health care services at military medical treatment facilities
18 or other facilities of the Department of Defense to individ-
19 uals who are not otherwise entitled or eligible for such
20 services under chapter 55 of title 10, United States Code.

21 **SEC. 706. HEALTH CARE FOR MEMBERS OF THE RESERVE**
22 **COMPONENTS.**

23 (a) IN GENERAL.—Subsection (d) of section 1074 of
24 title 10, United States Code, is amended to read as fol-
25 lows:

1 “(d)(1) For the purposes of this chapter, a member
2 of a reserve component of the armed forces who is issued
3 or covered by a delayed-effective-date active-duty order or
4 an official notification shall be treated as being on active
5 duty for a period of more than 30 days beginning on the
6 later of the following dates:

7 “(A) The earlier of the date that is—

8 “(i) the date of the issuance of such order;

9 or

10 “(ii) the date of the issuance of such offi-
11 cial notification.

12 “(B) The date that is 180 days before the date
13 on which the period of active duty is to commence
14 under such order or official notification for that
15 member.

16 “(2) In this subsection:

17 “(A) The term ‘delayed-effective-date active-
18 duty order’ means an order to active duty for a pe-
19 riod of more than 30 days in support of a contin-
20 gency operation under a provision of law referred to
21 in section 101(a)(13)(B) of this title that provides
22 for active-duty service to begin under such order on
23 a date after the date of the issuance of the order.

24 “(B) The term ‘official notification’ means a
25 memorandum from the Secretary concerned that no-

1 tifies a unit or a member of a reserve component of
2 the armed forces that such unit or member shall re-
3 ceive a delayed-effective-date active-duty order.”.

4 (b) EFFECTIVE DATE.—The amendment made by
5 this section shall apply with respect to a delayed-effective-
6 date active-duty order or official notification issued on or
7 after the date of the enactment of this Act.

8 **SEC. 707. NATIONAL CASUALTY CARE RESEARCH CENTER.**

9 (a) DESIGNATION.—Not later than October 1, 2010,
10 the Secretary of Defense shall designate a center to be
11 known as the “National Casualty Care Research Center”
12 (in this section referred to as the “Center”), which shall
13 consist of the program known as combat casualty care of
14 the Army Medical Research and Materiel Command.

15 (b) DIRECTOR.—The Secretary shall appoint a direc-
16 tor of the Center.

17 (c) ACTIVITIES OF THE CENTER.—In addition to
18 other functions performed by the combat casualty care
19 program, the Center shall—

20 (1) provide a public-private partnership for
21 funding clinical trials and clinical research in combat
22 injury;

23 (2) integrate basic and clinical research from
24 both military and civilian populations to accelerate
25 improvements to trauma care;

1 (3) ensure that data from both military and ci-
2 vilian entities, including the Joint Theater Trauma
3 Registry and the National Trauma Data Bank, are
4 optimally used to establish research strategies and
5 measure improvements in outcomes;

6 (4) fund the full range of injury research and
7 evaluation, including—

8 (A) basic, translational, and clinical re-
9 search;

10 (B) point of injury and pre-hospital care;

11 (C) early resuscitative management;

12 (D) initial and definitive surgical care; and

13 (E) rehabilitation and reintegration into
14 society; and

15 (5) coordinate the collaboration of military and
16 civilian institutions conducting trauma research.

17 (d) AUTHORIZATION.—In addition to any other funds
18 authorized to be appropriated for the combat casualty care
19 program of the Army Medical Research and Materiel Com-
20 mand, there is hereby authorized to be appropriated to
21 the Secretary \$1,000,000 for fiscal year 2010 for the pur-
22 pose of carrying out activities under this section.

1 **SEC. 708. NOTIFICATION OF MEMBERS OF THE ARMED**
2 **FORCES OF EXPOSURE TO POTENTIALLY**
3 **HARMFUL MATERIALS AND CONTAMINANTS.**

4 (a) NOTIFICATION REQUIRED.—In the case of a
5 member of the Armed Forces who is exposed to a poten-
6 tially harmful material or contaminant, as determined by
7 the Secretary of Defense, the Secretary shall, as soon as
8 possible, notify the member, and in the case of a member
9 of a reserve component, the State military department of
10 the member, of the member's exposure to such material
11 or contaminant and any health risks associated with expo-
12 sure to such material or contaminant.

13 (b) IN-THEATER NOTIFICATION.—If the Secretary of
14 Defense determines that a member of the Armed Forces
15 has been exposed to a potentially harmful material or con-
16 taminant while that member is deployed, the Secretary
17 shall notify the member of such exposure under subsection
18 (a) while that member is so deployed.

19 **SEC. 709. POST-DEPLOYMENT MENTAL HEALTH SCREENING**
20 **DEMONSTRATION PROJECT.**

21 (a) DEMONSTRATION PROJECT REQUIRED.—The
22 Secretary of Defense shall conduct a demonstration
23 project to assess the feasibility and efficacy of providing
24 a member of the Armed Forces with a post-deployment
25 mental health screening that is conducted in person by a
26 mental health provider.

1 (b) ELEMENTS.—The demonstration project shall in-
2 clude, at a minimum, the following elements:

3 (1) A combat stress evaluation conducted in
4 person by a qualified mental health professional not
5 later than 120 to 180 days after the date on which
6 the member returns from combat theater.

7 (2) Follow-ups by a case manager (who may or
8 may not be stationed at the same military installa-
9 tion as the member) conducted by telephone at the
10 following intervals after the initial post-deployment
11 screening:

12 (A) Six months.

13 (B) 12 months.

14 (C) 18 months.

15 (D) 24 months.

16 (c) REQUIREMENTS OF COMBAT STRESS EVALUA-
17 TION.—The combat stress evaluation required by sub-
18 section (b)(1) shall be designed to—

19 (1) provide members of the Armed Forces with
20 an objective mental health and traumatic brain in-
21 jury standard to screen for suicide risk factors;

22 (2) ease post-deployment transition by allowing
23 members to be honest in their assessments;

24 (3) battle the stigma of depression and mental
25 health problems among members and veterans; and

1 (4) ultimately reduce the prevalence of suicide
2 among veterans of Operation Iraqi Freedom and Op-
3 eration Enduring Freedom.

4 (d) CONSULTATION.—The Secretary of Defense shall
5 develop the demonstration project in consultation with the
6 Secretary of Veterans Affairs and the Secretary of Health
7 and Human Services. The Secretary of Defense may also
8 coordinate the program with any accredited college, uni-
9 versity, hospital-based or community-based mental health
10 center the Secretary considers appropriate.

11 (e) SELECTION OF MILITARY INSTALLATION.—The
12 demonstration project shall be conducted at two military
13 installations, one active duty and one reserve component
14 demobilization station, selected by the Secretary of De-
15 fense. The installations selected shall have members of the
16 Armed Forces on active duty and members of the reserve
17 components that use the installation as a training and op-
18 erating base, with members routinely deploying in support
19 of operations in Iraq, Afghanistan, and other assignments
20 related to the global war on terrorism.

21 (f) PERSONNEL REQUIREMENTS.—The Secretary of
22 Defense shall ensure an adequate number of the following
23 personnel in the program:

24 (1) Qualified mental health professionals that
25 are licensed psychologists, psychiatrists, psychiatric

1 nurses, licensed professional counselors, or clinical
2 social workers.

3 (2) Suicide prevention counselors.

4 (g) TIMELINE.—

5 (1) The demonstration project required by this
6 section shall be implemented not later than Sep-
7 tember 30, 2010.

8 (2) Authority for this demonstration project
9 shall expire on September 30, 2012.

10 (h) REPORTS.—The Secretary of Defense shall sub-
11 mit to the congressional defense committees—

12 (1) a plan to implement the demonstration
13 project, including site selection and criteria for
14 choosing the site, not later than June 1, 2010;

15 (2) an interim report every 180 days thereafter;
16 and

17 (3) a final report detailing the results not later
18 than January 1, 2013.

19 **SEC. 710. REPORT ON JOINT VIRTUAL LIFETIME ELEC-**
20 **TRONIC RECORD.**

21 Not later than December 31, 2009, the Secretary of
22 Defense, in coordination with the Secretary of Veterans
23 Affairs, shall submit to Congress a report on the progress
24 that has been made on the establishment, announced by
25 the President on April 9, 2009, of a Joint Virtual Lifetime

1 Electronic Record for members of the Armed Forces to
2 improve the quality of medical care and create a seamless
3 integration between the Department of Defense and the
4 Department of Veterans Affairs. The report shall—

5 (1) explain what steps compose the Secretaries’
6 plan to fully achieve the establishment of the seam-
7 less record system between the two departments;

8 (2) identify any unforeseen obstacles that have
9 arisen that may require legislative action; and

10 (3) explain how the plan relates to the mandate
11 in section 1635 of the National Defense Authoriza-
12 tion Act for Fiscal Year 2008 (Public Law 110–181;
13 10 U.S.C. 1071 note) that the Secretary of Defense
14 and the Secretary of the Department of Veterans
15 Affairs jointly develop and implement, by September
16 30, 2009, electronic health record systems or capa-
17 bilities that allow for full interoperability of personal
18 health care information between the Department of
19 Defense and the Department of Veterans Affairs.

20 **SEC. 710A. SUICIDE AMONG MEMBERS OF THE INDIVIDUAL**
21 **READY RESERVE.**

22 (a) FINDINGS.—Congress finds that veterans who are
23 members of the Individual Ready Reserve (in this section
24 referred to as the “IRR”) and are not assigned to units
25 that muster regularly and have an established support

1 structure are less likely to be helped by existing suicide
2 prevention programs run by the Secretary of Defense and
3 the Secretary of Veterans Affairs.

4 (b) IN GENERAL.—The Secretary of Defense shall
5 ensure that all covered members receive a counseling call
6 from properly trained personnel not less than once every
7 90 days so long as the member remains a member of the
8 IRR.

9 (c) PERSONNEL.—In carrying out this section, the
10 Secretary shall ensure the following:

11 (1) Personnel conducting calls determine the
12 emotional, psychological, medical, and career needs
13 and concerns of the covered member.

14 (2) Any covered member identified as being at-
15 risk of self-caused harm is referred to the nearest
16 military medical treatment facility or accredited
17 TRICARE provider for immediate evaluation and
18 treatment by a qualified mental health care provider.

19 (3) If a covered member is identified under
20 paragraph (2), the Secretary shall confirm that the
21 member has received the evaluation and any nec-
22 essary treatment.

23 (d) REPORT.—Not later than January 31 of each
24 year, beginning in 2010, the Secretary shall submit to
25 Congress a report on the number of IRR members not

1 assigned to units who have been referred for counseling
2 or mental health treatment, as well as the health and ca-
3 reer status of such members.

4 (e) COVERED MEMBER DEFINED.—In this section, a
5 “covered member” is a member of the Individual Ready
6 Reserve who has completed at least one tour in either Iraq
7 or Afghanistan.

8 **SEC. 710B. TREATMENT OF AUTISM UNDER TRICARE.**

9 (a) IN GENERAL.—Section 1077 of title 10, United
10 States Code, is amended—

11 (1) in subsection (a), by adding at the end the
12 following new paragraph:

13 “(18) In accordance with subsection (g), treat-
14 ment of autism spectrum disorders.”; and

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

17 “(g)(1) For purposes of subsection (a)(18), and to
18 the extent that appropriated funds are available for the
19 purposes of this subsection, treatment of autism spectrum
20 disorders shall be provided if a health care professional
21 determines that the treatment is medically necessary.

22 Such treatment shall include the following:

23 “(A) Habilitative or rehabilitative care.

24 “(B) Pharmaceutical agents.

25 “(C) Psychiatric care.

1 “(D) Psychological care.

2 “(E) Speech therapy.

3 “(F) Occupational therapy.

4 “(G) Physical therapy.

5 “(H) Group therapy, if a health care profes-
6 sional determines it necessary to develop, maintain,
7 or restore the skills of the beneficiary.

8 “(I) Any other care or treatment that a health
9 care professional determines medically necessary.

10 “(2) Beneficiaries under the age of five who have de-
11 velopmental delays and are considered at-risk for autism
12 may not be denied access to treatment described by para-
13 graph (1) if a health care professional determines that the
14 treatment is medically necessary.

15 “(3) The Secretary may not consider the use of ap-
16 plied behavior analysis or other structured behavior pro-
17 grams under this section to be special education for pur-
18 poses of section 1079(a)(9) of this title.

19 “(4) In carrying out this subsection, the Secretary
20 shall ensure that—

21 “(A) a person who is authorized to provide ap-
22 plied behavior analysis or other structured behavior
23 programs is licensed or certified by a state, the Be-
24 havior Analyst Certification Board, or other accred-
25 ited national certification board; and

1 “(B) if applied behavior analysis or other struc-
2 tured behavior program is provided by an employee
3 or contractor of a person authorized to provide such
4 treatment, the employee or contractor shall meet
5 minimum qualifications, training, and supervision
6 requirements consistent with business best practices
7 in the field of behavior analysis and autism services.

8 “(5)(A) This subsection shall not apply to a medi-
9 care-eligible beneficiary.

10 “(B) Except as provided in subparagraph (A), noth-
11 ing in this subsection shall be construed as limiting or oth-
12 erwise affecting the benefits provided to a medicare-eli-
13 gible beneficiary under—

14 “(i) this chapter;

15 “(ii) part A of title XVIII of the Social Security
16 Act (42 U.S.C. 1395c et seq.); or

17 “(iii) any other law.

18 “(6) In this section:

19 “(A) The term ‘autism spectrum disorders’ in-
20 cludes autistic disorder, Asperger’s syndrome, and
21 any of the pervasive developmental disorders as de-
22 fined by the most recent edition of the Diagnostic
23 and Statistical Manual of Mental Disorders.

24 “(B) The term ‘habilitative and rehabilitative
25 care’ includes—

1 “(i) professional counseling;

2 “(ii) guidance service;

3 “(iii) treatment programs, including not
4 more than 40 hours per week of applied behav-
5 ior analysis; and

6 “(iv) other structured behavior programs
7 that a health care professional determines nec-
8 essary to develop, improve, maintain, or restore
9 the functions of the beneficiary.

10 “(C) The term ‘health care professional’ has the
11 meaning given that term in section 1094(e)(2) of
12 this title.

13 “(D) The term ‘medicare-eligible’ has the
14 meaning given that term in section 1111(b) of this
15 title.”.

16 (b) REGULATIONS.—Not later than 180 days after
17 the date of the enactment of this Act, the Secretary of
18 Defense shall prescribe such regulations as may be nec-
19 essary to carry out section 1077(a)(18) of title 10, United
20 States Code, as added by subsection (a).

21 (c) FUNDING.—

22 (1) FUNDING INCREASE.—The amount other-
23 wise provided by section 1403 for TRICARE fund-
24 ing is hereby increased by \$50,000,000 to provide

1 funds to carry out section 1077(a)(18) of title 10,
2 United States Code, as added by subsection (a).

3 (2) OFFSETTING REDUCTION.—

4 (A) Reduce the amount of Operation and
5 Maintenance, Army, by \$25,000,000, to be de-
6 rived from the Service-wide Communications.

7 (B) Reduce the amount of Operation and
8 Maintenance, Navy, by \$15,000,000, to be de-
9 rived from Service-wide Communications.

10 (C) Reduce the amount of Research Devel-
11 opment Test and Evaluation, by \$10,000,000,
12 to be derived from Advanced Aerospace Sys-
13 tems Integrated Sensor IS Structure, PE
14 68286E.

15 **Subtitle B—Reports**

16 **SEC. 711. REPORT ON POST-TRAUMATIC STRESS DISORDER** 17 **EFFORTS.**

18 (a) REPORT REQUIRED.—Not later than December
19 31, 2010, the Secretary of Defense and the Secretary of
20 Veterans Affairs, in consultation with the Secretary of
21 Health and Human Services, shall jointly submit to the
22 appropriate committees a report on the treatment of post-
23 traumatic stress disorder. The report shall include the fol-
24 lowing:

1 (1) A list of each program and method available
2 for the prevention, screening, diagnosis, treatment,
3 or rehabilitation of post-traumatic stress disorder,
4 including—

5 (A) the rates of success for each such pro-
6 gram or method (including an operational defi-
7 nition of the term “success” and a discussion of
8 the process used to quantify such rates);

9 (B) the number of members of the Armed
10 Forces and veterans diagnosed by the Depart-
11 ment of Defense or the Department of Veterans
12 Affairs as having post-traumatic stress disorder
13 and the number of such veterans who have been
14 successfully treated; and

15 (C) any collaborative efforts between the
16 Department of Defense and the Department of
17 Veterans Affairs to prevent, screen, diagnose,
18 treat, or rehabilitate post-traumatic stress dis-
19 order.

20 (2) The status of studies and clinical trials in-
21 volving innovative treatments of post-traumatic
22 stress disorder that are conducted by the Depart-
23 ment of Defense, the Department of Veterans Af-
24 fairs, or the private sector, including—

1 (A) efforts to identify physiological mark-
2 ers of post-traumatic stress disorder;

3 (B) with respect to efforts to determine
4 causation of post-traumatic stress disorder,
5 brain imaging studies and the correlation be-
6 tween brain region atrophy and post-traumatic
7 stress disorder diagnoses and the results (in-
8 cluding any interim results) of such efforts;

9 (C) the effectiveness of alternative thera-
10 pies in the treatment of post-traumatic stress
11 disorder, including the therapeutic use of ani-
12 mals;

13 (D) the effectiveness of administering
14 pharmaceutical agents before, during, or after a
15 traumatic event in the prevention and treat-
16 ment of post-traumatic stress disorder; and

17 (E) identification of areas in which the De-
18 partment of Defense and the Department of
19 Veterans Affairs may be duplicating studies,
20 programs, or research with respect to post-trau-
21 matic stress disorder.

22 (3) A description of each treatment program for
23 post-traumatic stress disorder, including a compari-
24 son of the methods of treatment by each program,
25 at the following locations:

1 (A) Fort Hood, Texas.

2 (B) Fort Bliss, Texas.

3 (C) Fort Campbell, Tennessee.

4 (D) Other locations the Secretary of De-
5 fense considers appropriate.

6 (4) The respective annual expenditure by the
7 Department of Defense and the Department of Vet-
8 erans Affairs for the treatment and rehabilitation of
9 post-traumatic stress disorder.

10 (5) A description of gender-specific and racial
11 and ethnic group-specific mental health treatment
12 and services available for members of the Armed
13 Forces, including—

14 (A) the availability of such treatment and
15 services;

16 (B) the access to such treatment and serv-
17 ices;

18 (C) the need for such treatment and serv-
19 ices; and

20 (D) the efficacy and adequacy of such
21 treatment and services.

22 (6) A description of areas for expanded future
23 research with respect to post-traumatic stress dis-
24 order.

1 (7) Any other matters the Secretaries consider
2 relevant.

3 (b) UPDATED REPORT REQUIRED.—Not later than
4 December 31, 2012, the Secretary of Defense and the Sec-
5 retary of Veterans Affairs, in consultation with the Sec-
6 retary of Health and Human Services, shall jointly submit
7 to the appropriate committees an update of the report re-
8 quired by subsection (a).

9 (c) APPROPRIATE COMMITTEES DEFINED.—In this
10 section, the term “appropriate committees” means—

11 (1) the Committee on Armed Services, the
12 Committee on Appropriations, the Committee on
13 Veterans’ Affairs, and the Committee on Energy and
14 Commerce of the House of Representatives; and

15 (2) the Committee on Armed Services, the
16 Committee on Appropriations, the Committee on
17 Veterans’ Affairs, and the Committee on Health,
18 Education, Labor, and Pensions of the Senate.

19 **SEC. 712. REPORT ON THE FEASIBILITY OF TRICARE PRIME**
20 **IN CERTAIN COMMONWEALTHS AND TERRI-**
21 **TORIES OF THE UNITED STATES.**

22 (a) STUDY REQUIRED.—The Secretary of Defense
23 shall conduct a study examining the feasibility and cost-
24 effectiveness of offering TRICARE Prime in each of the
25 following locations:

1 (1) American Samoa.

2 (2) Guam.

3 (3) The Commonwealth of the Northern Mar-
4 iana Islands.

5 (4) The Commonwealth of Puerto Rico.

6 (5) The Virgin Islands.

7 (b) REPORT.—Not later than 180 days after the date
8 of the enactment of this Act, the Secretary shall submit
9 to the congressional defense committees a report on the
10 study.

11 (c) TRICARE PRIME DEFINED.—In this section, the
12 term “TRICARE Prime” has the meaning given that term
13 in section 1097a(f)(1) of title 10, United States Code.

14 **SEC. 713. REPORT ON THE HEALTH CARE NEEDS OF MILI-**
15 **TARY FAMILY MEMBERS.**

16 (a) REPORT REQUIRED.—Not later than 1 year after
17 the date of the enactment of this Act, the Secretary of
18 Defense shall submit to the congressional defense commit-
19 tees a report on the health care needs of dependents (as
20 defined in section 1072(2) of title 10, United States
21 Code). The report shall include, at a minimum, the fol-
22 lowing:

23 (1) With respect to both the direct care system
24 and the purchased care system, an analysis of the

1 type of health care facility in which dependents seek
2 care.

3 (2) The 10 most common medical conditions for
4 which dependents seek care.

5 (3) The availability of and access to health care
6 providers to treat the conditions identified under
7 paragraph (2), both in the direct care system and
8 the purchased care system.

9 (4) Any shortfalls in the ability of dependents
10 to obtain required health care services.

11 (5) Recommendations on how to improve access
12 to care for dependents.

13 (6) With respect to dependents accompanying a
14 member stationed at a military installation outside
15 of the United States, the need for and availability of
16 mental health care services.

17 (b) PILOT PROGRAM.—

18 (1) ELEMENTS.—The Secretary of the Army
19 shall carry out a pilot program on the mental health
20 care needs of military children and adolescents. In
21 carrying out the pilot program, the Secretary shall
22 establish a center to—

23 (A) develop teams to train primary care
24 managers in mental health evaluations and

1 treatment of common psychiatric disorders af-
2 fecting children and adolescents;

3 (B) develop strategies to reduce barriers to
4 accessing behavioral health services and encour-
5 age better use of the programs and services by
6 children and adolescents; and

7 (C) expand the evaluation of mental health
8 care using common indicators, including—

9 (i) psychiatric hospitalization rates;

10 (ii) non-psychiatric hospitalization
11 rates; and

12 (iii) mental health relative value units.

13 (2) REPORTS.—

14 (A) INTERIM REPORT.—Not later than 90
15 days after establishing the pilot program, the
16 Secretary of the Army shall submit to the con-
17 gressional defense committees a report describ-
18 ing the—

19 (i) structure and mission of the pro-
20 gram; and

21 (ii) the resources allocated to the pro-
22 gram.

23 (B) FINAL REPORT.—Not later than Sep-
24 tember 30, 2012, the Secretary of the Army
25 shall submit to the congressional defense com-

1 mittees a report that addresses the elements de-
2 scribed under paragraph (1).

3 **SEC. 714. REPORT ON STIPENDS FOR MEMBERS OF RE-**
4 **SERVE COMPONENTS FOR HEALTH CARE FOR**
5 **CERTAIN DEPENDENTS.**

6 Not later than 90 days after the date of the enact-
7 ment of this Act, the Secretary of Defense shall submit
8 to the congressional defense committees a report on sti-
9 pends paid under section 704 of the National Defense Au-
10 thorization Act for Fiscal Year 2008 (Public Law 110-
11 181; 122 Stat. 188; 10 U.S.C. 1076 note). The report
12 shall include—

- 13 (1) the number of stipends paid;
14 (2) the amount of the average stipend; and
15 (3) the number of members who received such
16 stipends.

17 **SEC. 715. REPORT ON THE REQUIRED NUMBER OF MILI-**
18 **TARY MENTAL HEALTH PROVIDERS.**

19 Not later than 1 year after the date of the enactment
20 of this Act, the Secretary of Defense shall submit to the
21 congressional defense committees a report on the appro-
22 priate number of military mental health providers required
23 to meet the mental health care needs of members of the
24 Armed Forces, retired members, and dependents. The re-
25 port shall include, at a minimum, the following:

1 (1) An evaluation of the recommendation titled
2 “Ensure an Adequate Supply of Uniformed Pro-
3 viders” made by the Department of Defense Task
4 Force on Mental Health established by section 723
5 of the National Defense Authorization Act for Fiscal
6 Year 2006 (Public Law 109–163; 119 Stat. 3348).

7 (2) The criteria and models used to determine
8 the appropriate number of military mental health
9 providers.

10 (3) A plan for how the Secretary of Defense
11 will achieve the appropriate number of military men-
12 tal health providers, including timelines, budgets,
13 and any additional legislative authority the Secretary
14 determines is required for such plan.

15 **SEC. 716. REPORT ON RURAL ACCESS TO HEALTH CARE.**

16 The Secretary of Defense shall submit to the congres-
17 sional defense committees a report on the health care of
18 rural members of the Armed Forces and individuals who
19 receive health care under chapter 55 of title 10, United
20 States. The report shall include recommendations of re-
21 sources or legislation the Secretary determines necessary
22 to improve access to health care for such individuals.

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

Subtitle A—Acquisition Policy and Management

- Sec. 801. Temporary authority to acquire products and services produced in countries along a major route of supply to Afghanistan; Report.
- Sec. 802. Assessment of improvements in service contracting.
- Sec. 803. Display of annual budget requirements for procurement of contract services and related clarifying technical amendments.
- Sec. 804. Demonstration authority for alternative acquisition process for defense information technology programs.
- Sec. 805. Limitation on performance of product support integrator functions.

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

- Sec. 811. Revision of Defense Supplement relating to payment of costs prior to definitization.
- Sec. 812. Revisions to definitions relating to contracts in Iraq and Afghanistan.
- Sec. 813. Amendment to notification requirements for awards of single source task or delivery orders.
- Sec. 814. Clarification of uniform suspension and debarment requirement.
- Sec. 815. Extension of authority for use of simplified acquisition procedures for certain commercial items.
- Sec. 816. Revision to definitions of major defense acquisition program and major automated information system.
- Sec. 817. Small Arms Production Industrial Base.
- Sec. 818. Publication of justification for bundling of contracts of the Department of Defense.
- Sec. 819. Contract authority for advanced component development or prototype units.

Subtitle C—Other Matters

- Sec. 821. Enhanced expedited hiring authority for defense acquisition workforce positions.
- Sec. 822. Acquisition Workforce Development Fund amendments.
- Sec. 823. Reports to Congress on full deployment decisions for major automated information system programs.
- Sec. 824. Requirement for Secretary of Defense to deny award and incentive fees to companies found to jeopardize health or safety of Government personnel.
- Sec. 825. Authorization for actions to correct the industrial resource shortfall for high-purity beryllium metal in amounts not in excess of \$85,000,000.
- Sec. 826. Review of post employment restrictions applicable to the Department of Defense.

Sec. 827. Requirement to buy military decorations, ribbons, badges, medals, insignia, and other uniform accouterments produced in the United States.

Sec. 828. Findings and report on the usage of rare earth materials in the defense supply chain.

Sec. 829. Furniture standards.

1 **Subtitle A—Acquisition Policy and** 2 **Management**

3 **SEC. 801. TEMPORARY AUTHORITY TO ACQUIRE PRODUCTS** 4 **AND SERVICES PRODUCED IN COUNTRIES** 5 **ALONG A MAJOR ROUTE OF SUPPLY TO AF-** 6 **GHANISTAN; REPORT.**

7 (a) IN GENERAL.—In the case of a product or service
8 to be acquired in support of military or stability operations
9 in Afghanistan for which the Secretary of Defense makes
10 a determination described in subsection (b), the Secretary
11 may conduct a procurement in which—

12 (1) competition is limited to products or serv-
13 ices that are from one or more countries along a
14 major route of supply to Afghanistan; or

15 (2) a preference is provided for products or
16 services that are from one or more countries along
17 a major route of supply to Afghanistan.

18 (b) DETERMINATION.—A determination described in
19 this subsection is a determination by the Secretary that—

20 (1) the product or service concerned is to be
21 used only by personnel that ship goods, or provide
22 support for shipping goods, for military forces, po-

1 lice, or other security personnel of Afghanistan, or
2 for military or civilian personnel of the United
3 States, United States allies, or Coalition partners
4 operating in military or stability operations in Af-
5 ghanistan;

6 (2) it is in the national security interest of the
7 United States to limit competition or provide a pref-
8 erence as described in subsection (a) because such
9 limitation or preference is necessary—

10 (A) to reduce overall United States trans-
11 portation costs and risks in shipping goods in
12 support of military or stability operations in Af-
13 ghanistan;

14 (B) to encourage countries along a major
15 route of supply to Afghanistan to cooperate in
16 expanding supply routes through their territory
17 in support of military or stability operations in
18 Afghanistan; or

19 (C) to help develop more robust and endur-
20 ing routes of supply to Afghanistan; and

21 (3) limiting competition or providing a pref-
22 erence as described in subsection (a) will not ad-
23 versely affect—

24 (A) military or stability operations in Af-
25 ghanistan; or

1 (B) the United States industrial base.

2 (c) PRODUCTS, SERVICES, AND SOURCES FROM A
3 COUNTRY ALONG A MAJOR ROUTE OF SUPPLY TO AF-
4 GHANISTAN.—For the purposes of this section:

5 (1) A product is from a country along a major
6 route of supply to Afghanistan if it is mined, pro-
7 duced, or manufactured in a covered country.

8 (2) A service is from a country along a major
9 route of supply to Afghanistan if it is performed in
10 a covered country by citizens or permanent resident
11 aliens of a covered country.

12 (3) A source is from a country along a major
13 route of supply to Afghanistan if it—

14 (A) is located in a covered country; and

15 (B) offers products or services that are
16 from a covered country.

17 (d) COVERED COUNTRY DEFINED.—In this section,
18 the term “covered country” means Georgia, Kyrgyzstan,
19 Pakistan, Armenia, Azerbaijan, Kazakhstan, Tajikistan,
20 Uzbekistan, or Turkmenistan.

21 (e) CONSTRUCTION WITH OTHER AUTHORITY.—The
22 authority provided in subsection (a) is in addition to the
23 authority set forth in section 886 of the National Defense
24 Authorization Act for Fiscal Year 2008 (Public Law 110–
25 181; 122 Stat. 266; 10 U.S.C. 2302 note).

1 (f) TERMINATION OF AUTHORITY.—The Secretary of
2 Defense may not exercise the authority provided in sub-
3 section (a) on and after the date occurring 18 months
4 after the date of the enactment of this Act.

5 (g) REPORT ON AUTHORITY.—Not later than April
6 1, 2010, the Secretary of Defense shall submit to the con-
7 gressional defense committees a report on the use of the
8 authority provided in subsection (a). The report shall ad-
9 dress, at a minimum, following:

10 (1) The number of determinations made by the
11 Secretary pursuant to subsection (b).

12 (2) A description of the products and services
13 acquired using the authority.

14 (3) The extent to which the use of the authority
15 has met the objectives of subparagraph (A), (B), or
16 (C) of subsection (b)(2).

17 (4) A list of the countries providing products or
18 services as a result of a determination made pursu-
19 ant to subsection (b).

20 (5) Any recommended modifications to the au-
21 thority.

22 **SEC. 802. ASSESSMENT OF IMPROVEMENTS IN SERVICE**
23 **CONTRACTING.**

24 (a) ASSESSMENT REQUIRED.—The Under Secretary
25 of Defense for Acquisition, Technology, and Logistics shall

1 provide for an independent assessment of improvements
2 in the procurement and oversight of services by the De-
3 partment of Defense. The assessment shall be conducted
4 by a federally funded research and development center se-
5 lected by the Under Secretary.

6 (b) MATTERS COVERED.—The assessment required
7 by subsection (a) shall include the following:

8 (1) An assessment of the quality and complete-
9 ness of guidance relating to the procurement of serv-
10 ices, including implementation of statutory and regu-
11 latory authorities and requirements.

12 (2) A determination of the extent to which best
13 practices are being developed for setting require-
14 ments and developing statements of work.

15 (3) A determination of whether effective stand-
16 ards to measure performance have been developed.

17 (4) An assessment of the effectiveness of peer
18 reviews within the Department of Defense of con-
19 tracts for services and whether such reviews are
20 being conducted at the appropriate dollar threshold.

21 (5) An assessment of the management structure
22 for the procurement of services, including how the
23 military departments and Defense Agencies have im-
24 plemented section 2330 of title 10, United States
25 Code.

1 (6) A determination of whether the performance
2 savings goals required by section 802 of the Na-
3 tional Defense Authorization Act for Fiscal Year
4 2002 (10 U.S.C. 2330 note) are being achieved.

5 (7) An assessment of the effectiveness of the
6 Acquisition Center of Excellence for Services estab-
7 lished pursuant to section 1431(b) of the Services
8 Acquisition Reform Act of 2003 (title XIV of Public
9 Law 108–136; 117 Stat. 1671; 41 U.S.C. 405 note)
10 and the feasibility of creating similar centers of ex-
11 cellence in the military departments.

12 (8) An assessment of the quality and sufficiency
13 of the acquisition workforce for the procurement and
14 oversight of services.

15 (9) Such other related matters as the Under
16 Secretary considers appropriate.

17 (c) REPORT.—Not later than March 10, 2010, the
18 Under Secretary shall submit to the congressional defense
19 committees a report on the results of the assessment, in-
20 cluding such comments and recommendations as the
21 Under Secretary considers appropriate.

1 **SEC. 803. DISPLAY OF ANNUAL BUDGET REQUIREMENTS**
2 **FOR PROCUREMENT OF CONTRACT SERV-**
3 **ICES AND RELATED CLARIFYING TECHNICAL**
4 **AMENDMENTS.**

5 (a) CODIFICATION OF REQUIREMENT FOR SPECI-
6 FICATION OF AMOUNTS REQUESTED FOR PROCUREMENT
7 OF CONTRACT SERVICES.—

8 (1) IN GENERAL.—Chapter 9 of title 10, United
9 States Code, is amended by inserting after section
10 235, as added by section 242(a) of this Act, the fol-
11 lowing new section:

12 **“§ 236. Procurement of contract services: specifica-**
13 **tion of amounts requested in budget**

14 “(a) SUBMISSION WITH ANNUAL BUDGET JUS-
15 TIFICATION DOCUMENTS.—The Secretary of Defense shall
16 submit to the President, as a part of the defense budget
17 materials for a fiscal year, information described in sub-
18 section (b) with respect to the procurement of contract
19 services.

20 “(b) INFORMATION PROVIDED.—For each budget ac-
21 count, the materials submitted shall clearly and separately
22 identify—

23 “(1) the amount requested for the procurement
24 of contract services for each Department of Defense
25 component, installation, or activity;

1 “(2) the amount requested for each type of
2 service to be provided; and

3 “(3) the number of full-time contractor employ-
4 ees (or the equivalent of full-time in the case of
5 part-time contractor employees) projected and justi-
6 fied for each Department of Defense component, in-
7 stallation, or activity based on the inventory of con-
8 tracts for services required by subsection (c) of sec-
9 tion 2330a of this title and the review required by
10 subsection (e) of such section.

11 “(c) DEFINITIONS.—In this section:

12 “(1) The term ‘contract services’—

13 “(A) means services from contractors; but

14 “(B) excludes services relating to research
15 and development and services relating to mili-
16 tary construction.

17 “(2) The term ‘defense budget materials’, with
18 respect to a fiscal year, means the materials sub-
19 mitted to the President by the Secretary of Defense
20 in support of the budget for that fiscal year.

21 “(3) The term ‘budget’, with respect to a fiscal
22 year, means the budget for that fiscal year that is
23 submitted to Congress by the President under sec-
24 tion 1105(a) of title 31.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such chapter is amended
3 by adding at the end the following new item:

 “236. Procurement of contract services: specification of amounts requested in
 budget.”.

4 (3) REPEAL OF SUPERSEDED PROVISION.—Sec-
5 tion 806 of the National Defense Authorization Act
6 for Fiscal Year 2008 (Public Law 110–181; 10
7 U.S.C. 221 note) is repealed.

8 (b) CLARIFICATION OF CONTRACT SERVICES REVIEW
9 AND PLANNING REQUIREMENTS.—Section 2330a(e) of
10 title 10, United States Code, is amended in paragraph (4)
11 by inserting after “plan” the following: “and a contracts
12 services requirements approval process”.

13 **SEC. 804. DEMONSTRATION AUTHORITY FOR ALTERNATIVE**
14 **ACQUISITION PROCESS FOR DEFENSE INFOR-**
15 **MATION TECHNOLOGY PROGRAMS.**

16 (a) AUTHORITY.—The Secretary of Defense may des-
17 ignate up to 10 information technology programs annually
18 to be included in a demonstration of an alternative acqui-
19 sition process for rapidly acquiring information technology
20 capabilities. In designating the programs, the Secretary
21 may select any information technology program in any of
22 the military departments or Defense Agencies that has re-
23 ceived milestone A approval, but has not yet received mile-
24 stone B approval.

1 (b) PROCEDURES.—The Secretary of Defense shall
2 establish procedures for the exercise of the authority
3 under subsection (a), including a process for measuring
4 the effectiveness of the alternative acquisition process to
5 be demonstrated. The Secretary of Defense shall notify
6 the congressional defense committees of those procedures
7 before any exercise of that authority.

8 (c) REQUIREMENT TO PAY FULL COST IN YEAR OF
9 DELIVERY.—No contract to acquire an information tech-
10 nology system may be entered into using the authority
11 under subsection (a) unless the funds for the full cost of
12 such system are obligated or expended in the fiscal year
13 of delivery of the system.

14 (d) ANNUAL REPORT.—By March 1 of each year, be-
15 ginning March 1, 2010, and ending March 1, 2016, the
16 Secretary of Defense shall submit to the congressional de-
17 fense committees a report on the activities carried out
18 under the authority under subsection (a) during the pre-
19 ceding year. Each report shall include, at a minimum, the
20 following:

21 (1) A description of each information tech-
22 nology program in the demonstration, including
23 goals, funding, and military department or Defense
24 Agency sponsors.

1 (2) A description of the methods for measuring
2 the effectiveness of the alternative acquisition proc-
3 ess for each information technology program in the
4 demonstration.

5 (3) Identification of any significant systemic or
6 process issues impeding the effectiveness of the al-
7 ternative acquisition process.

8 (e) PERIOD OF AUTHORITY.—The authority under
9 subsection (a) shall be in effect during each of fiscal years
10 2010 through 2015.

11 **SEC. 805. LIMITATION ON PERFORMANCE OF PRODUCT**
12 **SUPPORT INTEGRATOR FUNCTIONS.**

13 (a) LIMITATION.—

14 (1) IN GENERAL.—Chapter 141 of title 10,
15 United States Code, is amended by adding at the
16 end the following new section:

17 **“§ 2410r. Contractor sustainment support arrange-**
18 **ments: limitation on product support in-**
19 **tegrator functions**

20 “(a) LIMITATION.—A product support integrator
21 function for a covered major system may be performed
22 only by a member of the armed forces or an employee of
23 the Department of Defense.

24 “(b) DEFINITIONS.—In this section:

1 “(1) The term ‘product support integrator func-
2 tion’ means the function of integrating all sources of
3 support for a major system, both public and private,
4 and includes the integration of sustainment support
5 arrangements at the level of the program office re-
6 sponsible for sustainment of such system.

7 “(2) The term ‘covered major system’ means a
8 major system for which a sustainment support ar-
9 rangement is employed.

10 “(3) The term ‘sustainment support arrange-
11 ment’ means a contract, task order, or other con-
12 tractual arrangement for the integration of
13 sustainment or logistics support such as materiel
14 management, configuration management, data man-
15 agement, supply, distribution, repair, overhaul, prod-
16 uct improvement, calibration, maintenance, readi-
17 ness, reliability, availability, mean down time, cus-
18 tomer wait time, foot print reduction, reduced own-
19 ership costs and other tasks normally performed as
20 part of the logistics support required for a major
21 system. The term includes any of the following ar-
22 rangements:

23 “(A) Contractor performance-based logis-
24 tics.

25 “(B) Contractor sustainment support.

1 “(C) Contractor logistics support.

2 “(D) Contractor life cycle product support.

3 “(E) Contractor weapons system product
4 support.

5 “(3) The term ‘major system’ means that com-
6 bination of elements that will function together to
7 produce the capabilities required to fulfill a mission
8 need as defined in section 2302(d) this title.”.

9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of such chapter is amended
11 by adding after the item relating to section 2410q
12 the following new item:

“2410r. Contractor sustainment support arrangements: limitation on product
support integrator functions.”.

13 (b) EFFECTIVE DATE.—Section 2410r of title 10,
14 United States Code, as added by subsection (a), shall
15 apply to contracts entered into after September 30, 2010.

16 **Subtitle B—Amendments to Gen-
17 eral Contracting Authorities,
18 Procedures, and Limitations**

19 **SEC. 811. REVISION OF DEFENSE SUPPLEMENT RELATING
20 TO PAYMENT OF COSTS PRIOR TO
21 DEFINITIZATION.**

22 (a) REQUIREMENT.—Not later than 180 days after
23 the date of the enactment of this Act, the Secretary of
24 Defense shall revise the Defense Supplement to the Fed-

1 eral Acquisition Regulation to require that, if a clause re-
2 lating to payment of costs prior to definitization of costs
3 is included in a contract of the Department of Defense,
4 the clause shall apply—

5 (1) to the contract regardless of the type of
6 contract; and

7 (2) to each contractual action pursuant to the
8 contract.

9 (b) CONTRACTUAL ACTION.—In this section, the
10 term “contractual action” includes a task order or delivery
11 order.

12 **SEC. 812. REVISIONS TO DEFINITIONS RELATING TO CON-**
13 **TRACTS IN IRAQ AND AFGHANISTAN.**

14 (a) REVISIONS TO DEFINITION OF CONTRACT IN
15 IRAQ OR AFGHANISTAN.—Section 864(a)(2) of the Na-
16 tional Defense Authorization Act for Fiscal Year 2008
17 (Public Law 110–181; 122 Stat. 258; 10 U.S.C. 2302
18 note) is amended—

19 (1) by striking “or a task order or delivery
20 order at any tier issued under such a contract” and
21 inserting “a task order or delivery order at any tier
22 issued under such a contract, a grant, or a coopera-
23 tive agreement”;

1 (2) by striking in the parenthetical “or task
2 order or delivery order” and inserting “task order,
3 delivery order, grant, or cooperative agreement”;

4 (3) by striking “or task or delivery order” after
5 the parenthetical and inserting “task order, delivery
6 order, grant, or cooperative agreement”; and

7 (4) by striking “14 days” and inserting “30
8 days”.

9 (b) REVISION TO DEFINITION OF COVERED CON-
10 TRACT.—Section 864(a)(3) of such Act (Public Law 110-
11 181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended—

12 (1) by striking “or” at the end of subparagraph
13 (B);

14 (2) by striking the period and inserting a semi-
15 colon at the end of subparagraph (C); and

16 (3) by adding at the end the following new sub-
17 paragraphs:

18 “(D) a grant for the performance of serv-
19 ices in an area of combat operations, as des-
20 igned by the Secretary of Defense under sub-
21 section (c) of section 862; or

22 “(E) a cooperative agreement for the per-
23 formance of services in such an area of combat
24 operations.”.

1 (c) REVISION TO DEFINITION OF CONTRACTOR.—
2 Paragraph (4) of section 864(a) of such Act (Public Law
3 110–181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended
4 to read as follows:

5 “(4) CONTRACTOR.—The term ‘contractor’,
6 with respect to a covered contract, means—

7 “(A) in the case of a covered contract that
8 is a contract, subcontract, task order, or deliv-
9 ery order, the contractor or subcontractor car-
10 rying out the covered contract;

11 “(B) in the case of a covered contract that
12 is a grant, the grantee; and

13 “(C) in the case of a covered contract that
14 is a cooperative agreement, the recipient.”.

15 (d) REVISION IN VALUE OF CONTRACTS COVERED BY
16 CERTAIN REPORT.—Section 1248(c)(1)(B) of such Act
17 (Public Law 110–181; 122 Stat. 400) is amended by strik-
18 ing “\$25,000” and inserting “\$100,000”.

19 **SEC. 813. AMENDMENT TO NOTIFICATION REQUIREMENTS**
20 **FOR AWARDS OF SINGLE SOURCE TASK OR**
21 **DELIVERY ORDERS.**

22 (a) CONGRESSIONAL DEFENSE COMMITTEES.—Sub-
23 paragraph (B) of section 2304a(d)(3) of title 10, United
24 States Code, is amended to read as follows:

1 “(B) The head of the agency shall notify the congres-
2 sional defense committees within 30 days after any deter-
3 mination under clause (i), (ii), (iii), or (iv) of subpara-
4 graph (A).”.

5 (b) CONGRESSIONAL INTELLIGENCE COMMITTEES.—
6 Any notification provided under subparagraph (B) of sec-
7 tion 2304a(d)(3) of title 10, United States Code, as
8 amended by subsection (a), shall also be provided to the
9 Permanent Select Committee on Intelligence of the House
10 of Representatives and the Select Committee on Intel-
11 ligence of the Senate if the source of funds for the task
12 or delivery order contract concerned is the National Intel-
13 ligence Program or the Military Intelligence Program.

14 **SEC. 814. CLARIFICATION OF UNIFORM SUSPENSION AND**
15 **DEBARMENT REQUIREMENT.**

16 Section 2455(a) of the Federal Acquisition Stream-
17 lining Act of 1994 (31 U.S.C. 6101 note) is amended by
18 inserting “at any level, including subcontracts at any
19 tier,” in the second sentence after “any procurement or
20 nonprocurement activity”.

21 **SEC. 815. EXTENSION OF AUTHORITY FOR USE OF SIM-**
22 **PLIFIED ACQUISITION PROCEDURES FOR**
23 **CERTAIN COMMERCIAL ITEMS.**

24 Section 4202 of the Clinger–Cohen Act of 1996 (Di-
25 vision D of Public Law 104–106; 110 Stat. 652; 10 U.S.C.

1 2304 note) as amended by section 822 of the National
2 Defense Authorization Act for Fiscal Year 2008 (Public
3 Law 110–181; 122 Stat. 226) is amended in subsection
4 (e) by striking “2010” and inserting “2012”.

5 **SEC. 816. REVISION TO DEFINITIONS OF MAJOR DEFENSE**
6 **ACQUISITION PROGRAM AND MAJOR AUTO-**
7 **MATED INFORMATION SYSTEM.**

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

11 “(d) In the case of a Department of Defense acquisi-
12 tion program that, by reason of paragraph (2) of section
13 2445a(a) of this title, is a major automated information
14 system program under chapter 144A of this title and that,
15 by reason of paragraph (2) of subsection (a), is a major
16 defense acquisition program under this chapter, the Sec-
17 retary of Defense may designate that program to be treat-
18 ed only as a major automated information system program
19 or to be treated only as a major defense acquisition pro-
20 gram.”.

21 (b) MAJOR AUTOMATED INFORMATION SYSTEM.—
22 Section 2445a(a) of such title is amended by inserting
23 “that is not a highly sensitive classified program (as deter-
24 mined by the Secretary of Defense)” after “(either as a
25 product or service)”.

1 **SEC. 817. SMALL ARMS PRODUCTION INDUSTRIAL BASE.**

2 Section 2473 of title 10, United States Code, is
3 amended—

4 (1) by amending subsection (c) to read as fol-
5 lows:

6 “(c) SMALL ARMS PRODUCTION INDUSTRIAL
7 BASE.—In this section, the term ‘small arms production
8 industrial base’ means the persons and organizations that
9 are engaged in the production or maintenance of small
10 arms within the United States.”; and

11 (2) in subsection (d), by adding at the end the
12 following new paragraph:

13 “(6) Pistols.”.

14 **SEC. 818. PUBLICATION OF JUSTIFICATION FOR BUNDLING**
15 **OF CONTRACTS OF THE DEPARTMENT OF DE-**
16 **FENSE.**

17 (a) REQUIREMENT TO PUBLISH JUSTIFICATION FOR
18 BUNDLING.—A contracting officer of the Department of
19 Defense carrying out a covered acquisition shall publish
20 the justification required by paragraph (f) of subpart
21 7.107 of the Federal Acquisition Regulation on the
22 website known as FedBizOpps.gov (or any successor site)
23 30 days prior to the release of a solicitation for such acqui-
24 sition.

1 (b) COVERED ACQUISITION DEFINED.—In this sec-
2 tion, the term “covered acquisition” means an acquisition
3 that is—

4 (1) funded entirely using funds of the Depart-
5 ment of Defense; and

6 (2) covered by subpart 7.107 of the Federal Ac-
7 quisition Regulation (relating to acquisitions involv-
8 ing bundling).

9 (c) CONSTRUCTION.—(1) Nothing in this section
10 shall be construed to alter the responsibility of a con-
11 tracting officer to provide the justification referred to in
12 subsection (a) with respect to a covered acquisition, or
13 otherwise provide notification, to any party concerning
14 such acquisition under any other requirement of law or
15 regulation.

16 (2) Nothing in this section shall be construed to re-
17 quire the public availability of information that is exempt
18 from public disclosure under section 552(b) of title 5,
19 United States Code, or is otherwise restricted from public
20 disclosure by law or Executive order.

21 (3) Nothing in this section shall be construed to re-
22 quire a contracting officer to delay the issuance of a solici-
23 tation in order to meet the requirements of subsection (a)
24 if the expedited issuance of such solicitation is otherwise

1 authorized under any other requirement of law or regula-
2 tion.

3 **SEC. 819. CONTRACT AUTHORITY FOR ADVANCED COMPO-**
4 **NENT DEVELOPMENT OR PROTOTYPE UNITS.**

5 (a) **AUTHORITY.**—A contract initially awarded from
6 the competitive selection of a proposal resulting from a
7 general solicitation referred to in section 2302(2)(B) of
8 title 10, United States Code, may contain a contract op-
9 tion for—

10 (1) the provision of advanced component devel-
11 opment and prototype of technology developed in the
12 initial underlying contract; or

13 (2) the delivery of initial or additional prototype
14 items if the item or a prototype thereof is created
15 as the result of work performed under the initial
16 competed research contract.

17 (b) **DELIVERY.**—A contract option as described in
18 subsection (a)(2) shall require the delivery of the minimal
19 amount of initial or additional prototype items to allow
20 for the timely competitive solicitation and award of a fol-
21 low-on development or production contract for those items.
22 Such contract option may have a value only up to three
23 times the value of the base contract ceiling and any subse-
24 quent development or procurement must be subject to the
25 terms of section 2304 of title 10, United States Code.

1 (c) TERM.—A contract option as described in sub-
2 section (a)(1) shall be for a term of not more than 12
3 months.

4 (d) USE OF AUTHORITY.—Each military department
5 may use the authority provided in subsection (a) to exer-
6 cise a contract option described in that subsection up to
7 four times a year, and the Secretary of Defense may ap-
8 prove up to an additional four total options a year for
9 projects supported by agencies of the Department of De-
10 fense, until September 30, 2014.

11 (e) REPORT.—The Secretary of Defense shall submit
12 to the congressional defense committees a report on the
13 use of the authority provided by subsection (a) not later
14 than March 1, 2014. The report shall, at a minimum, de-
15 scribe—

16 (1) the number of times the contract options
17 were exercised under such authority and the scope of
18 each such option;

19 (2) the circumstances that rendered the mili-
20 tary department or defense agency unable to solicit
21 and award a follow-on development or production
22 contract in a timely fashion, but for the use of such
23 authority;

24 (3) the extent to which such authority increased
25 competition and improved technology transition; and

1 (4) any recommendations regarding the modi-
2 fication or extension of such authority.

3 **Subtitle C—Other Matters**

4 **SEC. 821. ENHANCED EXPEDITED HIRING AUTHORITY FOR** 5 **DEFENSE ACQUISITION WORKFORCE POSI-** 6 **TIONS.**

7 (a) IN GENERAL.—Section 1705(h)(1) of title 10,
8 United States Code, is amended—

9 (1) in subparagraph (A), by striking “acquisi-
10 tion positions within the Department of Defense as
11 shortage category positions” and inserting “acquisi-
12 tion workforce positions as positions for which there
13 exists a shortage of candidates or there is a critical
14 hiring need”; and

15 (2) in subparagraph (B), by striking “highly”.

16 (b) TECHNICAL AMENDMENT.—Such section is fur-
17 ther amended by striking “United States Code,” in the
18 matter preceding subparagraph (A).

19 **SEC. 822. ACQUISITION WORKFORCE DEVELOPMENT FUND** 20 **AMENDMENTS.**

21 (a) REVISIONS TO CREDITS TO FUND.—

22 (1) REMITTANCE BY FISCAL YEAR INSTEAD OF
23 QUARTER.—Subparagraph (B) of section 1705(d)(2)
24 of title 10, United States Code, is amended—

1 (A) in the first sentence, by striking “the
2 third fiscal year quarter” and all that follows
3 through “thereafter” and inserting “each fiscal
4 year”; and

5 (B) by striking “quarter” before “for serv-
6 ices”.

7 (2) AUTHORITY TO SUSPEND REMITTANCE RE-
8 QUIREMENT.—Section 1705(d)(2) of such title is
9 further amended by adding at the end the following
10 new subparagraph:

11 “(E) The Secretary of Defense may suspend
12 the requirement to remit amounts under subpara-
13 graph (B), or reduce the amount required to be re-
14 mitted under that subparagraph, for fiscal year
15 2010 or any subsequent fiscal year for which
16 amounts appropriated to the Fund are in excess of
17 the amount specified for that fiscal year in subpara-
18 graph (D).”.

19 (b) REVISION TO EMPLOYEES COVERED BY PROHIBI-
20 TION OF PAYMENT OF BASE SALARY.—Paragraph (5) of
21 section 1705(e) of such title is amended by striking “who
22 was an employee of the Department as of the date of the
23 enactment of the National Defense Authorization Act for
24 Fiscal Year 2008” and inserting “who, as of January 28,

1 2008, was an employee of the Department serving in a
2 position in the acquisition workforce”.

3 (c) TECHNICAL AMENDMENTS.—Section 1705 of
4 such title is further amended—

5 (1) in subsection (a), by inserting “Develop-
6 ment” after “Workforce”; and

7 (2) in subsection (f), by striking “beginning
8 with fiscal year 2008” in the matter preceding para-
9 graph (1).

10 **SEC. 823. REPORTS TO CONGRESS ON FULL DEPLOYMENT**
11 **DECISIONS FOR MAJOR AUTOMATED INFOR-**
12 **MATION SYSTEM PROGRAMS.**

13 (a) IMPLEMENTATION SCHEDULE.—Section
14 2445b(b)(2) of title 10, United States Code, is amended
15 by striking “, initial operational capability, and full oper-
16 ational capability” and inserting “and full deployment de-
17 cision”.

18 (b) CRITICAL CHANGES IN PROGRAM.—Section
19 2445c(d)(2)(A) of such title is amended by striking “ini-
20 tial operational capability” and inserting “a full deploy-
21 ment decision”.

1 **SEC. 824. REQUIREMENT FOR SECRETARY OF DEFENSE TO**
2 **DENY AWARD AND INCENTIVE FEES TO COM-**
3 **PANIES FOUND TO JEOPARDIZE HEALTH OR**
4 **SAFETY OF GOVERNMENT PERSONNEL.**

5 (a) REQUIREMENT TO DENY AWARD AND INCENTIVE
6 FEES.—

7 (1) PRIME CONTRACTORS.—The Secretary of
8 Defense shall prohibit the payment of award and in-
9 centive fees to any defense contractor—

10 (A) that has been determined, through a
11 criminal, civil, or administrative proceeding that
12 results in a disposition listed in subsection (c),
13 in the performance of a covered contract to
14 have caused serious bodily injury or death to
15 any civilian or military personnel of the Govern-
16 ment through gross negligence or with reckless
17 disregard for the safety of such personnel; or

18 (B) that awarded a subcontract under a
19 covered contract to a subcontractor that has
20 been determined, through a criminal, civil, or
21 administrative proceeding that results in a dis-
22 position listed in subsection (c), in the perform-
23 ance of the subcontract to have caused serious
24 injury or death to any civilian or military per-
25 sonnel of the Government, through gross neg-
26 ligence or with reckless disregard for the safety

1 of such personnel, but only to the extent that
2 the defense contractor has been determined
3 (through such a proceeding that results in such
4 a disposition) that the defense contractor is also
5 liable for such actions of the subcontractor.

6 (2) SUBCONTRACTORS.—The Secretary of De-
7 fense shall prohibit the payment of award and incen-
8 tive fees to any subcontractor under a covered con-
9 tract that has been determined, through a criminal,
10 civil, or administrative proceeding that results in a
11 disposition listed in subsection (c), in the perform-
12 ance of a covered contract to have caused serious
13 bodily injury or death to any civilian or military per-
14 sonnel of the Government through gross negligence
15 or with reckless disregard for the safety of such per-
16 sonnel.

17 (b) DETERMINATION OF DEBARMENT.—Not later
18 than 90 days after a determination pursuant to subsection
19 (a)(1) has been made, the Secretary shall determine
20 whether the defense contractor should be debarred from
21 contracting with the Department of Defense.

22 (c) LIST OF DISPOSITIONS IN CRIMINAL, CIVIL, OR
23 ADMINISTRATIVE PROCEEDINGS.—For purposes of sub-
24 section (a), the dispositions listed in this subsection are
25 as follows:

1 (1) In a criminal proceeding, a conviction.

2 (2) In a civil proceeding, a finding of fault and
3 liability that results in the payment of a monetary
4 fine, penalty, reimbursement, restitution, or damages
5 of \$5,000 or more.

6 (3) In an administrative proceeding, a finding
7 of fault and liability that results in—

8 (A) the payment of a monetary fine or
9 penalty of \$5,000 or more; or

10 (B) the payment of a reimbursement, res-
11 titution, or damages in excess of \$100,000.

12 (4) To the maximum extent practicable and
13 consistent with applicable laws and regulations, in a
14 criminal, civil, or administrative proceeding, a dis-
15 position of the matter by consent or compromise
16 with an acknowledgment of fault by the person if the
17 proceeding could have led to any of the outcomes
18 specified in paragraph (1), (2), or (3).

19 (d) WAIVER.—The prohibition required by subsection
20 (a) may be waived by the Secretary of Defense on a case-
21 by-case basis if the Secretary finds that the prohibition
22 would jeopardize national security. The Secretary shall no-
23 tify the congressional defense committees of any exercise
24 of the waiver authority under this subsection.

25 (e) DEFINITIONS.—In this section:

1 (1) The term “defense contractor” means a
2 company awarded a covered contract.

3 (2) The term “covered contract” means a con-
4 tract awarded by the Department of Defense for the
5 procurement of goods or services.

6 (3) The term “serious bodily injury” means a
7 grievous physical harm that results in a permanent
8 disability.

9 (f) REGULATIONS.—Not later than 180 days after
10 the date of the enactment of this Act, the Secretary of
11 Defense shall prescribe regulations to implement the pro-
12 hibition required by subsection (a) and shall establish in
13 such regulations—

14 (1) that the prohibition applies only to award
15 and incentive fees under the covered contract con-
16 cerned;

17 (2) the extent of the award and incentive fees
18 covered by the prohibition, but shall include, at a
19 minimum, all award and incentive fees associated
20 with the performance of the covered contract in the
21 year in which the serious bodily injury or death re-
22 sulting in a disposition listed in subsection (c) oc-
23 curred; and

24 (3) mechanisms for recovery by or repayment to
25 the Government of award and incentive fees paid to

1 a contractor or subcontractor under a covered con-
2 tract prior to the determination.

3 (g) EFFECTIVE DATE.—The prohibition required by
4 subsection (a) shall apply to covered contracts awarded on
5 or after the date occurring 180 days after the date of the
6 enactment of this Act.

7 **SEC. 825. AUTHORIZATION FOR ACTIONS TO CORRECT THE**
8 **INDUSTRIAL RESOURCE SHORTFALL FOR**
9 **HIGH-PURITY BERYLLIUM METAL IN**
10 **AMOUNTS NOT IN EXCESS OF \$85,000,000.**

11 With respect to actions by the President under sec-
12 tion 303 of the Defense Production Act of 1950 (50
13 U.S.C. App. 2093) to correct the industrial resource short-
14 fall for high-purity beryllium metal, the limitation in sub-
15 section (a)(6)(C) of such section shall be applied by sub-
16 stituting “\$85,000,000” for “\$50,000,000”.

17 **SEC. 826. REVIEW OF POST EMPLOYMENT RESTRICTIONS**
18 **APPLICABLE TO THE DEPARTMENT OF DE-**
19 **FENSE.**

20 (a) REVIEW REQUIRED.—The Panel on Contracting
21 Integrity, established pursuant to section 813 of the John
22 Warner National Defense Authorization Act for Fiscal
23 Year 2007 (Public Law 109–364), shall review policies re-
24 lating to post-employment restrictions on former Depart-
25 ment of Defense personnel to determine whether such poli-

1 cies adequately protect the public interest, without unrea-
2 sonably limiting future employment options for former De-
3 partment of Defense personnel.

4 (b) MATTERS CONSIDERED.—In performing the re-
5 view required by subsection (a), the Panel shall consider
6 the extent to which current post-employment restric-
7 tions—

8 (1) appropriately protect the public interest by
9 preventing personal conflicts of interests and pre-
10 venting former Department of Defense officials from
11 exercising undue or inappropriate influence on the
12 Department of Defense;

13 (2) appropriately require disclosure of personnel
14 accepting employment with contractors of the De-
15 partment of Defense involving matters related to
16 their official duties;

17 (3) use appropriate thresholds, in terms of sal-
18 ary or duties, for the establishment of such restric-
19 tions;

20 (4) are sufficiently straightforward and have
21 been explained to personnel of the Department of
22 Defense so that such personnel are able to avoid po-
23 tential violations of post-employment restriction and
24 conflicts of interest in interactions with former per-
25 sonnel of the Department;

1 (5) adequately address personnel performing
2 duties in acquisition-related activities that are not
3 covered by current restrictions relating to private
4 sector employment following employment with the
5 Department of Defense and procurement integrity,
6 such as personnel involved in—

7 (A) the establishment of requirements;

8 (B) testing and evaluation; and

9 (C) the development of doctrine;

10 (6) ensure that the Department of Defense has
11 access to world-class talent, especially with respect
12 to highly qualified technical, engineering, and acqui-
13 sition expertise; and

14 (7) ensure that service in the Department of
15 Defense remains an attractive career option.

16 (c) COMPLETION OF THE REVIEW.—The Panel shall
17 complete the review required by subsection (a) not later
18 than 1 year after the date of the enactment of this Act.

19 (d) REPORT TO COMMITTEES ON ARMED SERV-
20 ICES.—Not later than 30 days after the completion of the
21 review, the Panel shall submit to the Committees on
22 Armed Services of the Senate and the House of Represent-
23 atives a report containing the findings of the review and
24 the recommendations of the Panel to the Secretary of De-

1 fense, including recommended legislative or regulatory
2 changes, resulting from the review.

3 (e) NATIONAL ACADEMY OF PUBLIC ADMINISTRA-
4 TION ASSESSMENT.—

5 (1) Not later than 30 days after the completion
6 of the review, the Secretary of Defense shall enter
7 into an arrangement with the National Academy of
8 Public Administration to assess the findings and rec-
9 ommendations of the review.

10 (2) Not later than 210 days after the comple-
11 tion of the review, the National Academy of Public
12 Administration shall provide its assessment of the
13 review to the Secretary, along with such additional
14 recommendations as the National Academy may
15 have.

16 (3) Not later than 30 days after receiving the
17 assessment, the Secretary shall provide the assess-
18 ment, along with such comments as the Secretary
19 considers appropriate, to the Committees on Armed
20 Services of the Senate and the House of Representa-
21 tives.

1 **SEC. 827. REQUIREMENT TO BUY MILITARY DECORATIONS,**
2 **RIBBONS, BADGES, MEDALS, INSIGNIA, AND**
3 **OTHER UNIFORM ACCOUTERMENTS PRO-**
4 **DUCED IN THE UNITED STATES.**

5 (a) REQUIREMENT.—Subchapter III of chapter 147
6 of title 10, United States Code, is amended by adding at
7 the end the following new section:

8 **“§ 2495c. Requirement to buy military decorations**
9 **and other uniform accouterments from**
10 **American sources; exceptions**

11 “(a) BUY-AMERICAN REQUIREMENT.—A military ex-
12 change store or other nonappropriated fund instrumen-
13 tality of the Department of Defense may not purchase for
14 resale any military decorations, ribbons, badges, medals,
15 insignia, and other uniform accouterments that are not
16 produced in the United States. Competitive procedures
17 shall be used in selecting the United States producer of
18 the decorations.

19 “(b) HERALDIC QUALITY CONTROL.—No certificate
20 of authority (contained in part 507 of title 32, Code of
21 Federal Regulations) for the manufacture and sale of any
22 item reference in subsection (a) by the Institute of Her-
23 aldry, the Navy Clothing and Textile Research Facility,
24 or the Marine Corps Combat Equipment and Support Sys-
25 tems for quality control and specifications purposes shall

1 be permitted unless these items are from domestic mate-
2 rial manufactured in the United States.

3 “(c) EXCEPTION.—Subsections (a) and (b) do not
4 apply to the extent that the Secretary of Defense deter-
5 mines that a satisfactory quality and sufficient quantity
6 of an item covered by subsection (a) and produced in the
7 United States cannot be procured at a reasonable cost.

8 “(d) UNITED STATES DEFINED.—In this section, the
9 term ‘United States’ includes the Commonwealth of Puer-
10 to Rico, Guam, the United States Virgin Islands, the Com-
11 monwealth of the Northern Mariana Islands, American
12 Samoa, and any other territory or possession of the United
13 States.”.

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

“2495c. Requirement to buy military decorations and other uniform
accouterments from American sources; exceptions.”.

17 (c) CONFORMING AMENDMENT.—Section
18 2533a(b)(1) of such title is amended—

19 (1) in subparagraph (D), by striking “or” at
20 the end;

21 (2) in subparagraph (E), by striking the period
22 at the end and inserting “; or”; and

23 (3) by adding at the end the following new sub-
24 paragraph:

1 “(F) military decorations, ribbons, badges,
2 medals, insignia, and other uniform
3 accouterments.”.

4 **SEC. 828. FINDINGS AND REPORT ON THE USAGE OF RARE**
5 **EARTH MATERIALS IN THE DEFENSE SUPPLY**
6 **CHAIN.**

7 (a) FINDINGS.—Regarding the availability of rare
8 earth materials and components containing rare earth ma-
9 terials in the defense supply chain Congress finds—

10 (1) it is necessary, to the maximum extent
11 practicable, to ensure the uninterrupted supply of
12 strategic materials critical to national security, in-
13 cluding rare earth materials and other items covered
14 under section 2533b of title 10, United States Code,
15 to support the defense supply-chain, particularly
16 when many of those materials are supplied by pri-
17 mary producers in unreliable foreign nations;

18 (2) many less common metals, including rare
19 earths and thorium, are critical to modern tech-
20 nologies, including numerous defense critical tech-
21 nologies and these technologies cannot be built with-
22 out the use of these metals and materials produced
23 from them and therefore could qualify as strategic
24 materials, critical to national security, in which case
25 the Strategic Materials Protection Board should rec-

1 commend a strategy to the President to ensure the
2 domestic availability of these materials; and

3 (3) there is a need to identify the strategic
4 value placed on rare earth materials by foreign na-
5 tions (including China), and the Department of De-
6 fense's supply-chain vulnerability related to rare
7 earths and end items containing rare earths.

8 (b) REPORT REQUIRED.—Not later than April 1,
9 2010, the Comptroller General shall submit to the Com-
10 mittees on Armed Services of the Senate and House of
11 Representatives a report on the usage of rare earth mate-
12 rials in the supply chain of the Department of Defense.

13 (c) OBJECTIVES OF REPORT.—The objectives of the
14 report required by subsection (b) shall be to determine the
15 availability of rare earth materials, including ores, semi-
16 finished rare earth products, components containing rare-
17 earth materials, and other uses of rare earths by the De-
18 partment of Defense in its weapon systems. The following
19 items shall be considered:

20 (1) An analysis of past procurements and at-
21 tempted procurements by foreign governments or
22 government- controlled entities, including mines and
23 mineral rights, of rare-earth resources outside such
24 nation's territorial boundaries.

1 (2) An analysis of the worldwide availability of
2 rare earths, such as samarium, neodymium, thorium
3 and lanthanum, including current and potential do-
4 mestic sources for use in defense systems, including
5 a projected analysis of projected availability of these
6 materials in the export market.

7 (3) A determination as to which defense sys-
8 tems are currently dependent on rare earths sup-
9 plied by nondomestic sources, particularly neodym-
10 ium iron boron magnets.

11 (d) RARE EARTH DEFINED.—In this section, the
12 term “rare earth” means the chemical elements, all met-
13 als, beginning with lanthanum, atomic number 57, and in-
14 cluding all of the natural chemical elements in the periodic
15 table following lanthanum up to and including lutetium,
16 element number 71. The term also includes the elements
17 yttrium and scandium.

18 **SEC. 829. FURNITURE STANDARDS.**

19 All Department of Defense purchases of furniture in
20 the United States and its territories made from Depart-
21 ment of Defense funds, including under design-build con-
22 tracts, must meet the same quality standards as specified
23 by the General Services Administration schedule program
24 and the Department of Defense.

1 **SEC. 830. FOLLOW-ON CONTRACTS FOR CERTAIN ITEMS AC-**
2 **QUIRED FOR SPECIAL OPERATIONS FORCES.**

3 (a) **AUTHORITY FOR AWARD OF FOLLOW-ON CON-**
4 **TRACTS.**—The commander of the special operations com-
5 mand, acting under authority provided by section
6 167(e)(4) of title 10, United States Code, may award a
7 follow-on contract for the acquisition of an item to a con-
8 tractor who previously provided such item if—

9 (1) the item is an item of special operations-pe-
10 culiar equipment and not anticipated to be made
11 service common within 24 months of the initial con-
12 tract;

13 (2) the item was previously acquired in the
14 make, model, and type—

15 (A) using competitive procedures;

16 (B) under the authority of other statutory
17 authority permitting noncompetitive or limited
18 competition procurement actions (such as sec-
19 tion 8(a) of the Small Business Act (15 U.S.C.
20 637(a)), section 31 of such Act (15 U.S.C.
21 657a, relating to the HUBZone program), and
22 section 36 of such Act (15 U.S.C. 657f, relating
23 to procurement program for small business con-
24 cerns owned and controlled by service-disabled
25 veterans)); or

1 (C) as a result of a competition among a
2 limited number of sources on the basis that the
3 disclosure of the need for the item would com-
4 promise national security ; and

5 (3) the acquisition of the item by means other
6 than a follow-on contract with the contractor would
7 unduly delay the fielding of such item to forces pre-
8 paring for or participating in overseas contingency
9 operations or for other deployments undertaken in
10 response to a request from a combatant commander.

11 (b) LIMITATIONS.—A contract awarded using the au-
12 thority in subsection (a)—

13 (1) may have a period of performance of not
14 longer than 1 year;

15 (2) may be used only to acquire one or more
16 items having an individual unit price under
17 \$100,000; and

18 (3) may have a total value not exceeding
19 \$25,000,000.

20 (c) NOTIFICATION.—Not later than 45 days after the
21 use of the authority in subsection (a), the commander of
22 the special operations command shall submit to the con-
23 gressional defense committees a notification of the use of
24 such authority.

1 (d) TERMINATION OF AUTHORITY.—The commander
2 of the special operations command may not use the au-
3 thority in subsection (a) on and after October 1, 2013.

4 **SEC. 831. DEFENSE SUBCONTRACTOR PROLIFERATION**
5 **COST EFFECTIVENESS STUDY AND REPORTS.**

6 (a) STUDY.—The Secretary of Defense shall conduct
7 a study on the total number of subcontractors used on
8 the last five major weapons systems in which acquisition
9 has been completed and determine if fewer subcontractors
10 could have been more cost effective.

11 (b) MANAGEMENT BURDEN.—In conducting the
12 study, the Secretary of Defense shall evaluate any poten-
13 tial cost savings derived from less management burden
14 from multiple subcontractors on the Federal acquisition
15 workforce.

16 (c) REPORT BY SECRETARY OF DEFENSE.—Not later
17 than March 1, 2010, the Secretary of Defense shall submit
18 to the Committee on Armed Services of the House of Rep-
19 resentatives and the Committee on Armed Services of the
20 Senate a report on the results of the study.

21 (d) REPORT BY COMPTROLLER GENERAL.—Not later
22 than May 1, 2010, the Comptroller General shall submit
23 to the Committee on Armed Services of the House of Rep-
24 resentatives and the Committee on Armed Services of the

1 Senate a review of the Department of Defense report sub-
2 mitted under subsection (c).

3 **SEC. 832. COMPTROLLER GENERAL REPORT ON DEFENSE**

4 **CONTRACT COST OVERRUNS.**

5 (a) REPORT REQUIRED.—Not later than 90 days
6 after the date of the enactment of this Act, the Comp-
7 troller General of the United States shall submit to Con-
8 gress a report on cost overruns in the performance of de-
9 fense contracts.

10 (b) MATTERS COVERED.—The report under sub-
11 section (a) shall include, at a minimum, the following:

12 (1) A list of each contractor with a cost overrun
13 during any of fiscal years 2006, 2007, 2008, or
14 2009, including identification of the contractor and
15 the covered contract involved, the cost estimate of
16 the covered contract, and the cost overrun for the
17 covered contract.

18 (2) Findings and recommendations of the
19 Comptroller General.

20 (3) Such other matters as the Comptroller Gen-
21 eral considers appropriate.

22 (c) COVERED CONTRACT.—In this section, the term
23 “covered contract” means a contract that is awarded by
24 the Department of Defense through the use of a solicita-
25 tion for competitive proposals, in an amount greater than

1 the simplified acquisition threshold, and that is a cost-re-
2 imbursement contract or a time-and-materials contract.

3 **SEC. 833. PROCUREMENT PROFESSIONALISM ADVISORY**
4 **PANEL.**

5 (a) GAO-CONVENED PANEL.—The Comptroller Gen-
6 eral shall convene a panel of experts, to be known as the
7 Procurement Professionalism Advisory Panel, to study the
8 ethics, competence, and effectiveness of acquisition per-
9 sonnel and the governmentwide procurement process, in-
10 cluding the following:

11 (1) The role played by the Federal acquisition
12 workforce at each stage of the procurement process,
13 with a focus on the following:

14 (A) Personnel shortages.

15 (B) Expertise shortages.

16 (C) The relationship between career acqui-
17 sition personnel and political appointees.

18 (D) The relationship between acquisition
19 personnel and contractors.

20 (2) The legislation, regulation, official policy,
21 and informal customs that govern procurement per-
22 sonnel.

23 (3) Training and retention tools used to hire,
24 retain, and professionally develop acquisition per-
25 sonnel, including the following:

1 (A) The Defense Acquisition University.

2 (B) The Federal Acquisition Institute.

3 (C) Continuing education and professional
4 development opportunities available to acqui-
5 sition professionals.

6 (D) Opportunities to pursue higher edu-
7 cation available to acquisition personnel, includ-
8 ing scholarships and student loan forgiveness.

9 (b) ADMINISTRATION OF PANEL.—The Comptroller
10 General shall be the chairman of the panel.

11 (c) COMPOSITION OF PANEL.—

12 (1) MEMBERSHIP.—The Comptroller General
13 shall appoint highly qualified and knowledgeable per-
14 sons to serve on the panel and shall ensure that the
15 following groups receive fair representation on the
16 panel:

17 (A) Officers and employees of the United
18 States.

19 (B) Persons in private industry.

20 (C) Federal labor organizations.

21 (2) FAIR REPRESENTATION.—For the purposes
22 of the requirement for fair representation under
23 paragraph (1), persons serving on the panel under
24 subparagraph (C) of that paragraph shall not be

1 counted as persons serving on the panel under sub-
2 paragraph (A) or (B) of that paragraph.

3 (d) PARTICIPATION BY OTHER INTERESTED PAR-
4 TIES.—The Comptroller General shall ensure that the op-
5 portunity to submit information and views on the ethics,
6 competence, and effectiveness of acquisition personnel to
7 the panel for the purposes of the study is accorded to all
8 interested parties, including officers and employees of the
9 United States not serving on the panel and entities in pri-
10 vate industry and representatives of Federal labor organi-
11 zations not represented on the panel.

12 (e) INFORMATION FROM AGENCIES.—The panel may
13 secure directly from any department or agency of the
14 United States any information that the panel considers
15 necessary to carry out a meaningful study of administra-
16 tion of the rules described in subsection (a). Upon the re-
17 quest of the Chairman of the panel, the head of such de-
18 partment or agency shall furnish the requested informa-
19 tion to the panel.

20 (f) REPORT.—

21 (1) IN GENERAL.—Not later than 18 months
22 after the date of the enactment of this Act, the
23 Comptroller General shall submit a report on the re-
24 sults of the study to—

1 (A) the Committee on Oversight and Gov-
2 ernment Reform of the House of Representa-
3 tives;

4 (B) the Committee on Armed Services of
5 the House of Representatives;

6 (C) the Committee on Homeland Security
7 and Government Affairs of the Senate; and

8 (D) the Committee on Armed Services of
9 the Senate.

10 (2) AVAILABILITY.—The Comptroller General
11 shall publish the report in the Federal Register and
12 on a publically accessible website (acquisition.gov).

13 (g) DEFINITION.—In this section, the term “Federal
14 labor organization” has the meaning given the term “labor
15 organization” in section 7103(a)(4) of title 5, United
16 States Code.

17 **SEC. 834. ACCESS BY CONGRESS TO DATABASE OF INFOR-**
18 **MATION REGARDING THE INTEGRITY AND**
19 **PERFORMANCE OF CERTAIN PERSONS**
20 **AWARDED FEDERAL CONTRACTS AND**
21 **GRANTS.**

22 Section 872(e)(1) of the Duncan Hunter National
23 Defense Authorization Act for Fiscal Year 2009 (Public
24 Law 110–417; 122 Stat. 455) is amended by striking “the
25 Chairman and Ranking Member of the committees of Con-

1 gress having jurisdiction” and inserting “any Member of
2 Congress”.

3 **SEC. 835. ADDITIONAL REPORTING REQUIREMENTS FOR**
4 **INVENTORY RELATING TO CONTRACTS FOR**
5 **SERVICES.**

6 (a) **ADDITIONAL REPORTING REQUIREMENTS.**—Sec-
7 tion 2330a(c)(1) of title 10, United States Code, is amend-
8 ed by adding at the end the following new subparagraph:

9 “(H) With respect to such contracts for serv-
10 ices—

11 “(i) the ratio between the number of indi-
12 viduals responsible for awarding and overseeing
13 such contracts to the amount obligated or ex-
14 pended on such contracts; and

15 “(ii) the number of individuals responsible
16 for awarding and overseeing such contracts who
17 are themselves contractors.”.

18 (b) **EFFECTIVE DATE.**—The amendment made by
19 subsection (a) shall apply with respect to fiscal year 2011
20 and fiscal years thereafter.

1 **SEC. 836. REQUIREMENT TO JUSTIFY THE USE OF FACTORS**
2 **OTHER THAN COST OR PRICE AS THE PRE-**
3 **DOMINATE FACTORS IN EVALUATING COM-**
4 **PETITIVE PROPOSALS FOR DEFENSE PRO-**
5 **CUREMENT CONTRACTS.**

6 (a) REQUIREMENT.—Subparagraph (A) of section
7 2305(a)(2) of title 10, United States Code, is amended—

8 (1) by striking “and” at the end of clause (i);
9 and

10 (2) by inserting after clause (ii) the following
11 new clause:

12 “(iii) in the case of a solicitation in which
13 factors other than cost or price when combined
14 are more important than cost or price, the rea-
15 sons why assigning at least equal importance to
16 cost or price would not better serve the Govern-
17 ment’s interest; and”.

18 (b) REPORT.—Section 2305(a)(3) of such title is
19 amended by adding at the end the following new subpara-
20 graph:

21 “(C) Not later than 180 days after the end of each
22 fiscal year, the Secretary of Defense shall submit to Con-
23 gress, and post on a publicly available website of the De-
24 partment of Defense, a report describing the solicitations
25 for which a statement pursuant to paragraph (2)(A)(iii)
26 was included.”.

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

Subtitle A—Department of Defense Management

- Sec. 901. Role of commander of special operations command regarding personnel management policy and plans affecting special operations forces.
- Sec. 902. Special operations activities.
- Sec. 903. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.
- Sec. 904. Authority to allow private sector civilians to receive instruction at Defense Cyber Investigations Training Academy of the Defense Cyber Crime Center.
- Sec. 905. Organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.
- Sec. 906. Requirement for Director of Operational Energy Plans and Programs to report directly to Secretary of Defense.
- Sec. 907. Increased flexibility for Combatant Commander Initiative Fund.
- Sec. 908. Repeal of requirement for a Deputy Under Secretary of Defense for Technology Security Policy within the Office of the Under Secretary of Defense for Policy.
- Sec. 909. Recommendations to Congress by members of Joint Chiefs of Staff.

Subtitle B—Space Activities

- Sec. 911. Submission and review of space science and technology strategy.
- Sec. 912. Converting the space surveillance network pilot program to a permanent program.

Subtitle C—Intelligence-Related Matters

- Sec. 921. Plan to address foreign ballistic missile intelligence analysis.

Subtitle D—Other Matters

- Sec. 931. Joint Program Office for Cyber Operations Capabilities.
- Sec. 932. Defense Integrated Military Human Resources System Transition Council.
- Sec. 933. Department of Defense School of Nursing revisions.
- Sec. 934. Report on special operations command organization, manning, and management.
- Sec. 935. Study on the recruitment, retention, and career progression of uniformed and civilian military cyber operations personnel.

1 **Subtitle A—Department of Defense**
2 **Management**

3 **SEC. 901. ROLE OF COMMANDER OF SPECIAL OPERATIONS**
4 **COMMAND REGARDING PERSONNEL MAN-**
5 **AGEMENT POLICY AND PLANS AFFECTING**
6 **SPECIAL OPERATIONS FORCES.**

7 Section 167(e) of title 10, United States Code, is
8 amended—

9 (1) in paragraph (2), by striking subparagraph
10 (J); and

11 (2) inserting at the end the following new para-
12 graph:

13 “(5)(A) The Secretaries of the military departments
14 shall coordinate with the commander of the special oper-
15 ations command regarding personnel management policy
16 and plans as such policy and plans relate to the following:

17 “(i) Accessions, assignments, and command se-
18 lection for special operations forces.

19 “(ii) Compensation, promotions, retention, pro-
20 fessional development, and training of members of
21 special operations forces.

22 “(iii) Readiness as it relates to manning guid-
23 ance and priority of fill for units of the special oper-
24 ations forces.

1 “(B) The coordination required by subparagraph (A)
2 shall be conducted in such a manner so as not to interfere
3 with the authorities of the Secretary concerned regarding
4 personnel management policy and plans.”.

5 **SEC. 902. SPECIAL OPERATIONS ACTIVITIES.**

6 Section 167(j) of title 10, United States Code, is
7 amended by striking paragraphs (1) through (10) and in-
8 serting the following new paragraphs:

9 “(1) Special reconnaissance.

10 “(2) Unconventional warfare.

11 “(3) Foreign internal defense.

12 “(4) Civil affairs operations.

13 “(5) Counterterrorism.

14 “(6) Psychological operations.

15 “(7) Information operations.

16 “(8) Counter proliferation of weapons of mass
17 destruction.

18 “(9) Security force assistance.

19 “(10) Counterinsurgency operations.

20 “(11) Such other activities as may be specified
21 by the President or the Secretary of Defense.”.

1 **SEC. 903. REDESIGNATION OF THE DEPARTMENT OF THE**
2 **NAVY AS THE DEPARTMENT OF THE NAVY**
3 **AND MARINE CORPS.**

4 (a) REDESIGNATION OF THE DEPARTMENT OF THE
5 NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE
6 CORPS.—

7 (1) REDESIGNATION OF MILITARY DEPART-
8 MENT.—The military department designated as the
9 Department of the Navy is redesignated as the De-
10 partment of the Navy and Marine Corps.

11 (2) REDESIGNATION OF SECRETARY AND
12 OTHER STATUTORY OFFICES.—

13 (A) SECRETARY.—The position of the Sec-
14 retary of the Navy is redesignated as the Sec-
15 retary of the Navy and Marine Corps.

16 (B) OTHER STATUTORY OFFICES.—The
17 positions of the Under Secretary of the Navy,
18 the four Assistant Secretaries of the Navy, and
19 the General Counsel of the Department of the
20 Navy are redesignated as the Under Secretary
21 of the Navy and Marine Corps, the Assistant
22 Secretaries of the Navy and Marine Corps, and
23 the General Counsel of the Department of the
24 Navy and Marine Corps, respectively.

25 (b) CONFORMING AMENDMENTS TO TITLE 10,
26 UNITED STATES CODE.—

1 (1) DEFINITION OF “MILITARY DEPART-
2 MENT”.—Paragraph (8) of section 101(a) of title
3 10, United States Code, is amended to read as fol-
4 lows:

5 “(8) The term ‘military department’ means the
6 Department of the Army, the Department of the
7 Navy and Marine Corps, and the Department of the
8 Air Force.”.

9 (2) ORGANIZATION OF DEPARTMENT.—The text
10 of section 5011 of such title is amended to read as
11 follows: “The Department of the Navy and Marine
12 Corps is separately organized under the Secretary of
13 the Navy and Marine Corps.”.

14 (3) POSITION OF SECRETARY.—Section
15 5013(a)(1) of such title is amended by striking
16 “There is a Secretary of the Navy” and inserting
17 “There is a Secretary of the Navy and Marine
18 Corps”.

19 (4) CHAPTER HEADINGS.—

20 (A) The heading of chapter 503 of such
21 title is amended to read as follows:

22 **“CHAPTER 503—DEPARTMENT OF THE**
23 **NAVY AND MARINE CORPS”.**

24 (B) The heading of chapter 507 of such
25 title is amended to read as follows:

1 **“CHAPTER 507—COMPOSITION OF THE DE-**
2 **PARTMENT OF THE NAVY AND MARINE**
3 **CORPS”.**

4 (5) OTHER AMENDMENTS.—

5 (A) Title 10, United States Code, is
6 amended by striking “Department of the Navy”
7 and “Secretary of the Navy” each place they
8 appear other than as specified in paragraphs
9 (1), (2), (3), and (4) (including in section head-
10 ings, subsection captions, tables of chapters,
11 and tables of sections) and inserting “Depart-
12 ment of the Navy and Marine Corps” and “Sec-
13 retary of the Navy and Marine Corps”, respec-
14 tively, in each case with the matter inserted to
15 be in the same typeface and typestyle as the
16 matter stricken.

17 (B)(i) Sections 5013(f), 5014(b)(2),
18 5016(a), 5017(2), 5032(a), and 5042(a) of
19 such title are amended by striking “Assistant
20 Secretaries of the Navy” and inserting “Assist-
21 ant Secretaries of the Navy and Marine Corps”.

22 (ii) The heading of section 5016 of such
23 title, and the item relating to such section in
24 the table of sections at the beginning of chapter
25 503 of such title, are each amended by insert-

1 ing “and Marine Corps” after “of the Navy”,
2 with the matter inserted in each case to be in
3 the same typeface and typestyle as the matter
4 amended.

5 (c) OTHER PROVISIONS OF LAW AND OTHER REF-
6 REFERENCES.—

7 (1) TITLE 37, UNITED STATES CODE.—Title 37,
8 United States Code, is amended by striking “De-
9 partment of the Navy” and “Secretary of the Navy”
10 each place they appear and inserting “Department
11 of the Navy and Marine Corps” and “Secretary of
12 the Navy and Marine Corps”, respectively.

13 (2) OTHER REFERENCES.—Any reference in
14 any law other than in title 10 or title 37, United
15 States Code, or in any regulation, document, record,
16 or other paper of the United States, to the Depart-
17 ment of the Navy shall be considered to be a ref-
18 erence to the Department of the Navy and Marine
19 Corps. Any such reference to an office specified in
20 subsection (b)(2) shall be considered to be a ref-
21 erence to that officer as redesignated by that sec-
22 tion.

23 (d) EFFECTIVE DATE.—This section and the amend-
24 ments made by this section shall take effect on the first

1 day of the first month beginning more than 60 days after
 2 the date of the enactment of this Act.

3 **SEC. 904. AUTHORITY TO ALLOW PRIVATE SECTOR CIVIL-**
 4 **IANS TO RECEIVE INSTRUCTION AT DEFENSE**
 5 **CYBER INVESTIGATIONS TRAINING ACADEMY**
 6 **OF THE DEFENSE CYBER CRIME CENTER.**

7 (a) ADMISSION OF PRIVATE SECTOR CIVILIANS.—
 8 Chapter 108 of title 10, United States Code, is amended
 9 by inserting after section 2167 the following new section:
 10 **“§ 2167a. Defense Cyber Investigations Training**
 11 **Academy: admission of private sector ci-**
 12 **vilians to receive instruction**

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

24 “(b) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—For
 25 purposes of this section, an eligible private sector employee

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

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

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

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

18 “(d) TUITION.—The Secretary of Defense shall
19 charge private sector employees enrolled under this section
20 tuition at a rate that is at least equal to the rate charged
21 for employees of the United States. In determining tuition
22 rates, the Secretary shall include overhead costs of the De-
23 fense Cyber Investigations Training Academy.

24 “(e) STANDARDS OF CONDUCT.—While receiving in-
25 struction at the Defense Cyber Investigations Training

1 Academy, students enrolled under this section, to the ex-
2 tent practicable, are subject to the same regulations gov-
3 erning academic performance, attendance, norms of be-
4 havior, and enrollment as apply to Government civilian
5 employees receiving instruction at the Academy.

6 “(f) USE OF FUNDS.—Amounts received by the De-
7 fense Cyber Investigations Training Academy for instruc-
8 tion of students enrolled under this section shall be re-
9 tained by the Academy to defray the costs of such instruc-
10 tion. The source, and the disposition, of such funds shall
11 be specifically identified in records of the Academy.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of such chapter is amended by inserting
14 after the item relating to section 2167 the following new
15 item:

“2167a. Defense Cyber Investigations Training Academy: admission of private
sector civilians to receive instruction.”.

16 **SEC. 905. ORGANIZATIONAL STRUCTURE OF THE OFFICE**
17 **OF THE ASSISTANT SECRETARY OF DEFENSE**
18 **FOR HEALTH AFFAIRS AND THE TRICARE**
19 **MANAGEMENT ACTIVITY.**

20 (a) REPORT REQUIRED.—Not later than 180 days
21 after the date of the enactment of this Act, the Secretary
22 of Defense shall submit to the congressional defense com-
23 mittees a report on the organizational structure of the Of-

1 fice of the Assistant Secretary of Defense for Health Af-
2 fairs and the TRICARE Management Activity.

3 (b) ELEMENTS.—The report required under sub-
4 section (a) shall include the following:

5 (1) ORGANIZATIONAL CHARTS.—Organizational
6 charts for both the Office of the Assistant Secretary
7 of Defense for Health Affairs and the TRICARE
8 Management Activity showing, at a minimum, the
9 senior positions in such office and such activity.

10 (2) SENIOR POSITION DESCRIPTIONS.—A de-
11 scription of the policy-making functions and over-
12 sight responsibilities of each senior position in the
13 Office of the Assistant Secretary of Defense for
14 Health Affairs and the policy and program execution
15 responsibilities of each senior position of the
16 TRICARE Management Activity.

17 (3) POSITIONS FILLED BY SAME INDIVIDUAL.—
18 A description of which positions in both organiza-
19 tions are filled by the same individual.

20 (4) ASSESSMENT.—An assessment of whether
21 the senior personnel of the Office of the Assistant
22 Secretary of Defense for Health Affairs and the
23 TRICARE Management Activity, as currently orga-
24 nized, are able to appropriately perform the discrete

1 functions of policy formulation, policy and program
2 execution, and program oversight.

3 (c) DEFINITIONS.—In this section:

4 (1) SENIOR POSITION.—The term “senior posi-
5 tion” means a position fill by a member of the senior
6 executive service or a position on the Executive
7 Schedule established pursuant to title 5, United
8 States Code.

9 (2) SENIOR PERSONNEL.—The term “senior
10 personnel” means personnel who are members of the
11 senior executive service or who fill a position listed
12 on the Executive Schedule established pursuant to
13 title 5, United States Code.

14 **SEC. 906. REQUIREMENT FOR DIRECTOR OF OPERATIONAL**
15 **ENERGY PLANS AND PROGRAMS TO REPORT**
16 **DIRECTLY TO SECRETARY OF DEFENSE.**

17 Paragraph (2) of section 139b(e) of title 10, United
18 States Code, is amended to read as follows:

19 “(2) The Director shall report directly to the
20 Secretary of Defense.”.

21 **SEC. 907. INCREASED FLEXIBILITY FOR COMBATANT COM-**
22 **MANDER INITIATIVE FUND.**

23 (a) INCREASE IN FUNDING LIMITATIONS.—Subpara-
24 graph (A) of section 166a(e)(1) of title 10, United States
25 Code, is amended—

1 (1) by striking “\$10,000,000” and inserting
2 “\$20,000,000”; and

3 (2) by striking “\$15,000” and inserting “the
4 investment unit cost threshold in effect under sec-
5 tion 2245a of this title”.

6 (b) COORDINATION WITH SECRETARY OF STATE.—
7 Paragraph (6) of section 166a(b) of such title is amended
8 by inserting after “assistance,” the following: “in coordi-
9 nation with the Secretary of State,”.

10 **SEC. 908. REPEAL OF REQUIREMENT FOR A DEPUTY**
11 **UNDER SECRETARY OF DEFENSE FOR TECH-**
12 **NOLOGY SECURITY POLICY WITHIN THE OF-**
13 **FICE OF THE UNDER SECRETARY OF DE-**
14 **FENSE FOR POLICY.**

15 (a) REPEAL OF REQUIREMENT FOR POSITION.—

16 (1) REPEAL.—Section 134b of title 10, United
17 States Code, is repealed.

18 (2) CLERICAL AMENDMENT.—The table of sec-
19 tions at the beginning of chapter 4 of such title is
20 amended by striking the item relating to section
21 134b.

22 (b) PRIOR NOTIFICATION OF CHANGE IN REPORTING
23 RELATIONSHIP FOR THE DEFENSE TECHNOLOGY SECU-
24 RITY ADMINISTRATION.—The Secretary of Defense shall
25 ensure that no covered action is taken until the expiration

1 of 30 legislative days after providing notification of such
2 action to the Committees on Armed Services of the Senate
3 and the House of Representatives.

4 (c) COVERED ACTION DEFINED.—In this section, the
5 term “covered action” means—

6 (1) the transfer of the Defense Technology Se-
7 curity Administration to an Under Secretary or
8 other office of the Department of Defense other
9 than the Under Secretary of Defense for Policy;

10 (2) the consolidation of the Defense Technology
11 Security Administration with another office, agency,
12 or field activity of the Department of Defense; or

13 (3) the addition of management layers between
14 the Director of the Defense Technology Security Ad-
15 ministration and the Under Secretary of Defense for
16 Policy.

17 **SEC. 909. RECOMMENDATIONS TO CONGRESS BY MEMBERS**
18 **OF JOINT CHIEFS OF STAFF.**

19 Section 151(f) of title 10, United States Code, is
20 amended—

21 (1) by inserting “(1)” before “After first”; and

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

24 “(2) The members of the Joint Chiefs of Staff, indi-
25 vidually or collectively, in their capacity as military advis-

1 ers, shall provide advice to Congress on a particular mat-
2 ter when Congress requests such advice.”.

3 **Subtitle B—Space Activities**

4 **SEC. 911. SUBMISSION AND REVIEW OF SPACE SCIENCE** 5 **AND TECHNOLOGY STRATEGY.**

6 (a) STRATEGY.—

7 (1) REQUIREMENTS.—Paragraph (2) of section
8 2272(a) of title 10, United States Code, is amended
9 by adding at the end the following new subpara-
10 graph:

11 “(D) The process for transitioning space
12 science and technology programs to new or existing
13 space acquisition programs.”.

14 (2) SUBMISSION TO CONGRESS.—Paragraph (5)
15 of such section is amended to read as follows:

16 “(5) The Secretary of Defense shall annually submit
17 the strategy developed under paragraph (1) to the con-
18 gressional defense committees on the date on which the
19 President submits to Congress the budget for the next fis-
20 cal year under section 1105 of title 31, United States
21 Code.”.

22 (b) GOVERNMENT ACCOUNTABILITY OFFICE REVIEW
23 OF STRATEGY.—

24 (1) REVIEW.—The Comptroller General shall
25 review and assess the first space science and tech-

1 nology strategy submitted under paragraph (5) of
2 section 2272(a) of title 10, United States Code, as
3 amended by subsection (a)(2) of this section, and
4 the effectiveness of the coordination process required
5 under section 2272(b) of such title.

6 (2) REPORT.—Not later than 90 days after the
7 date on which the Secretary of Defense submits the
8 first space science and technology strategy required
9 to be submitted under paragraph (5) of section
10 2272(a) of title 10, United States Code, as amended
11 by subsection (a)(2) of this section, the Comptroller
12 General shall submit to the congressional defense
13 committees a report containing the findings and as-
14 sessment under paragraph (1).

15 **SEC. 912. CONVERTING THE SPACE SURVEILLANCE NET-**
16 **WORK PILOT PROGRAM TO A PERMANENT**
17 **PROGRAM.**

18 Section 2274 of title 10, United States Code, is
19 amended—

20 (1) in the heading, by striking “PILOT”;

21 (2) in subsection (a)—

22 (A) in the heading, by striking “PILOT”;

23 and

- 1 (B) by striking “a pilot program to deter-
2 mine the feasibility and desirability of pro-
3 viding” and inserting “a program to provide”;
4 (3) in subsection (b) in the matter preceding
5 paragraph (1), by striking “such a pilot program”
6 and inserting “the program”;
7 (4) in subsection (c) in the matter preceding
8 paragraph (1), by striking “pilot”;
9 (5) in subsection (d) in the matter preceding
10 paragraph (1), by striking “pilot”;
11 (6) in subsection (h), by striking “pilot”; and
12 (7) by striking subsection (i).

13 **Subtitle C—Intelligence-Related** 14 **Matters**

15 **SEC. 921. PLAN TO ADDRESS FOREIGN BALLISTIC MISSILE** 16 **INTELLIGENCE ANALYSIS.**

17 (a) ASSESSMENT AND PLAN.—The Secretary of De-
18 fense, in consultation with the Director of National Intel-
19 ligence, shall—

- 20 (1) conduct an assessment of foreign ballistic
21 missile intelligence gaps and shortfalls; and
22 (2) develop a plan to ensure that the appro-
23 priate intelligence centers have sufficient analytical
24 capabilities to address such gaps and shortfalls.

1 (b) REPORT.—Not later than February 28, 2010, the
2 Secretary of Defense shall submit to the congressional de-
3 fense committees, the Permanent Select Committee on In-
4 telligence of the House of Representatives, and the Select
5 Committee on Intelligence of the Senate a report con-
6 taining—

7 (1) the results of the assessment conducted
8 under subsection (a)(1);

9 (2) the plan developed under subsection (a)(2);
10 and

11 (3) a description of the resources required to
12 implement such plan.

13 (c) FORM.—The report under subsection (b) shall be
14 submitted in unclassified form, but may contain a classi-
15 fied annex.

16 **Subtitle D—Other Matters**

17 **SEC. 931. JOINT PROGRAM OFFICE FOR CYBER OPER-** 18 **ATIONS CAPABILITIES.**

19 (a) ESTABLISHMENT.—Not later than 180 days after
20 the date of the enactment of this Act, the Secretary of
21 Defense shall establish a Joint Program Office for Cyber
22 Operations Capabilities to assist the Under Secretary of
23 Defense for Acquisition, Technology, and Logistics in im-
24 proving the development of specific leap-ahead capabili-
25 ties, including manpower development, tactics, and tech-

1 nologies, for the military departments, the Defense Agen-
2 cies, and the combatant commands.

3 (b) DIRECTOR.—The Joint Program Office for Cyber
4 Operations Capabilities (in this section referred to as the
5 “JPO–COC”) shall be headed by a Director, who shall be
6 appointed by the Secretary of Defense, in consultation
7 with the Under Secretary of Defense for Acquisition,
8 Technology, and Logistics, the Assistant Secretary of De-
9 fense for Networks and Information Integration, the
10 Under Secretary of Defense for Intelligence, and the com-
11 mander of United States Strategic Command. The Direc-
12 tor shall be selected from among individuals with signifi-
13 cant technical and management expertise in information
14 technology system development, and shall serve for 3
15 years.

16 (c) SUPERVISION.—The Director shall report directly
17 to the Under Secretary of Defense for Acquisition, Tech-
18 nology, and Logistics. The Assistant Secretary of Defense
19 for Networks and Information Integration may provide
20 policy guidance to the Director on issues within the Direc-
21 tor’s areas of responsibilities.

22 (d) RESPONSIBILITIES.—The JPO–COC shall be re-
23 sponsible for the following:

24 (1) Coordinating cyber operations capabilities,
25 both offensive and defensive, between the military

1 departments, Defense Agencies, and combatant com-
2 mands in order to identify and prioritize joint capa-
3 bility gaps.

4 (2) Developing advanced, leap-ahead capabili-
5 ties to address joint capability gaps.

6 (3) Establishing a nation level, joint, inter-
7 agency cyber exercise, similar to the exercise known
8 as Eligible Receiver, that would occur at least bien-
9 nially, and, to the extent possible, that would include
10 participants from industry, critical infrastructure
11 sector providers, international militaries, and non-
12 governmental organizations.

13 (4) Such other responsibilities as the Under
14 Secretary determines are appropriate.

15 (e) ANNUAL REPORT.—By March 1 of each year, be-
16 ginning March 1, 2010, the Secretary of Defense shall
17 submit to the congressional defense committees a report
18 on all of the activities of the JPO–COC during the pre-
19 ceding year.

20 **SEC. 932. DEFENSE INTEGRATED MILITARY HUMAN RE-**
21 **SOURCES SYSTEM TRANSITION COUNCIL.**

22 (a) IN GENERAL.—The Secretary of Defense shall es-
23 tablish a Defense Integrated Military Human Resources
24 System Transition Council (in this section referred to as
25 the “Council”) to provide advice to the Secretary of De-

1 fense and the Secretaries of the military departments on
2 implementing the defense integrated military human re-
3 sources system (in this section referred to as the
4 “DIMHRS”) throughout the Department of Defense, in-
5 cluding within each military department.

6 (b) COMPOSITION.—The Council shall include the fol-
7 lowing members:

8 (1) The Chief Management Officer of the De-
9 partment of Defense.

10 (2) The Director of the Business Trans-
11 formation Agency.

12 (3) One representative from each of the Army,
13 Navy, Air Force, and Marine Corps who is a lieuten-
14 ant general or vice admiral.

15 (4) One civilian employee of the National Guard
16 Bureau who occupies a position of responsibility and
17 receives compensation comparable to a lieutenant
18 general or vice admiral.

19 (5) Such other individuals as may be designated
20 by the Secretary of Defense.

21 (c) MEETINGS.—The Council shall meet not less than
22 once a quarter, or more often as specified by the Secretary
23 of Defense.

24 (d) DUTIES.—The Council shall have the following
25 responsibilities:

1 (1) Resolution of significant policy, pro-
2 grammatic, or budgetary issues impeding transition
3 of DIMHRS to the military departments.

4 (2) Coordination of implementation of
5 DIMHRS within each military department to ensure
6 interoperability between and among the Department
7 of Defense as a whole and each military department.

8 (3) Such other responsibilities as the Secretary
9 of Defense determines are appropriate.

10 (e) ANNUAL REPORT.—

11 (1) IN GENERAL.—By March 1 of each year,
12 beginning March 1, 2010, and ending March 1,
13 2014, the Council shall submit to the congressional
14 defense committees an annual report on the progress
15 of DIMHRS transition.

16 (2) The report shall include descriptions of the
17 following:

18 (A) The status of implementation of
19 DIMHRS among the military departments.

20 (B) A description of the testing and eval-
21 uation activities of DIMHRS as implemented
22 throughout the Department of Defense, as well
23 as any such activities developed by the military
24 departments to extend DIMHRS to the depart-
25 ments.

1 (C) Plans for the decommissioning of
2 human resources systems within the Depart-
3 ment of Defense and military department that
4 are being replaced by DIMHRS, including—

5 (i) systems to be phased out; and

6 (ii) plans for the remaining legacy
7 systems to be phased out.

8 (D) Funding and resources from the mili-
9 tary departments devoted to the development of
10 department-specific plans to augment and ex-
11 tend the DIMHRS within each department.

12 **SEC. 933. DEPARTMENT OF DEFENSE SCHOOL OF NURSING**
13 **REVISIONS.**

14 (a) SCHOOL OF NURSING.—

15 (1) IN GENERAL.—Chapter 108 of title 10,
16 United States Code, is amended by adding at the
17 end the following new section:

18 **“§ 2169. School of Nursing**

19 “(a) ESTABLISHMENT.—The Secretary of Defense
20 shall establish within the Department of Defense a School
21 of Nursing, not later than July 1, 2011. It shall be so
22 organized as to graduate not less than 25 students with
23 a bachelor of science in nursing in the first class not later
24 than June 30, 2013, not less than 50 in the second class,
25 and not less than 100 annually thereafter.

1 “(b) MINIMUM REQUIREMENT.—The School of Nurs-
2 ing shall include, at a minimum, a program that awards
3 a bachelor of science in nursing.

4 “(c) PHASED DEVELOPMENT.—The development of
5 the School of Nursing may be by such phases as the Sec-
6 retary may prescribe, subject to the requirements of sub-
7 section (a).”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of such chapter is amended
10 by adding at the end the following new item:

“2169. School of Nursing.”.

11 (b) CONFORMING AMENDMENTS.—Section 2117 of
12 title 10, United States Code, and the item relating to such
13 section in the table of chapters at the beginning of chapter
14 104 of such title, are repealed.

15 **SEC. 934. REPORT ON SPECIAL OPERATIONS COMMAND OR-**
16 **GANIZATION, MANNING, AND MANAGEMENT.**

17 (a) REPORT REQUIRED.—The commander of the spe-
18 cial operations command shall prepare a report, in accord-
19 ance with this section, on the organization, manning, and
20 management of the command.

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

23 (1) A comparison of current and projected fis-
24 cal year 2010 military and civilian end strength lev-

1 els at special operations command headquarters with
2 fiscal year 2000 levels, both actual and authorized.

3 (2) A comparison of fiscal year 2000 through
4 2010 special operations command headquarters end
5 strength growth with the growth of each special op-
6 erations forces component command headquarters
7 over the same time period, both actual and author-
8 ized.

9 (3) A summary and assessment that identifies
10 the resourcing, in terms of manning, training, equip-
11 ping, and funding, that special operations command
12 provides to each of the theater special operations
13 commands under the geographical combatant com-
14 mands and a summary of personnel specialties as-
15 signed to each such command.

16 (4) Options and recommendations for reducing
17 staffing levels at special operations command head-
18 quarters by 5 and 10 percent, respectively, and an
19 assessment of the opportunity costs and manage-
20 ment risks associated with each option.

21 (5) Recommendations for increasing manning
22 levels, if appropriate, at each component command,
23 and especially at Army special operations command.

24 (6) A plan to sustain the cultural engagement
25 group of special operations command central.

1 (7) An assessment of the resourcing require-
2 ments to establish capability similar to the cultural
3 engagement group capability at the other theater
4 special operations command locations.

5 (8) A review and assessment for improving the
6 relationship between special operations command
7 and each of the theater special operations commands
8 under the geographical combatant commands and
9 the establishment of a more direct administrative
10 and collaborative link between them.

11 (9) A review and assessment of existing Depart-
12 ment of Defense executive agent support to special
13 operations command and its subordinate compo-
14 nents, as well as commentary about proposals to use
15 the same executive agent throughout the special op-
16 erations community.

17 (10) An updated assessment on the specific
18 proposal to provide executive agent support from the
19 Defense Logistics Agency for special operations com-
20 mand.

21 (11) A recommendation and plan for including
22 international development and conflict prevention
23 representatives as participants in the Center for
24 Special Operations Interagency Task Force process.

1 (c) REPORT.—The report required by subsection (a)
2 shall be submitted not later than March 15, 2010, to the
3 congressional defense committees.

4 **SEC. 935. STUDY ON THE RECRUITMENT, RETENTION, AND**
5 **CAREER PROGRESSION OF UNIFORMED AND**
6 **CIVILIAN MILITARY CYBER OPERATIONS**
7 **PERSONNEL.**

8 (a) REPORT.—Not later than 1 year after the date
9 of the enactment of this Act, the Secretary of Defense
10 shall submit to the congressional defense committees a re-
11 port assessing the challenges to retention and professional
12 development of cyber operations personnel within the De-
13 partment of Defense.

14 (b) MATTERS TO BE ADDRESSED.—The assessment
15 by the Secretary of Defense shall address the following
16 matters:

17 (1) The sufficiency of the numbers and types of
18 personnel available for cyber operations, including
19 an assessment of the balance between military and
20 civilian positions.

21 (2) The definition and coherence of career fields
22 for both members of the Armed Forces and civilian
23 employees of the Department of Defense.

24 (3) The types of recruitment and retention in-
25 centives available to members of the Armed Forces

1 and civilian employees of the Department of De-
2 fense.

3 (4) Identification of legal, policy, or administra-
4 tive impediments to attracting and retaining cyber
5 operations personnel.

6 (5) The standards used by the Department of
7 Defense to measure effectiveness at recruiting, re-
8 taining, and ensuring an adequate career progres-
9 sion for cyber operations personnel.

10 (6) The effectiveness of educational and out-
11 reach activities used to attract, retain, and reward
12 cyber operations personnel, including how to expand
13 outreach to academic institutions and improve co-
14 ordination with other civilian agencies and industrial
15 partners.

16 (7) The management of educational and out-
17 reach activities used to attract, retain, and reward
18 cyber operations personnel, such as the National
19 Centers of Academic Excellence in Information As-
20 surance Education.

21 (c) CYBER OPERATIONS PERSONNEL DEFINED.—In
22 this section, the term “cyber operations personnel” refers
23 to members of the Armed Forces and civilian employees
24 of the Department of Defense involved with the operations
25 and maintenance of a computer network connected to the

1 global information grid, as well as offensive, defensive, and
2 exploitation functions of such a network.

3 **SEC. 936. RECOGNITION OF AND SUPPORT FOR STATE DE-**
4 **FENSE FORCES.**

5 (a) RECOGNITION AND SUPPORT.—Section 109 of
6 title 32, United States Code, is amended—

7 (1) by redesignating subsections (d) and (e) as
8 subsections (k) and (l), respectively; and

9 (2) by inserting after subsection (c) the fol-
10 lowing new subsections:

11 “(d) RECOGNITION.—Congress hereby recognizes
12 forces established under subsection (c) as an integral mili-
13 tary component of the homeland security effort of the
14 United States, while reaffirming that those forces remain
15 entirely State regulated, organized, and equipped and rec-
16 ognizing that those forces will be used for homeland secu-
17 rity purposes exclusively at the local level and in accord-
18 ance with State law.

19 “(e) ASSISTANCE BY DEPARTMENT OF DEFENSE.—

20 (1) The Secretary of Defense may coordinate homeland
21 security efforts with, and provide assistance to, a defense
22 force established under subsection (c) to the extent such
23 assistance is requested by a State or by a force established
24 under subsection (c) and subject to the provisions of this
25 section.

1 “(2) The Secretary may not provide assistance under
2 paragraph (1) if, in the judgment of the Secretary, such
3 assistance would—

4 “(A) impede the ability of the Department of
5 Defense to execute missions of the Department;

6 “(B) take resources away from warfighting
7 units;

8 “(C) incur nonreimbursed identifiable costs; or

9 “(D) consume resources in a manner incon-
10 sistent with the mission of the Department of De-
11 fense.

12 “(f) USE OF DEPARTMENT OF DEFENSE PROPERTY
13 AND EQUIPMENT.—The Secretary of Defense may author-
14 ize qualified personnel of a force established under sub-
15 section (c) to use and operate property, arms, equipment,
16 and facilities of the Department of Defense as needed in
17 the course of training activities and State active duty.

18 “(g) TRANSFER OF EXCESS EQUIPMENT.—(1) The
19 Secretary of Defense may transfer to a State or a force
20 established under subsection (c) any personal property of
21 the Department of Defense that the Secretary determines
22 is—

23 “(A) excess to the needs of the Department of
24 Defense; and

1 “(B) suitable for use by a force established
2 under subsection (c).

3 “(2) The Secretary of Defense may transfer personal
4 property under this section only if—

5 “(A) the property is drawn from existing stocks
6 of the Department of Defense;

7 “(B) the recipient force established under sub-
8 section (c) accepts the property on an as-is, where-
9 is basis;

10 “(C) the transfer is made without the expendi-
11 ture of any funds available to the Department of
12 Defense for the procurement of defense equipment;
13 and

14 “(D) all costs incurred subsequent to the trans-
15 fer of the property are borne or reimbursed by the
16 recipient.

17 “(3) Subject to paragraph (2)(D), the Secretary may
18 transfer personal property under this section without
19 charge to the recipient force established under subsection
20 (c).

21 “(h) FEDERAL/STATE TRAINING COORDINATION.—
22 (1) Participation by a force established under subsection
23 (c) in a training program of the Department of Defense
24 is at the discretion of the State.

1 “(2) Nothing in this section may be construed as re-
2 quiring the Department of Defense to provide any training
3 program to any such force.

4 “(3) Any such training program shall be conducted
5 in accordance with an agreement between the Secretary
6 of Defense and the State or the force established under
7 subsection (c) if so authorized by State law.

8 “(4) Any direct costs to the Department of Defense
9 of providing training assistance to a force established
10 under subsection (c) shall be reimbursed by the State. Any
11 agreement under paragraph (3) between the Department
12 of Defense and a State or a force established under sub-
13 section (c) for such training assistance shall provide for
14 payment of such costs.

15 “(i) FEDERAL FUNDING OF STATE DEFENSE
16 FORCES.—Funds available to the Department of Defense
17 may not be made available to a State defense force.

18 “(j) LIABILITY.—Any liability for injuries or dam-
19 ages incurred by a member of a force established under
20 subsection (c) while engaged in training activities or State
21 active duty shall be the sole responsibility of the State,
22 regardless of whether the injury or damage was incurred
23 on United States property or involved United States
24 equipment or whether the member was under direct super-

1 vision of United States personnel at the time of the inci-
2 dent.”.

3 (b) DEFINITION OF STATE.—

4 (1) DEFINITION.—Such section is further
5 amended by adding at the end the following new
6 subsection:

7 “(n) STATE DEFINED.—In this section, the term
8 ‘State’ includes the District of Columbia, the Common-
9 wealth of Puerto Rico, Guam, and the Virgin Islands.”.

10 (2) CONFORMING AMENDMENTS.—Such section
11 is further amended in subsections (a), (b), and (c)
12 by striking “a State, the Commonwealth of Puerto
13 Rico, the District of Columbia, Guam, or the Virgin
14 Islands” each place it appears and inserting “a
15 State”.

16 (c) STYLISTIC AMENDMENTS.—Such section is fur-
17 ther amended—

18 (1) in subsection (a), by inserting “PROHIBI-
19 TION ON MAINTENANCE OF OTHER TROOPS.—”
20 after “(a)”;

21 (2) in subsection (b), by inserting “USE WITH-
22 IN STATE BORDERS.—” after “(b)”;

23 (3) in subsection (c), by inserting “STATE DE-
24 FENSE FORCES AUTHORIZED.—” after “(c)”;

1 (4) in subsection (k), as redesignated by sub-
 2 section (a)(1), by inserting “EFFECT OF MEMBER-
 3 SHIP IN DEFENSE FORCES.—” after “(k)”; and

4 (5) in subsection (l), as redesignated by sub-
 5 section (a)(1), by inserting “PROHIBITION ON RE-
 6 SERVE COMPONENT MEMBERS JOINING DEFENSE
 7 FORCES.—” after “(l)”.

8 (d) CLERICAL AMENDMENTS.—

9 (1) SECTION HEADING.—The heading of such
 10 section is amended to read as follows:

11 **“§ 109. Maintenance of other troops: State defense**
 12 **forces”.**

13 (2) CLERICAL AMENDMENT.—The item relating
 14 to such section in the table of sections at the begin-
 15 ning of chapter 1 of such title is amended to read
 16 as follows:

“109. Maintenance of other troops: State defense forces.”.

17 **TITLE X—GENERAL PROVISIONS**

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.

Sec. 1002. Incorporation of funding decisions into law.

Subtitle B—Counter-Drug and Counter-Terrorism Activities

Sec. 1011. One-year extension of Department of Defense counter-drug authori-
 ties and requirements.

Sec. 1012. Joint task forces support to law enforcement agencies conducting
 counter-terrorism activities.

Sec. 1013. Border coordination centers in Afghanistan and Pakistan.

Sec. 1014. Comptroller General report on effectiveness of accountability meas-
 ures for assistance from counter-narcotics central transfer ac-
 count.

Subtitle C—Miscellaneous Authorities and Limitations

- Sec. 1021. Operational procedures for experimental military prototypes.
- Sec. 1022. Temporary reduction in minimum number of operational aircraft carriers.
- Sec. 1023. Limitation on use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
- Sec. 1024. Charter for the National Reconnaissance Office.

Subtitle D—Studies and Reports

- Sec. 1031. Report on statutory compliance of the report on the 2009 quadrennial defense review.
- Sec. 1032. Report on the force structure findings of the 2009 quadrennial defense review.
- Sec. 1033. Sense of Congress and amendment relating to quadrennial defense review.
- Sec. 1034. Strategic review of basing plans for United States European Command.
- Sec. 1035. National Defense Panel.
- Sec. 1036. Report required on notification of detainees of rights under *Miranda v. Arizona*.
- Sec. 1037. Annual report on the electronic warfare strategy of the Department of Defense.
- Sec. 1038. Studies to analyze alternative models for acquisition and funding of technologies supporting network-centric operations.

Subtitle E—Other Matters

- Sec. 1041. Prohibition relating to propaganda.
- Sec. 1042. Extension of certain authority for making rewards for combating terrorism.
- Sec. 1043. Technical and clerical amendments.
- Sec. 1044. Repeal of pilot program on commercial fee-for-service air refueling support for the Air Force.
- Sec. 1045. Extension of sunset for congressional commission on the strategic posture of the United States.
- Sec. 1046. Authorization of appropriations for payments to Portuguese nationals employed by the Department of Defense.
- Sec. 1047. Combat air forces restructuring.
- Sec. 1048. Sense of Congress honoring the Honorable Ellen O. Tauscher.
- Sec. 1049. Sense of Congress concerning the disposition of Submarine NR-1.
- Sec. 1050. Compliance with requirement for plan on the disposition of detainees at Naval Station, Guantanamo Bay, Cuba.
- Sec. 1051. Sense of Congress regarding carrier air wing force structure.
- Sec. 1052. Sense of Congress on Department of Defense financial improvement and audit readiness; plan.
- Sec. 1053. Justice for victims of torture and terrorism.
- Sec. 1054. Repeal of certain laws pertaining to the Joint Committee for the Review of Counterproliferation Programs of the United States.

1 **Subtitle A—Financial Matters**

2 **SEC. 1001. GENERAL TRANSFER AUTHORITY.**

3 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

1 (1) AUTHORITY.—Upon determination by the
2 Secretary of Defense that such action is necessary in
3 the national interest, the Secretary may transfer
4 amounts of authorizations made available to the De-
5 partment of Defense in this division for fiscal year
6 2010 between any such authorizations for that fiscal
7 year (or any subdivisions thereof). Amounts of au-
8 thorizations so transferred shall be merged with and
9 be available for the same purposes as the authoriza-
10 tion to which transferred.

11 (2) LIMITATIONS.—Except as provided in para-
12 graphs (3) and (4), the total amount of authoriza-
13 tions that the Secretary may transfer under the au-
14 thority of this section may not exceed
15 \$5,000,000,000.

16 (3) EXCEPTION FOR TRANSFERS BETWEEN
17 MILITARY PERSONNEL AUTHORIZATIONS.—A trans-
18 fer of funds between military personnel authoriza-
19 tions under title IV shall not be counted toward the
20 dollar limitation in paragraph (2).

21 (4) EXCEPTION FOR TRANSFERS FOR HEALTH
22 INFORMATION MANAGEMENT AND INFORMATION
23 TECHNOLOGY SYSTEMS.—A transfer of funds from
24 the Office of the Secretary of Defense for the sup-
25 port of the Department of Defense Health Informa-

1 tion Management and Information Technology sys-
2 tems shall not be counted toward the dollar limita-
3 tion in paragraph (2).

4 (b) LIMITATIONS.—The authority provided by this
5 section to transfer authorizations—

6 (1) may only be used to provide authority for
7 items that have a higher priority than the items
8 from which authority is transferred; and

9 (2) may not be used to provide authority for an
10 item that has been denied authorization by Con-
11 gress.

12 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
13 transfer made from one account to another under the au-
14 thority of this section shall be deemed to increase the
15 amount authorized for the account to which the amount
16 is transferred by an amount equal to the amount trans-
17 ferred.

18 (d) NOTICE TO CONGRESS.—The Secretary shall
19 promptly notify Congress of each transfer made under
20 subsection (a).

21 **SEC. 1002. INCORPORATION OF FUNDING DECISIONS INTO**

22 **LAW.**

23 (a) AMOUNTS SPECIFIED IN COMMITTEE REPORT
24 ARE AUTHORIZED BY LAW.—Wherever a funding table in
25 the report of the Committee on Armed Services of the

1 House of Representatives to accompany the bill H.R. 2647
2 of the 111th Congress specifies a dollar amount for a
3 project, program, or activity, the obligation and expendi-
4 ture of the specified dollar amount for the indicated
5 project, program, or activity is hereby authorized by law
6 to be carried out to the same extent as if included in the
7 text of this Act, subject to the availability of appropria-
8 tions.

9 (b) MERIT-BASED DECISIONS.—Decisions by agency
10 heads to commit, obligate, or expend funds with or to a
11 specific entity on the basis of dollar amount authorized
12 pursuant to subsection (a) shall be based on authorized,
13 transparent, statutory criteria, or merit-based selection
14 procedures in accordance with the requirements of sec-
15 tions 2304(k) and 2374 of title 10, United States Code,
16 and other applicable provisions of law.

17 (c) RELATIONSHIP TO TRANSFER AND REPROGRAM-
18 MING AUTHORITY.—This section does not prevent an
19 amount covered by this section from being transferred or
20 reprogrammed under a transfer or reprogramming author-
21 ity provided by another provision of this Act or by other
22 law. The transfer or reprogramming of an amount incor-
23 porated into the Act by this section shall not count against
24 a ceiling on such transfers or reprogrammings under sec-
25 tion 1001 of this Act or any other provision of law, unless

1 such transfer or reprogramming would move funds be-
2 tween appropriation accounts.

3 (d) **APPLICABILITY TO CLASSIFIED ANNEX.**—This
4 section applies to any classified annex to the report re-
5 ferred to in subsection (a).

6 (e) **ORAL AND WRITTEN COMMUNICATION.**—No oral
7 or written communication concerning any amount speci-
8 fied in the report referred to in subsection (a) shall super-
9 sede the requirements of this section.

10 **SEC. 1003. ADJUSTMENT OF CERTAIN AUTHORIZATIONS OF**
11 **APPROPRIATIONS.**

12 (a) **AIR FORCE RESEARCH, DEVELOPMENT, TEST,**
13 **AND EVALUATION.**—Funds authorized to be appropriated
14 in section 201(3) for research, development, test, and eval-
15 uation for the Air Force are reduced by \$2,900,000, to
16 be derived from sensors and near field communication
17 technologies.

18 (b) **ARMY OPERATION AND MAINTENANCE.**—Funds
19 authorized to be appropriated in section 301(1) for oper-
20 ation and maintenance for the Army are reduced by
21 \$18,000,000, to be derived from unobligated balances for
22 the Army in the amount of \$11,700,000 and fuel pur-
23 chases for the Army in the amount of \$6,300,000.

24 (c) **NAVY OPERATION AND MAINTENANCE.**—

1 (1) REDUCTION.—Funds authorized to be ap-
2 propriated in section 301(2) for operation and main-
3 tenance for the Navy are reduced by \$22,900,000 to
4 be derived from unobligated balances for the Navy
5 in the amount of \$11,700,000 and fuel purchases
6 for the Navy in the amount of \$11,200,000.

7 (2) AVAILABILITY.—Of the funds authorized to
8 be appropriated in section 301(2) for operation and
9 maintenance for the Navy for the purpose of Ship
10 Activations/Inactivations, \$6,000,000 shall be avail-
11 able for the Navy Ship Disposal—Carrier Demonstra-
12 tion Project.

13 (d) MARINE CORPS OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section
14 301(3) for operation and maintenance for the Marine
15 Corps are reduced by \$2,000,000, to be derived from un-
16 obligated balances for the Marine Corps in the amount
17 of \$1,100,000 and fuel purchases for the Marine Corps
18 in the amount of \$900,000.

19 (e) AIR FORCE OPERATION AND MAINTENANCE.—
20 Funds authorized to be appropriated in section 301(4) for
21 operation and maintenance for the Air Force are reduced
22 by \$25,000,000, to be derived from unobligated balances
23 for the Air Force in the amount of \$4,300,000 and fuel
24

1 purchases for the Air Force in the amount of
2 \$20,700,000.

3 (f) DEFENSE-WIDE OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section
4 NANCE.—Funds authorized to be appropriated in section
5 301(5) for operation and maintenance for Defense-wide
6 activities are reduced by \$5,200,000, to be derived from
7 unobligated balances for Defense-wide activities in the
8 amount of \$4,300,000 and fuel purchases for Defense-
9 wide activities in the amount of \$900,000.

10 (g) MILITARY PERSONNEL.—Funds authorized to be
11 appropriated in section 421 for military personnel ac-
12 counts are reduced by \$50,000,000, to be derived from
13 unobligated balances for military personnel accounts.

14 **Subtitle B—Counter-Drug and**
15 **Counter-Terrorism Activities**

16 **SEC. 1011. ONE-YEAR EXTENSION OF DEPARTMENT OF DE-**
17 **FENSE COUNTER-DRUG AUTHORITIES AND**
18 **REQUIREMENTS.**

19 (a) REPORTING REQUIREMENT ON EXPENDITURES
20 TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.—
21 Section 1022(a) of the Floyd D. Spence National Defense
22 Authorization Act for Fiscal Year 2001 (as enacted into
23 law by Public Law 106–398; 114 Stat. 1654A–255), as
24 most recently amended by section 1021 of the Duncan
25 Hunter National Defense Authorization Act for Fiscal

1 Year 2009 (Public Law 110–417; 122 Stat. 4586), is fur-
2 ther amended by striking “April 15, 2006” and all that
3 follows through “February 15, 2009” and inserting “Feb-
4 ruary 15, 2010”.

5 (b) UNIFIED COUNTER-DRUG AND COUNTERTER-
6 RORISM CAMPAIGN IN COLOMBIA.—Section 1021 of the
7 Ronald W. Reagan National Defense Authorization Act
8 for Fiscal Year 2005 (Public Law 108–375; 118 Stat.
9 2042), as most recently amended by section 1023 of the
10 Duncan Hunter National Defense Authorization Act for
11 Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586),
12 is further amended—

13 (1) in subsection (a), by striking “2009” and
14 inserting “2010”; and

15 (2) in subsection (c), by striking “2009” and
16 inserting “2010”.

17 (c) SUPPORT FOR COUNTER-DRUG ACTIVITIES OF
18 CERTAIN FOREIGN GOVERNMENTS.—Section 1033(a)(2)
19 of the National Defense Authorization Act for Fiscal Year
20 1998 (Public Law 105–85; 111 Stat. 1881), as most re-
21 cently amended by section 1024(a) of the Duncan Hunter
22 National Defense Authorization Act for Fiscal Year 2009
23 (Public Law 110–417; 122 Stat. 4587), is further amend-
24 ed by striking “2009” and inserting “2010”.

1 **SEC. 1012. JOINT TASK FORCES SUPPORT TO LAW EN-**
2 **FORCEMENT AGENCIES CONDUCTING**
3 **COUNTER-TERRORISM ACTIVITIES.**

4 Section 1022(b) of the National Defense Authoriza-
5 tion Act for Fiscal Year 2004 (Public Law 108–136; 10
6 U.S.C. 371 note), as most recently amended by section
7 1022 of the Duncan Hunter National Defense Authoriza-
8 tion Act for Fiscal Year 2009 (Public Law 110–417; 122
9 Stat. 4586), is further amended by striking “2009” and
10 inserting “2010”.

11 **SEC. 1013. BORDER COORDINATION CENTERS IN AFGHANI-**
12 **STAN AND PAKISTAN.**

13 (a) PROHIBITION ON USE OF COUNTER-NARCOTIC
14 ASSISTANCE FOR BORDER COORDINATION CENTERS.—

15 (1) PROHIBITION.—Amounts available for drug
16 interdiction and counter-drug activities of the De-
17 partment of Defense may not be expended for the
18 construction, expansion, repair, or operation and
19 maintenance of any existing or proposed border co-
20 ordination center.

21 (2) RULE OF CONSTRUCTION.—Paragraph (1)
22 does not prohibit or limit the use of other funds
23 available to the Department of Defense to construct,
24 expand, repair, or operate and maintain border co-
25 ordination centers.

1 (b) LIMITATION ON ESTABLISHMENT OF ADDI-
2 TIONAL CENTERS.—The Secretary of Defense may not
3 authorize the establishment, or any construction in con-
4 nection with the establishment, of a third border coordina-
5 tion center in the area of operations of Regional Com-
6 mand—East in the Islamic Republic of Afghanistan until
7 a border coordination center has been constructed, or is
8 under construction, in either—

9 (1) the area of operations of Regional Com-
10 mand—South in the Islamic Republic of Afghanistan;
11 or

12 (2) Baluchistan in the Islamic Republic of Paki-
13 stan.

14 (c) BORDER COORDINATION CENTER DEFINED.—In
15 this section, the term “border coordination center” means
16 multilateral military coordination and intelligence center
17 that is located, or intended to be located, near the border
18 between the Islamic Republic of Afghanistan and the Is-
19 lamic Republic of Pakistan.

20 **SEC. 1014. COMPTROLLER GENERAL REPORT ON EFFEC-**
21 **TIVENESS OF ACCOUNTABILITY MEASURES**
22 **FOR ASSISTANCE FROM COUNTER-NAR-**
23 **COTICS CENTRAL TRANSFER ACCOUNT.**

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

1 troller General shall submit to the congressional defense
2 committees a report on the performance evaluation system
3 used by the Secretary of Defense to assess the effective-
4 ness of assistance provided for foreign nations to achieve
5 the counter-narcotics objectives of the Department of De-
6 fense. The report shall be unclassified, but may contain
7 a classified annex.

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

10 (1) A description of the performance evaluation
11 system of the Department of Defense used to deter-
12 mine the efficiency and effectiveness of counter-nar-
13 cotics assistance provided by the Department of De-
14 fense to foreign nations.

15 (2) An assessment of the ability of the perform-
16 ance evaluation system to accurately measure the ef-
17 ficiency and effectiveness of such counter-narcotics
18 assistance.

19 (3) Detailed recommendations on how to im-
20 prove the capacity of the performance evaluation
21 system for the counter-narcotics central transfer ac-
22 count.

1 **Subtitle C—Miscellaneous**
2 **Authorities and Limitations**

3 **SEC. 1021. OPERATIONAL PROCEDURES FOR EXPERI-**
4 **MENTAL MILITARY PROTOTYPES.**

5 (a) IN GENERAL.—For the purposes of conducting
6 test and evaluation of experimental military prototypes,
7 including major systems, as defined in section 2302 of title
8 10, United States Code, that have been substantially
9 modified for testing with the goal of developing new tech-
10 nology for increasing the capability, capacity, efficiency,
11 or reliability of such systems, and for stimulating innova-
12 tion in research and development to improve equipment
13 or system capability, the senior military officer of each
14 military service, in consultation with the senior acquisition
15 executive of each military department, shall develop and
16 prescribe guidance to enable an expedited process for the
17 documentation and approval of deviations from standard-
18 ized operating instructions and procedures for systems
19 and equipment that have been substantially modified for
20 the purpose of research, development, or testing. The
21 guidance shall—

22 (1) provide for appropriate consideration of the
23 safety of personnel conducting such tests and eval-
24 uations;

1 (2) ensure that, prior to the approval of any
2 such deviation, sufficient engineering and risk man-
3 agement analysis has been completed by a competent
4 technical authority to provide a reasonable basis for
5 determining that the proposed deviation will not re-
6 sult in an unreasonable risk of liability to the United
7 States;

8 (3) provide full and fair opportunity for all con-
9 tractors, including non-traditional defense contrac-
10 tors, who have developed or proposed promising
11 technologies, to test and evaluate experimental mili-
12 tary prototypes in a manner that—

13 (A) allows both the contractor and the
14 military service to assess the full potential of
15 the technology prior to the establishment of a
16 formal acquisition program; and

17 (B) does not unduly restrict the operating
18 envelope, environment, or conditions approved
19 for use during test and evaluation on the basis
20 of existing operating instructions and proce-
21 dures developed for sustained operations of
22 proven military hardware, but does ensure that
23 deviations from existing operating instructions
24 and procedures have been subjected to appro-
25 priate technical review consistent with any

1 modifications made to the system or equipment;
2 and

3 (4) ensure that documentation and approval of
4 such deviations—

5 (A) can be accomplished in a transparent,
6 cost-effective, and expeditious manner, generally
7 within the period of performance of the contract
8 for the development of the experimental mili-
9 tary prototype;

10 (B) address the use of a major system as
11 an experimental military prototype by a con-
12 tractor, and the conduct of test and evaluation
13 of such system by the contractor; and

14 (C) identify the scope of test and evalua-
15 tion to be conducted under such deviation, the
16 responsibilities of the parties conducting the
17 test and evaluation, including the assumption of
18 liability, and the responsibility for disposal of
19 the experimental military prototype or, as ap-
20 propriate, the return of a major system to its
21 original condition.

22 (b) REPORT.—Not later than 12 months after the
23 date of the enactment of this Act, the Secretary of each
24 military department shall submit to the congressional de-
25 fense committees a report documenting the guidance de-

1 veloped in accordance with subsection (a) and describing
2 how such guidance fulfills the objectives under paragraphs
3 (1) through (4) of such subsection.

4 (c) ONE TIME AUTHORITY TO CONVEY.—

5 (1) IN GENERAL.—In advance of the develop-
6 ment of a process required by subsection (a), the
7 Secretary of the Navy is authorized to convey, with-
8 out consideration, to Piasecki Aircraft Corporation
9 of Essington, Pennsylvania (in this section referred
10 to as “transferee”), all right, title, and interest of
11 the United States, except as otherwise provided in
12 this subsection, in and to Navy aircraft N40VT (Bu-
13 reau Number 163283), also known as the X-49A
14 aircraft, and associated components and test equip-
15 ment, previously specified as Government furnished
16 equipment in contract N00019-00-C-0284. The
17 conveyance shall be made by means of a deed of gift.

18 (2) CONDITIONS.—The conveyance under para-
19 graph (1) may only be made under the following
20 conditions:

21 (A) The aircraft shall be conveyed in its
22 current, “as is” condition.

23 (B) The Secretary is not required to repair
24 or alter the condition of the aircraft before con-
25 veying ownership of the aircraft.

1 (C) The conveyance shall be made at no
2 cost to the United States. Any costs associated
3 with the conveyance shall be borne by the trans-
4 feree.

5 (D) The Secretary may require such addi-
6 tional terms and conditions in connection with
7 a conveyance under this section as the Sec-
8 retary considers appropriate to protect the in-
9 terests of the United States, except that such
10 terms and conditions shall include, at a min-
11 imum—

12 (i) a provision stipulating that the
13 conveyance of the X-49A aircraft is for
14 the sole purpose of further development,
15 test, and evaluation of vectored thrust
16 ducted propeller (VTDP) technology and
17 that all items referenced in paragraph (1)
18 will transfer back to the United States
19 Navy, at no cost to the United States, in
20 the event that the X-49A aircraft is uti-
21 lized for any other purpose; and

22 (ii) a provision providing the Govern-
23 ment the right to procure the vectored
24 thrust ducted propeller (VTDP) technology
25 demonstrated under this program at a dis-

1 counted cost based on the value of the X-
2 49A aircraft and associated equipment at
3 the time of transfer, with such valuation
4 and terms determined by the Secretary.

5 (E) Upon such conveyance, the United
6 States shall not be liable for any death, injury,
7 loss, or damage that results from the use of
8 that aircraft by any person other than the
9 United States.

10 **SEC. 1022. TEMPORARY REDUCTION IN MINIMUM NUMBER**
11 **OF OPERATIONAL AIRCRAFT CARRIERS.**

12 (a) TEMPORARY WAIVER.—Notwithstanding section
13 5062(b) of title 10, United States Code, during the period
14 beginning on the date of the inactivation of the U.S.S.
15 Enterprise (CVN-65) scheduled, as of the date of the en-
16 actment of this Act, for fiscal year 2013 and ending on
17 the date of the commissioning into active service of the
18 U.S.S. Gerald R. Ford (CVN-78), the number of oper-
19 ational aircraft carriers in the naval combat forces of the
20 Navy may be 10.

21 (b) EVALUATION AND REPORT.—

22 (1) EVALUATION.—During the fiscal year 2012,
23 the Chairman of the Joint Chiefs of Staff, in coordi-
24 nation with the commanders of the combatant com-
25 mands, shall evaluate the required postures and ca-

1 pabilities of each of the combatant commands to as-
2 sess the level of increased risk that could result due
3 to a temporary reduction in the total number of
4 operational aircraft carriers following the inactiva-
5 tion of the U.S.S. Enterprise (CVN-65).

6 (2) REPORT TO CONGRESS.—Together with the
7 budget materials submitted to Congress by the Sec-
8 retary of Defense in support of the President’s
9 budget for fiscal year 2013, the Secretary of De-
10 fense shall submit to the congressional defense com-
11 mittees a report containing the findings of the eval-
12 uation conducted pursuant to paragraph (1), and
13 the basis for each such finding.

14 **SEC. 1023. LIMITATION ON USE OF FUNDS FOR THE TRANS-**
15 **FER OR RELEASE OF INDIVIDUALS DETAINED**
16 **AT UNITED STATES NAVAL STATION, GUAN-**
17 **TANAMO BAY, CUBA.**

18 (a) IN GENERAL.—The Secretary of Defense may not
19 use any of the amounts authorized to be appropriated in
20 this Act or otherwise available to the Department of De-
21 fense for fiscal year 2010 or any subsequent fiscal year
22 to release or transfer any individual described in sub-
23 section (d) to the United States, its territories, or posses-
24 sions, until 120 days after the President has submitted

1 to the congressional defense committees the plan described
2 in subsection (b).

3 (b) PLAN REQUIRED.—The President shall submit to
4 the congressional defense committees a plan on the dis-
5 position of each individual described in subsection (d).
6 Such plan shall include—

7 (1) an assessment of the risk that the indi-
8 vidual described in subsection (d) poses to the na-
9 tional security of the United States, its territories,
10 or possessions;

11 (2) a proposal for the disposition of each such
12 individual;

13 (3) a plan to mitigate any risks described in
14 paragraph (1) should the proposed disposition re-
15 quired by paragraph (2) include the release or trans-
16 fer to the United States, its territories, or posses-
17 sions of any such individual; and

18 (4) a summary of the consultation required in
19 subsection (c).

20 (c) CONSULTATION REQUIRED.—The President shall
21 consult with the chief executive of the State, the District
22 of Columbia, or the territory or possession of the United
23 States to which the disposition in subsection (b) includes
24 a release or transfer to that State, District of Columbia,
25 or territory or possession.

1 (d) DETAINEES DESCRIBED.—An individual de-
2 scribed in this subsection is any individual who is located
3 at United States Naval Station, Guantanamo Bay, Cuba,
4 as of the date of the enactment of this Act, who—

5 (1) is not a citizen of the United States; and

6 (2) is—

7 (A) in the custody or under the effective
8 control of the Department of Defense; or

9 (B) otherwise under detention at the
10 United States Naval Station, Guantanamo Bay,
11 Cuba.

12 **SEC. 1024. CHARTER FOR THE NATIONAL RECONNAIS-**
13 **SANCE OFFICE.**

14 Not later than 90 days after the date of the enact-
15 ment of this Act, the Director of National Intelligence and
16 the Secretary of Defense shall jointly submit to the con-
17 gressional intelligence and defense committees a revised
18 charter for the National Reconnaissance Office (herein-
19 after in this section referred to as the “NRO”). The char-
20 ter shall include the following:

21 (1) The organizational and governance struc-
22 ture of the NRO.

23 (2) The provision of NRO participation in the
24 development and generation of requirements and ac-
25 quisition.

1 (3) The scope of the capabilities of the NRO.

2 (4) The roles and responsibilities of the NRO
3 and the relationship of the NRO to other organiza-
4 tions and agencies in the intelligence and defense
5 communities.

6 **Subtitle D—Studies and Reports**

7 **SEC. 1031. REPORT ON STATUTORY COMPLIANCE OF THE** 8 **REPORT ON THE 2009 QUADRENNIAL DE-** 9 **FENSE REVIEW.**

10 (a) **COMPTROLLER GENERAL REPORT.**—Not later
11 than 90 days after the Secretary of Defense releases the
12 report on the 2009 quadrennial defense review, the Comp-
13 troller General shall submit to the congressional defense
14 committees and to the Secretary of Defense a report on
15 the degree to which the report on the 2009 quadrennial
16 defense review complies with the requirements of sub-
17 section (d) of section 118 of title 10, United States Code.

18 (b) **SECRETARY OF DEFENSE REPORT.**—If the
19 Comptroller General determines that the report on the
20 2009 quadrennial defense review deviates significantly
21 from the requirements of subsection (d) of section 118 of
22 such title, the Secretary of Defense shall submit to the
23 congressional defense committees a report addressing the
24 areas of deviation not later than 30 days after the submis-

1 sion of the report by the Comptroller General required by
2 paragraph (1).

3 **SEC. 1032. REPORT ON THE FORCE STRUCTURE FINDINGS**
4 **OF THE 2009 QUADRENNIAL DEFENSE RE-**
5 **VIEW.**

6 (a) REPORT REQUIREMENT.—Concurrent with the
7 delivery of the report on the 2009 quadrennial defense re-
8 view required by section 118 of title 10, United States
9 Code, the Secretary of Defense shall submit to the con-
10 gressional defense committees a report with a classified
11 annex containing—

12 (1) the analyses used to determine and support
13 the findings on force structure required by such sec-
14 tion; and

15 (2) a description of any changes from the pre-
16 vious quadrennial defense review to the minimum
17 military requirements for major military capabilities.

18 (b) MAJOR MILITARY CAPABILITIES DEFINED.—In
19 this section, the term “major military capabilities” in-
20 cludes any capability the Secretary determines to be a
21 major military capability, any capability discussed in the
22 report of the 2006 quadrennial defense review, and any
23 capability described in paragraph (9) or (10) of section
24 118(d) of title 10, United States Code.

1 **SEC. 1033. SENSE OF CONGRESS AND AMENDMENT RELAT-**
2 **ING TO QUADRENNIAL DEFENSE REVIEW.**

3 (a) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that the quadrennial defense review is a strategy
5 process that necessarily produces budget plans; however,
6 budget pressures should not determine or limit its out-
7 comes.

8 (b) RELATIONSHIP OF QDR TO BUDGET.—Section
9 118(a) of title 10, United States Code, is amended—

10 (1) by inserting “(1)” before “The Secretary of
11 Defense”; and

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

14 “(2) The existence of the quadrennial defense review
15 does not exempt the President or the Department of De-
16 fense from fulfilling its annual legal obligations to submit
17 to Congress a budget and all legally required supporting
18 documentation.”.

19 **SEC. 1034. STRATEGIC REVIEW OF BASING PLANS FOR**
20 **UNITED STATES EUROPEAN COMMAND.**

21 (a) REPORT REQUIREMENT.—Concurrent with the
22 delivery of the report on the 2009 quadrennial defense re-
23 view required by section 118 of title 10, United States
24 Code, the Secretary of Defense shall submit to the appro-
25 priate congressional committees a report on the plan for

1 basing of forces in the European theater, containing a de-
2 scription of—

3 (1) how the plan supports the United States
4 national security strategy;

5 (2) how the plan satisfies the commitments un-
6 dertaken by the United States pursuant to Article 5
7 of the North Atlantic Treaty, signed at Washington,
8 District of Columbia, on April 4, 1949, and entered
9 into force on August 24, 1949 (63 Stat. 2241; TIAS
10 1964);

11 (3) how the plan addresses the current security
12 environment in Europe, including United States par-
13 ticipation in theater cooperation activities;

14 (4) how the plan contributes to peace and sta-
15 bility in Europe; and

16 (5) the impact that a permanent change in the
17 basing of a unit currently assigned to United States
18 European Command would have on the matters de-
19 scribed in paragraphs (1) through (4).

20 (b) NOTIFICATION REQUIREMENT.—The Secretary
21 of Defense shall notify Congress at least 30 days before
22 the permanent relocation of a unit stationed outside the
23 continental United States as of the date of the enactment
24 of this Act.

25 (c) DEFINITIONS.—In this section:

1 (1) UNIT.—The term “unit” has the meaning
2 determined by the Secretary of Defense for purposes
3 of this section.

4 (2) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means—

7 (A) the congressional defense committees;

8 (B) the Committee on Foreign Relations of
9 the Senate and the Committee on Foreign Af-
10 fairs of the House of Representatives; and

11 (C) the Select Committee on Intelligence of
12 the Senate and the Permanent Select Com-
13 mittee on Intelligence of the House of Rep-
14 resentatives.

15 **SEC. 1035. NATIONAL DEFENSE PANEL.**

16 (a) ESTABLISHMENT.—There is established a bipar-
17 tisan, independent panel to be known as the National De-
18 fense Panel (in this section referred to as the “Panel”).
19 The Panel shall have the duties set forth in this section.

20 (b) MEMBERSHIP.—The Panel shall be composed of
21 twelve members who are recognized experts in matters re-
22 lating to the national security of the United States. The
23 members shall be appointed as follows:

24 (1) Three by the chairman of the Committee on
25 Armed Services of the House of Representatives.

1 (2) Three by the chairman of the Committee on
2 Armed Services of the Senate.

3 (3) Two by the ranking member of the Com-
4 mittee on Armed Services of the House of Rep-
5 resentatives.

6 (4) Two by the ranking member of the Com-
7 mittee on Armed Services of the Senate.

8 (5) Two by the Secretary of Defense.

9 (c) CO-CHAIRS OF THE PANEL.—The chairman of the
10 Committee on Armed Services of the House of Represent-
11 atives and the chairman of the Committee of Armed Serv-
12 ices of the Senate shall each designate one of their ap-
13 pointees under subsection (b) to serve as co-chair of the
14 panel.

15 (d) PERIOD OF APPOINTMENT; VACANCIES.—Mem-
16 bers shall be appointed for the life of the Panel. Any va-
17 cancy in the Panel shall be filled in the same manner as
18 the original appointment.

19 (e) DUTIES.—The Panel shall—

20 (1) review the national defense strategy, the na-
21 tional military strategy, the Secretary of Defense's
22 terms of reference, and any other materials pro-
23 viding the basis for, or substantial inputs to, the
24 work of the Department of Defense on the 2009
25 quadrennial defense review under section 118 of title

1 10, United States Code (in this subsection referred
2 to as the “2009 QDR”), as well as the 2009 QDR
3 itself;

4 (2) conduct an assessment of the assumptions,
5 strategy, findings, costs, and risks of the report of
6 the 2009 QDR, with particular attention paid to the
7 risks described in that report;

8 (3) submit to the congressional defense commit-
9 tees and the Secretary an independent assessment of
10 a variety of possible force structures of the Armed
11 Forces, including the force structure identified in
12 the report of the 2009 QDR, suitable to meet the re-
13 quirements identified in the review required in para-
14 graph (1);

15 (4) to the extent practicable, estimate the fund-
16 ing required by fiscal year, in constant fiscal year
17 2010 dollars, to organize, equip, and support the
18 forces contemplated under the force structures as-
19 sessed in the assessment under paragraph (3); and

20 (5) provide to Congress and the Secretary of
21 Defense, through the reports under subsection (g),
22 any recommendations it considers appropriate for
23 their consideration.

24 (f) FIRST MEETING.—

1 (1) The Panel shall hold its first meeting no
2 later than 30 days after the date as of which all ap-
3 pointments to the Panel under paragraphs (1), (2),
4 (3), and (4) of subsection (b) have been made.

5 (2) If the Secretary of Defense has not made
6 the Secretary's appointments to the Panel under
7 subsection (b)(5) by the date of the first meeting
8 pursuant to paragraph (1), the Panel shall convene
9 with the remaining members.

10 (g) REPORTS.—

11 (1) Not later than April 15, 2010, the Panel
12 shall submit an interim report on its findings to the
13 congressional defense committees and to the Sec-
14 retary of Defense.

15 (2) Not later than January 15, 2011, the Panel
16 shall submit its final report, together with any rec-
17 ommendations, to the congressional defense commit-
18 tees and to the Secretary of Defense.

19 (3) Not later than February 15, 2011, the Sec-
20 retary of Defense, after consultation with the Chair-
21 man of the Joint Chiefs of Staff, shall submit to the
22 committees referred to in paragraph (2) the Sec-
23 retary's comments on the Panel's final report under
24 that paragraph.

1 (h) INFORMATION FROM FEDERAL AGENCIES.—The
2 Panel may secure directly from the Department of De-
3 fense and any of its components such information as the
4 Panel considers necessary to carry out its duties under
5 this section. The head of the department or agency con-
6 cerned shall ensure that information requested by the
7 Panel under this subsection is promptly provided.

8 (i) FFRDC SUPPORT.—Upon the request of the co-
9 chairs of the Panel, the Secretary of Defense shall make
10 available to the Panel the services of any federally funded
11 research and development center that is covered by a spon-
12 soring agreement of the Department of Defense.

13 (j) PERSONNEL MATTERS.—The Panel shall have the
14 authorities provided in section 3161 of title 5, United
15 States Code, and shall be subject to the conditions set
16 forth in such section.

17 (k) PAYMENT OF PANEL EXPENSES.—Funds for ac-
18 tivities of the Panel shall be provided from amounts avail-
19 able to the Department of Defense.

20 (l) TERMINATION.—The Panel shall terminate 45
21 days after the date on which the Panel submits its final
22 report under subsection (g)(2).

1 **SEC. 1036. REPORT REQUIRED ON NOTIFICATION OF DE-**
2 **TAINÉES OF RIGHTS UNDER MIRANDA V. ARI-**
3 **ZONA.**

4 Not later than 90 days after the date of the enact-
5 ment of this Act, the Secretary of Defense shall submit
6 to the congressional defense committees a report on how
7 the reading of rights under *Miranda v. Arizona* (384 U.S.
8 436 (1966)) to individuals detained by the United States
9 in Afghanistan may affect—

10 (1) the rules of engagement of the Armed
11 Forces deployed in support of Operation Enduring
12 Freedom;

13 (2) post-capture interrogations and intelligence-
14 gathering activities conducted as part of Operation
15 Enduring Freedom;

16 (3) the overall counterinsurgency strategy and
17 objectives of the United States for Operation Endur-
18 ing Freedom;

19 (4) United States military operations and objec-
20 tives in Afghanistan; and

21 (5) potential risks to members of the Armed
22 Forces operating in Afghanistan.

1 **SEC. 1037. ANNUAL REPORT ON THE ELECTRONIC WAR-**
2 **FARE STRATEGY OF THE DEPARTMENT OF**
3 **DEFENSE.**

4 (a) ANNUAL REPORT REQUIRED.—At the same time
5 as the President submits to Congress the budget under
6 section 1105(a) of title 31, United States Code, for fiscal
7 year 2011, and for each subsequent fiscal year, the Sec-
8 retary of Defense, in coordination with the Chairman of
9 the Joint Chiefs of Staff and the Secretary of each of the
10 military departments, shall submit to the congressional de-
11 fense committees an annual report on the electronic war-
12 fare strategy of the Department of Defense.

13 (b) CONTENTS OF REPORT.—Each report required
14 under subsection (a) shall include each of the following:

15 (1) A description and overview of—

16 (A) the Department of Defense’s electronic
17 warfare strategy;

18 (B) how such strategy supports the Na-
19 tional Defense Strategy; and

20 (C) the organizational structure assigned
21 to oversee the development of the Department’s
22 electronic warfare strategy, requirements, capa-
23 bilities, programs, and projects.

24 (2) A list of all the electronic warfare acquisi-
25 tion programs and research and development
26 projects of the Department of Defense and a de-

1 description of how each program or project supports
2 the Department's electronic warfare strategy.

3 (3) For each unclassified program or project on
4 the list required by paragraph (2)—

5 (A) the senior acquisition executive and or-
6 ganization responsible for oversight of the pro-
7 gram or project;

8 (B) whether or not validated requirements
9 exist for each program or project and, if such
10 requirements exist, the date on which the re-
11 quirements were validated and by which organi-
12 zational authority;

13 (C) the total amount of funding appro-
14 priated, obligated, and forecasted by fiscal year
15 for the program or project, to include the pro-
16 gram element or procurement line number from
17 which the program or project receives funding;

18 (D) the development or procurement
19 schedule for the program or project;

20 (E) an assessment of the cost, schedule,
21 and performance of the program or project as
22 it relates to the program or project's current
23 program baseline and the original program
24 baseline if such baselines are not the same;

1 (F) the technology readiness level of each
2 critical technology that is part of the program
3 or project;

4 (G) whether or not the program or project
5 is redundant or overlaps with the efforts of an-
6 other military department; and

7 (H) what capability gap the program or
8 project is being developed or procured to fulfill.

9 (4) A classified annex that contains the items
10 described in subparagraphs (A) through (H) for
11 each classified program or project on the list re-
12 quired by paragraph (2).

13 **SEC. 1038. STUDIES TO ANALYZE ALTERNATIVE MODELS**
14 **FOR ACQUISITION AND FUNDING OF TECH-**
15 **NOLOGIES SUPPORTING NETWORK-CENTRIC**
16 **OPERATIONS.**

17 (a) STUDIES REQUIRED.—

18 (1) INDEPENDENT STUDY.—Not later than 90
19 days after the date of the enactment of this Act, the
20 Secretary of Defense shall enter into a contract with
21 an independent federally funded research and devel-
22 opment center to carry out a comprehensive study of
23 policies, procedures, organization, and regulatory
24 constraints affecting the acquisition of technologies
25 supporting network-centric operations. The contract

1 shall be funded from amounts appropriated pursuant
2 to an authorization of appropriations in this Act or
3 otherwise made available for fiscal year 2010 for op-
4 eration and maintenance for Defense-wide activities.

5 (2) JOINT CHIEFS OF STAFF STUDY.—The
6 Chairman of the Joint Chiefs of Staff shall carry out
7 a comprehensive study of the same subjects covered
8 by paragraph (1). The study shall be independent of
9 the study required by paragraph (1) and shall be
10 carried out in conjunction with the military depart-
11 ments and in coordination with the Secretary of De-
12 fense.

13 (b) MATTERS TO BE ADDRESSED.—Each study re-
14 quired by subsection (a) shall address the following mat-
15 ters:

16 (1) Development of a system for understanding
17 the various foundational components that contribute
18 to network-centric operations, such as data trans-
19 port, processing, storage, data collection, and dis-
20 semination of information.

21 (2) Determining how acquisition and funding
22 programs that are in place as of the date of the en-
23 actment of this Act relate to the system developed
24 under paragraph (1).

1 (3) Development of acquisition and funding
2 models using the system developed under paragraph
3 (1), including—

4 (A) a model under which a joint entity
5 independent of any military department (such
6 as the Joint Staff) is established with responsi-
7 bility and control of all funding for the acquisi-
8 tion of technologies for network-centric oper-
9 ations, and with authority to oversee the incor-
10 poration of such technologies into the acquisi-
11 tion programs of the military departments;

12 (B) a model under which an executive
13 agent is established to manage and oversee the
14 acquisition of technologies for network-centric
15 operations, but would not have exclusive control
16 of the funding for such programs;

17 (C) a model under which the acquisition
18 and funding programs that are in place as of
19 the date of the enactment of this Act are main-
20 tained; and

21 (D) any other model that the entity car-
22 rying out the study considers relevant.

23 (4) An analysis of each of the models developed
24 under paragraph (3) with respect to potential bene-
25 fits in—

- 1 (A) collecting, processing, and dissemi-
2 nating information;
- 3 (B) network commonality;
- 4 (C) common communications;
- 5 (D) interoperability;
- 6 (E) mission impact and success; and
- 7 (F) cost effectiveness.

8 (5) An evaluation of each of the models devel-
9 oped under paragraph (3) with respect to feasibility,
10 including identification of legal, policy, or regulatory
11 barriers that may impede the implementation of
12 such model.

13 (c) REPORT REQUIRED.—Not later than September
14 30, 2010, the Secretary of Defense shall submit to the
15 congressional defense committees a report on the results
16 of the studies required by subsection (a). The report shall
17 include the findings and recommendations of the studies
18 and any observations and comments that the Secretary
19 considers appropriate.

20 (d) NETWORK-CENTRIC OPERATIONS DEFINED.—In
21 this section, the term “network-centric operations” refers
22 to the ability to exploit all human and technical elements
23 of the Joint Force and mission partners through the full
24 integration of collected information, awareness, knowl-
25 edge, experience, and decision-making, enabled by secure

1 access and distribution, all to achieve agility and effective-
2 ness in a dispersed, decentralized, dynamic, or uncertain
3 operational environment.

4 **SEC. 1039. REPORT ON COMPETITIVE PROCEDURES USED**
5 **FOR EARMARKS IN DEPARTMENT OF DE-**
6 **FENSE APPROPRIATIONS ACT, 2008.**

7 (a) REPORT REQUIREMENT.—Not later than 60 days
8 after the date of the enactment of this Act, the Secretary
9 of Defense shall submit to Congress a report on the con-
10 gressional earmarks described in subsection (b).

11 (b) CONGRESSIONAL EARMARKS DESCRIBED.—The
12 congressional earmarks described in this subsection are
13 the congressional earmarks (House) and the congression-
14 ally directed spending items (Senate) on the list published
15 in compliance with clause 9 of rule XXI of the Rules of
16 the House of Representatives and rule XLIV of the Stand-
17 ing Rules of the Senate and contained on pages 372 to
18 476 of the Joint Explanatory Statement submitted by the
19 Committee of Conference for the conference report to ac-
20 company H.R. 3222 of the 110th Congress (Report 110-
21 434).

22 (c) MATTERS COVERED BY REPORT.—The report re-
23 quired by subsection (a) shall set forth the following with
24 respect to each congressional earmark on the list referred
25 to in subsection (b):

1 (1) The competitive procedures used to procure
2 each earmark, including the process used, the tools
3 employed, and the decisions reached.

4 (2) If competitive procedures were not used to
5 procure an earmark, the reasons why competitive
6 procedures were not used, including a discussion of
7 the decision making process and how the decision to
8 use procedures other than competitive procedures
9 was reached.

10 **SEC. 1040. STUDY ON NATIONAL SECURITY PROFESSIONAL**
11 **CAREER DEVELOPMENT AND SUPPORT.**

12 (a) **STUDY REQUIRED.**—Not later than 30 days after
13 the date of the enactment of this Act, the President shall
14 designate an Executive agency to commission a study by
15 an appropriate independent, non-profit organization. The
16 organization selected shall study the design and implemen-
17 tation of an interagency system for the career development
18 and support of national security professionals. The organi-
19 zation selected shall be qualified on the basis of having
20 performed related work in the fields of national security
21 and human capital development, and on the basis of such
22 other criteria as the head of the Executive agency may
23 determine.

24 (b) **MATTERS CONSIDERED.**—The study required by
25 subsection (a) shall, at a minimum, include the following:

1 (1) The qualifications required to certify an em-
2 ployee as a national security professional.

3 (2) Methods for identifying and designating po-
4 sitions within the Federal Government which require
5 the knowledge, skills and aptitudes of a national se-
6 curity professional.

7 (3) The essential elements required for an ac-
8 credited interagency national security professional
9 education system.

10 (4) A system for training national security pro-
11 fessionals to ensure they develop and maintain the
12 qualifications identified under paragraph (1).

13 (5) An institutional structure for managing a
14 national security professional career development
15 system.

16 (6) Potential mechanisms for funding a na-
17 tional security professional career development pro-
18 gram.

19 (c) REPORT.—A report containing the findings and
20 recommendations resulting from the study required by
21 subsection (a), together with any views or recommenda-
22 tions of the President, shall be submitted to Congress by
23 December 1, 2010.

24 (d) DEFINITIONS.—For purposes of this section—

1 (1) the term “Executive agency” has the mean-
2 ing given such term by section 105 of title 5, United
3 States Code;

4 (2) the term “employee” has the meaning given
5 such term by section 2105 of title 5, United States
6 Code; and

7 (3) the term “national security professional”
8 means, with respect to an employee of an Executive
9 agency, an employee of such agency in a position re-
10 lating to the planning of, coordination of, or partici-
11 pation in, interagency national security operations.

12 **Subtitle E—Other Matters**

13 **SEC. 1041. PROHIBITION RELATING TO PROPAGANDA.**

14 (a) IN GENERAL.—

15 (1) PROHIBITION.—Chapter 134 of title 10,
16 United States Code, is amended by inserting after
17 section 2241 the following new section:

18 **“§ 2241a. Prohibition on use of funds for publicity or**
19 **propaganda purposes within the United**
20 **States**

21 “Funds available to the Department of Defense may
22 not be obligated or expended for publicity or propaganda
23 purposes within the United States not otherwise specifi-
24 cally authorized by law.”.

1 (2) CLERICAL AMENDMENT.—The table of sec-
2 tions at the beginning of such chapter is amended
3 by adding at the end the following new item:

 “2241a. Prohibition on use of funds for publicity or propaganda purposes within
 the United States.”.

4 (b) EFFECTIVE DATE.—Section 2241a of title 10,
5 United States Code, as added by subsection (a), shall take
6 effect on October 1, 2009, or the date of the enactment
7 of this Act, whichever is later.

8 **SEC. 1042. EXTENSION OF CERTAIN AUTHORITY FOR MAK-**
9 **ING REWARDS FOR COMBATING TERRORISM.**

10 Section 127b(c)(3)(C) of title 10, United States
11 Code, is amended by striking “2009” and inserting
12 “2010”.

13 **SEC. 1043. TECHNICAL AND CLERICAL AMENDMENTS.**

14 (a) TITLE 10, UNITED STATES CODE.—Title 10,
15 United States Code, is amended as follows:

16 (1) The heading of section 1567 is amended to
17 read as follows:

18 **“§ 1567. Duration of military protective orders”.**

19 (2) The heading of section 1567a is amended to
20 read as follows:

1 **“§ 1567a. Mandatory notification of mili-**
2 **tary protective order to civilian law en-**
3 **forcement”.**

4 (3) Section 2306c(h) is amended by striking
5 “section 2801(c)(2)” and inserting “section
6 2801(c)(4)”.

7 (4) Section 2667(g)(1) is amended by striking
8 “Secretary concerned concerned” and inserting
9 “Secretary concerned”.

10 (b) TITLE 37, UNITED STATES CODE.—Section
11 308(a)(2)(A)(ii) of title 37, United States Code, is amend-
12 ed by striking the comma before the period at the end.

13 (c) DUNCAN HUNTER NATIONAL DEFENSE AUTHOR-
14 IZATION ACT FOR FISCAL YEAR 2009.—Effective as of
15 October 14, 2008, and as if included therein as enacted,
16 the Duncan Hunter National Defense Authorization Act
17 for Fiscal Year 2009 (Public Law 110–417) is amended
18 as follows:

19 (1) Section 314(a) (122 Stat. 4410; 10 U.S.C.
20 2710 note) is amended by striking “Secretary” and
21 inserting “Secretary of Defense”.

22 (2) Section 523(1) (122 Stat. 4446) is amended
23 by striking “serving or” and inserting “serving in
24 or”.

1 (3) Section 616 (122 Stat. 4486) is amended
2 by striking “of title” in subsections (b) and (c) and
3 inserting “of such title”.

4 (4) Section 732(2) (122 Stat. 4511) is amended
5 by striking “year.” and inserting “year”.

6 (5) Section 811(c)(6)(A)(iv)(I) (122 Stat.4524)
7 is amended by striking “after of ‘the program’” and
8 inserting “after ‘of the program’”.

9 (6) Section 813(d)(3) (122 Stat. 4527) is
10 amended by striking “each of subsections (c)(2)(A)
11 and (d)(2)” and inserting “subsection (c)(2)(A)”.

12 (7) Section 825(b) (122 Stat. 4534) is amended
13 in the new item being added by inserting a period
14 after “thereof”.

15 (8) Section 834(a)(2) (122 Stat. 4537) is
16 amended by inserting “subchapter II of” before
17 “chapter 87”.

18 (9) Section 845(a) (122 Stat. 4541) is amend-
19 ed—

20 (A) in paragraph (1), by striking “Sub-
21 chapter I” and inserting “Subchapter II”; and

22 (B) in paragraph (2), by striking “sub-
23 chapter I” and inserting “subchapter II”.

24 (10) Section 855 (122 Stat. 4545) is repealed.

1 (11) Section 921(1) (122 Stat. 4573) is amend-
2 ed by striking “subsections (f) and (g) as sub-
3 sections (g) and (h)” and inserting “subsections (f),
4 (g), and (h) as subsections (g), (h), and (i)”.

5 (12) Section 931(b)(5) (122 Stat. 4575) is
6 amended—

7 (A) by striking “Section 201(e)(2)” and
8 inserting “Section 201(f)(2)(E)”; and

9 (B) by striking “(6 U.S.C. 121(e)(2))” and
10 inserting “(6 U.S.C. 121(f)(2)(E))”.

11 (13) Section 932 (122 Stat. 4576) is repealed.

12 (14) Section 1033(b) (122 Stat. 4593) is
13 amended by striking “chapter 941” and inserting
14 “chapter 931”.

15 (15) Section 1059 (122 Stat. 4611) is amended
16 by striking “Act of” and inserting “Act for”.

17 (16) Section 1061(b)(3) (122 Stat. 4613) is
18 amended by striking “103” and inserting “188”.

19 (17) Section 1109 (122 Stat. 4618) is amended
20 in subsection (e)(1) of the matter proposed to be
21 added by striking “the date of the enactment of this
22 Act” and inserting “October 14, 2008,”.

23 (18) Section 2104(b) (122 Stat. 4664) is
24 amended in the matter preceding paragraph (1) by

1 striking “section 2401” and inserting “section
2 2101”.

3 (19) Section 3508(b) (122 Stat. 4769) is
4 amended to read as follows:

5 “(b) CONFORMING AMENDMENT.—The chapter 541
6 of title 46, United States Code, as inserted and amended
7 by the amendments made by subparagraphs (A) through
8 (D) of section 3523(a)(6) of the National Defense Author-
9 ization Act for Fiscal Year 2008 (Public Law 110–181;
10 122 Stat. 599), is repealed.”.

11 (20) Section 3511(d) (122 Stat. 4770) is
12 amended by inserting before the period the fol-
13 lowing: “, and by striking ‘CALENDAR’ and inserting
14 ‘FISCAL’ in the heading for paragraph (2)”.

15 **SEC. 1044. REPEAL OF PILOT PROGRAM ON COMMERCIAL**
16 **FEE-FOR-SERVICE AIR REFUELING SUPPORT**
17 **FOR THE AIR FORCE.**

18 The National Defense Authorization Act for Fiscal
19 Year 2008 (Public Law 110–181) is amended by striking
20 section 1081.

1 **SEC. 1045. EXTENSION OF SUNSET FOR CONGRESSIONAL**
2 **COMMISSION ON THE STRATEGIC POSTURE**
3 **OF THE UNITED STATES.**

4 Section 1062 of the National Defense Authorization
5 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
6 319) is amended—

7 (1) by redesignating subsections (f) and (g) as
8 subsections (g) and (h), respectively;

9 (2) in subsection (h), as redesignated by para-
10 graph (1) of this subsection, by striking “June 1,
11 2009” and inserting “September 30, 2010”; and

12 (3) by inserting after subsection (e) the fol-
13 lowing new subsection (f):

14 “(f) FOLLOW-ON REPORT.—Not later than May 1,
15 2010, the commission shall submit to the President, the
16 Secretary of Defense, the Secretary of Energy, the Sec-
17 retary of State, the Committee on Armed Services of the
18 Senate, the Committee on Foreign Relations of the Sen-
19 ate, the Committee on Armed Services of the House of
20 Representatives, and the Committee on Foreign Affairs of
21 the House of Representatives a follow-on report to the re-
22 port submitted under subsection (e). With respect to the
23 matters described under subsection (e), the follow-on re-
24 port shall include, at a minimum, the following:

25 “(1) A review of—

1 “(A) the nuclear posture review required
2 by section 1070 of this Act; and

3 “(B) the Quadrennial Defense Review re-
4 quired to be submitted under section 118 of
5 title 10, United States Code.

6 “(2) A review of legislative actions taken by the
7 111th Congress.”.

8 **SEC. 1046. AUTHORIZATION OF APPROPRIATIONS FOR PAY-**
9 **MENTS TO PORTUGUESE NATIONALS EM-**
10 **PLOYED BY THE DEPARTMENT OF DEFENSE.**

11 (a) AUTHORIZATION FOR PAYMENTS.—Subject to
12 subsection (b), the Secretary of Defense may authorize
13 payments to Portuguese nationals employed by the De-
14 partment of Defense in Portugal, for the difference be-
15 tween—

16 (1) the salary increases resulting from section
17 8002 of the Department of Defense Appropriations
18 Act, 2006 (Public Law 109–148; 119 Stat. 2697; 10
19 U.S.C. 1584 note) and section 8002 of the Depart-
20 ment of Defense Appropriations Act, 2007 (Public
21 Law 109–289; 120 Stat. 1271; 10 U.S.C. 1584
22 note); and

23 (2) salary increases supported by the Depart-
24 ment of Defense Azores Foreign National wage sur-
25 veys for survey years 2006 and 2007.

1 (b) LIMITATION.—The authority provided in sub-
2 section (a) may be exercised only if—

3 (1) the wage survey methodology described in
4 the United States—Portugal Agreement on Coopera-
5 tion and Defense, with supplemental technical and
6 labor agreements and exchange of notes, signed at
7 Lisbon on June 1, 1995, and entered into force on
8 November 21, 1995, is eliminated; and

9 (2) the agreements and exchange of notes re-
10 ferred to in paragraph (1) and any implementing
11 regulations thereto are revised to provide that the
12 obligations of the United States regarding annual
13 pay increases are subject to United States appro-
14 priation law governing the funding available for such
15 increases.

16 (c) AUTHORIZATION FOR APPROPRIATION.—Of the
17 amounts authorized to be appropriated under title III, not
18 less than \$240,000 is authorized to be appropriated for
19 fiscal year 2010 for the purpose of the payments author-
20 ized by subsection (a).

21 **SEC. 1047. COMBAT AIR FORCES RESTRUCTURING.**

22 (a) LIMITATIONS RELATING TO LEGACY AIR-
23 CRAFT.—Until the expiration of the 90-day period begin-
24 ning on the date the Secretary of the Air Force submits

1 a report in accordance with subsection (b), the following
2 provisions apply:

3 (1) PROHIBITION ON RETIREMENT OF AIR-
4 CRAFT.—The Secretary of the Air Force may not re-
5 tire any fighter aircraft pursuant to the Combat Air
6 Forces restructuring plan announced by the Sec-
7 retary on May 18, 2009.

8 (2) PROHIBITION ON PERSONNEL REASSIGN-
9 MENTS.—The Secretary of the Air Force may not
10 reassign any Air Force personnel (whether on active
11 duty or a member of a reserve component, including
12 the National Guard) associated with such restruc-
13 turing plan.

14 (3) REQUIREMENTS TO CONTINUE FUNDING.—

15 (A) Of the funds authorized to be appro-
16 priated in title III of this Act for operations
17 and maintenance for the Air Force, at least
18 \$344,600,000 shall be expended for continued
19 operation and maintenance of the 249 fighter
20 aircraft scheduled for retirement in fiscal year
21 2010 pursuant to such restructuring plan.

22 (B) Of the funds authorized to be appro-
23 priated in title I of this Act for procurement for
24 the Air Force, at least \$10,500,000 shall be
25 available for obligation to provide for any modi-

1 fications necessary to sustain the 249 fighter
2 aircraft.

3 (b) REPORT.—The report under subsection (a) shall
4 be submitted to the Committees on Armed Services of the
5 House of Representatives and the Senate and shall include
6 the following information:

7 (1) A detailed plan of how the force structure
8 and capability gaps resulting from the retirement ac-
9 tions will be addressed.

10 (2) An explanation of the assessment conducted
11 of the current threat environment and current capa-
12 bilities.

13 (3) A description of the follow-on mission as-
14 signments for each affected base.

15 (4) An explanation of the criteria used for se-
16 lecting the affected bases and the particular fighters
17 chosen for retirement.

18 (5) A description of the environmental analyses
19 being conducted.

20 (6) An identification of the reassignment and
21 manpower authorizations necessary for the Air
22 Force personnel (both active duty and reserve com-
23 ponent) affected by the retirements if such retire-
24 ments are accomplished.

1 (7) A description of the funding needed in fiscal
2 years 2010 through 2015 to cover operation and
3 maintenance costs, personnel, and aircraft procure-
4 ment, if the restructuring plan is not carried out.

5 (8) An estimate of the cost avoidance should
6 the restructuring plan move forward and a descrip-
7 tion of how such funds would be invested during the
8 future-years defense plan to ensure the remaining
9 fighter force achieves the desired service life and is
10 sufficiently modernized to outpace the threat.

11 (c) EXCEPTION FOR CERTAIN AIRCRAFT.—The pro-
12 hibition in subsection (a)(1) shall not apply to the five
13 fighter aircraft scheduled for retirement in fiscal year
14 2010, as announced when the budget for fiscal year 2009
15 was submitted to Congress.

16 **SEC. 1048. SENSE OF CONGRESS HONORING THE HONOR-**
17 **ABLE ELLEN O. TAUSCHER.**

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

20 (1) In 1996, Representative Ellen O. Tauscher
21 was elected to represent California's 10th Congres-
22 sional district, which is located in the East Bay Area
23 of northern California and consists of parts of So-
24 lano, Contra Costa, Alameda, and Sacramento coun-
25 ties.

1 (2) Representative Tauscher also represents two
2 of the Nation's defense laboratories, Lawrence
3 Livermore and the California campus of Sandia, as
4 well as Travis Air Force Base, home of the 60th Air
5 Mobility Wing and the Camp Parks Army Reserve
6 facility.

7 (3) Prior to her service in Congress, Represent-
8 ative Tauscher worked in the private sector for 20
9 years, 14 of which were on Wall Street.

10 (4) At age 25, Representative Tauscher became
11 one of the first women, and the youngest at the
12 time, to hold a seat on the New York Stock Ex-
13 change, and she later served as an officer of the
14 American Stock Exchange.

15 (5) Representative Tauscher moved to Cali-
16 fornia in 1989 and shortly afterwards founded the
17 first national research service to help parents verify
18 the background of childcare workers while she
19 sought quality childcare for her own daughter.

20 (6) Subsequently, Representative Tauscher pub-
21 lished a book to help working parents make in-
22 formed decisions about their own childcare needs.

23 (7) Representative Tauscher is known by her
24 colleagues in Congress as a leader on national secu-
25 rity and nonproliferation issues.

1 (8) During her tenure, she has introduced legis-
2 lation to increase and expand the Nation's non-
3 proliferation programs, strengthen the Stockpile
4 Stewardship Program, and provide the Nation's
5 troops with the support and equipment they deserve.

6 (9) In the 110th Congress, Representative
7 Tauscher was appointed Chairman of the Strategic
8 Forces Subcommittee of the Armed Services Com-
9 mittee of the House of Representatives, becoming
10 only the third woman in history to chair an Armed
11 Services subcommittee.

12 (10) Representative Tauscher is also the first
13 California Democrat to be elevated to an Armed
14 Services Subcommittee Chairmanship since 1992.

15 (11) Representative Tauscher is currently serv-
16 ing her second term as the Chairman of the House
17 New Democrat Coalition, and she was appointed by
18 the Speaker of the House to serve as the Vice Chair
19 for the Future Security and Defense Capabilities
20 Subcommittee of the Defense and Security Com-
21 mittee of NATO's Parliamentary Assembly.

22 (12) On May 5, 2009, the President nominated
23 Representative Tauscher to serve as Under Sec-
24 retary of State for Arms Control and International
25 Security at the Department of State.

1 (b) SENSE OF CONGRESS.—It is the Sense of Con-
2 gress that the Honorable Ellen O. Tauscher, Representa-
3 tive from California, has served the House of Representa-
4 tives and the American people selflessly and with distinc-
5 tion, and that she deserves the sincere and humble grati-
6 tude of Congress and the Nation.

7 **SEC. 1049. SENSE OF CONGRESS CONCERNING THE DIS-**
8 **POSITION OF SUBMARINE NR-1.**

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

11 (1) The Deep Submergence Vessel NR-1 (here-
12 inafter in this section referred to as “NR-1”) was
13 built by the Electric Boat Company in Groton, Con-
14 necticut, entered service in 1969, and was the only
15 nuclear-powered research submersible in the United
16 States Navy.

17 (2) NR-1 was assigned to Naval Submarine
18 Base New London, located in Groton, Connecticut
19 throughout her entire service life.

20 (3) NR-1 was inactivated in December 2008.

21 (4) Due to the unique capabilities of NR-1, it
22 conducted numerous missions of significant military
23 and scientific value most notably in the fields of geo-
24 logical survey and oceanographic research.

1 (5) In 1986, NR-1 played a key role in the
2 search for and recovery of the Space Shuttle Chal-
3 lenger.

4 (6) The mission of the Submarine Force Li-
5 brary and Museum in Groton, Connecticut, is to col-
6 lect, preserve, and interpret the history of the
7 United States Naval Submarine Force in order to
8 honor veterans and to educate naval personnel and
9 the public in the heritage and traditions of the Sub-
10 marine Force.

11 (7) NR-1 is a unique and irreplaceable part of
12 the history of the Navy and the Submarine Force
13 and an educational and historical asset that should
14 be shared with the Nation and the world.

15 (b) SENSE OF CONGRESS.—It is the Sense of Con-
16 gress that—

17 (1) NR-1 is a unique and irreplaceable part of
18 the Nation's history and as much of the vessel as
19 possible should be preserved for the historical and
20 educational benefit of all Americans at the Sub-
21 marine Force Museum and Library in Groton, Con-
22 necticut; and

23 (2) the Secretary of the Navy should ensure
24 that as much of the vessel as possible, including
25 unique components of on-board equipment and clear-

1 ly recognizable sections of the hull and super-
2 structure, to the full extent practicable, are made
3 available for transfer to the Submarine Force Mu-
4 seum and Library.

5 **SEC. 1050. COMPLIANCE WITH REQUIREMENT FOR PLAN**
6 **ON THE DISPOSITION OF DETAINEES AT**
7 **NAVAL STATION, GUANTANAMO BAY, CUBA.**

8 The Secretary of Defense shall comply with the re-
9 quirements of section 1023(b) of this Act, regarding the
10 transfer or release of the individuals detained at Naval
11 Station, Guantanamo Bay, Cuba.

12 **SEC. 1051. SENSE OF CONGRESS REGARDING CARRIER AIR**
13 **WING FORCE STRUCTURE.**

14 (a) FINDINGS.—Congress makes the following find-
15 ings:

16 (1) The requirement of section 5062(b) of title
17 10, United States Code, for the Navy to maintain
18 not less than 11 operational aircraft carriers, means
19 that the naval combat forces of the Navy also in-
20 clude not less than 10 carrier air wings.

21 (2) The Department of the Navy currently re-
22 quires a carrier air wing to include not less than 44
23 strike fighter aircraft.

24 (3) In spite of the potential warfighting benefits
25 that may result in the deployment of fifth-generation

1 strike fighter aircraft, for the foreseeable future the
2 majority of the strike fighter aircraft assigned to a
3 carrier air wing will not be fifth-generation assets.

4 (b) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that—

6 (1) in addition to the forces described in section
7 5062(b) of title 10, United States Code, the naval
8 combat forces of the Navy should include not less
9 than 10 carrier air wings (even if the number of air-
10 craft carriers is temporarily reduced) that are com-
11 prised of, in addition to any other aircraft, not less
12 than 44 strike fighter aircraft; and

13 (2) the Secretary of the Navy should take all
14 appropriate actions necessary to make resources
15 available in order to include such number of strike
16 fighter aircraft in each carrier air wing.

17 **SEC. 1052. SENSE OF CONGRESS ON DEPARTMENT OF DE-**

18 **ENSE FINANCIAL IMPROVEMENT AND**

19 **AUDIT READINESS; PLAN.**

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

22 (1) The Department of Defense is the largest
23 agency in the Federal Government, owning 86 per-
24 cent of the Government's assets, estimated at \$4.6
25 trillion.

1 (2) It is essential that the Department maintain
2 strong financial management and business systems
3 that allow for comprehensive auditing, in order to
4 improve financial management government-wide and
5 to achieve an opinion on the Federal Government's
6 consolidated financial statements.

7 (3) Several major pieces of legislation, such as
8 the Chief Financial Officers Act of 1990 (Public
9 Law 101-576) and the Federal Financial Manage-
10 ment Improvement Act of 1996 (Public Law 104-
11 208; 31 U.S.C. 3512 note) have required published
12 financial statement audits, reporting by auditors re-
13 garding whether the Department's financial manage-
14 ment systems comply substantially with Federal ac-
15 counting standards, and other measures intended to
16 ensure financial management systems of the Depart-
17 ment provide accurate, reliable, and timely financial
18 management information.

19 (4) Nevertheless, according to the January
20 2009 update to the Government Accountability Of-
21 fice High Risk Series, to date, only “* * * the U.S.
22 Army Corps of Engineers, Civil Works has achieved
23 a clean audit opinion on its financial statements.
24 None of the military services have received favorable
25 financial statement audit opinions, and the Depart-

1 ment has annually acknowledged that long-standing
2 pervasive weaknesses in its business systems, proc-
3 esses, and controls have prevented auditors from de-
4 termining the reliability of reported financial state-
5 ment information.”.

6 (5) In response to a congressional mandate, the
7 Department issued its first biennial Financial Im-
8 provement and Audit Readiness Plan in December
9 2005, to delineate its strategy for addressing finan-
10 cial management challenges and achieving clean
11 audit opinions. This 2005 report projected that 69
12 percent of assets and 80 percent of liabilities would
13 be “clean” by 2009, yet in the latest report in
14 March 2009 the Department projects it will achieve
15 an unqualified audit on only 45 percent of its assets
16 and liabilities by 2009. The Department of Defense
17 is falling behind its original plan to achieve full com-
18 pliance with the law by 2017.

19 (6) Following the passage of the Sarbanes-
20 Oxley Act of 2002 (Public Law 107–204), publicly
21 traded corporations in the United States would face
22 severe penalties for similar deficiencies in financial
23 management and accountability.

24 (b) SENSE OF CONGRESS.—It is the sense of Con-
25 gress that it is no longer excusable to allow poor business

1 systems, a deficiency of resource allocation, or a lack of
2 commitment from senior Department of Defense leader-
3 ship to foster waste or non-accountability to the United
4 States taxpayer. It is the further sense of Congress that
5 the Secretary of Defense has not made compliance with
6 financial management and audit readiness standards a top
7 priority and should require, through the Chief Manage-
8 ment Officer of the Department of Defense, that each
9 component of the Department develop and implement a
10 specific plan to become compliant with the law well in ad-
11 vance of 2017.

12 (c) PLAN.—In the next update of the Financial Im-
13 provement and Audit Readiness Plan, following the date
14 of the enactment of this Act, the Secretary of Defense
15 shall outline a plan to achieve a full, unqualified audit of
16 the Department of Defense by September 30, 2013. In
17 the plan, the Secretary shall also identify a mechanism
18 to conduct audits of the military intelligence programs and
19 agencies and to submit audited financial statements for
20 such agencies to Congress in a classified manner.

21 **SEC. 1053. JUSTICE FOR VICTIMS OF TORTURE AND TER-**
22 **RORISM.**

23 (a) FINDINGS.—Congress makes the following find-
24 ings:

1 (1) At the request of President George W.
2 Bush, Congress permitted the President to waive ap-
3 plicable provisions of the National Defense Author-
4 ization Act for Fiscal Year 2008 with respect to ju-
5 dicially cognizable claims of American victims of tor-
6 ture and hostage taking by the Government of Iraq.

7 (2) In return, however, Congress requested the
8 executive branch to resolve these claims through ne-
9 gotiations with Iraq.

10 (3) After considerable delay, officials of the De-
11 partment of State have informed Members of Con-
12 gress that these negotiations are underway.

13 (4) Congress appreciates the start of the nego-
14 tiations and will monitor the progress in the prompt
15 and equitable resolution of these claims.

16 (5) Congress notes that the House of Rep-
17 resentatives in the 110th Congress unanimously
18 adopted H.R. 5167, the Justice for Victims of Tor-
19 ture and Terrorism Act, which set forth an appro-
20 priate compromise of these claims.

21 (6) In the interest of assisting the new demo-
22 cratic government of Iraq, H.R. 5167 offers a con-
23 siderable compromise to all parties involved by
24 waiving all punitive damages awarded by the courts

1 in these cases, as well as approximately two-thirds of
2 compensatory damages awarded by the courts.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that as the negotiations to resolve the claims of
5 American victims of torture and hostage taking by the
6 Government of Iraq that are referred to in subsection
7 (a)(1) proceed, Congress continues to view the provisions
8 of H.R. 5167 of the 110th Congress as representing a fair
9 compromise of these claims.

10 **SEC. 1054. REPEAL OF CERTAIN LAWS PERTAINING TO THE**
11 **JOINT COMMITTEE FOR THE REVIEW OF**
12 **COUNTERPROLIFERATION PROGRAMS OF**
13 **THE UNITED STATES.**

14 (a) JOINT COMMITTEE FOR THE REVIEW OF
15 COUNTERPROLIFERATION PROGRAMS.—Section 1605 of
16 the National Defense Authorization Act for Fiscal Year
17 1994 (Public Law 103–160; 22 U.S.C. 2751 note) is re-
18 pealed.

19 (b) BIENNIAL REPORT ON COUNTERPROLIFERATION
20 ACTIVITIES AND PROGRAMS.—Section 1503 of the Na-
21 tional Defense Authorization Act for Fiscal Year 1995
22 (Public Law 103–337; 22 U.S.C. 2751 note) is repealed.

1 **SEC. 1055. NOTIFICATION AND ACCESS OF INTERNATIONAL**
2 **COMMITTEE OF THE RED CROSS WITH RE-**
3 **SPECT TO DETAINEES AT THEATER INTERN-**
4 **MENT FACILITY AT BAGRAM AIR BASE, AF-**
5 **GHANISTAN.**

6 (a) NOTIFICATION.—The head of a military service
7 or department, or of a Federal department or agency, that
8 has custody or effective control of the Theater Internment
9 Facility at Bagram Air Base, Afghanistan, or of any indi-
10 vidual detained at such facility, shall, upon the detention
11 of any such individual at facility, notify the International
12 Committee of the Red Cross (referred to in this section
13 as the “ICRC”) of such custody or effective control, as
14 soon as possible.

15 (b) ACCESS.—The head of a military service or de-
16 partment, or of a Federal department or agency, with ef-
17 fective control of the Theater Internment Facility at
18 Bagram Air Base, Afghanistan, pursuant to subsection
19 (a), shall ensure ICRC access to any detainee within 24
20 hours of the receipt by such head of an ICRC request to
21 access the detainee. Such access to the detainee shall con-
22 tinue pursuant to ICRC protocols and agreements reached
23 between the ICRC and the head of a military service or
24 department, or of a Federal department or agency, with
25 effective control over the Theater Internment Facility at
26 Bagram Air Base, Afghanistan.

1 (c) SCOPE OF ACCESS.—The ICRC shall be provided
2 access, in accordance with this section, to any physical lo-
3 cality at the Theater Internment Facility at Bagram Air
4 Base, Afghanistan, determined by the ICRC to be relevant
5 to the treatment of the detainee, including the detainee’s
6 cell or room, interrogation facilities or rooms, hospital or
7 related health care facilities or rooms, or other locations
8 not named in this section.

9 (d) CONSTRUCTION.—Nothing in this section shall be
10 construed to—

11 (1) create or modify the authority of a military
12 service or department, a Federal law enforcement
13 agency, or the intelligence community to detain an
14 individual; or

15 (2) limit or otherwise affect any other rights or
16 obligations which may arise under the Geneva Con-
17 ventions, other international agreements, or other
18 laws, or to state all of the situations under which no-
19 tification to and access for the International Com-
20 mittee of the Red Cross is required or allowed.

21 **SEC. 1056. SENSE OF CONGRESS HONORING THE HONOR-**
22 **ABLE JOHN M. MCHUGH.**

23 (a) FINDINGS.—Congress makes the following find-
24 ings:

1 (1) In 1993, Representative John M. McHugh
2 was elected to represent New York's 23rd Congres-
3 sional district, which is located in northern New
4 York and consists of Clinton, Hamilton, Lewis,
5 Oswego, Madison, and Saint Lawrence counties and
6 parts of Essex, Franklin, Fulton, and Oneida coun-
7 ties.

8 (2) Representative McHugh also represents
9 Fort Drum, home of the 10th Mountain Division.

10 (3) Prior to his service in Congress, Represent-
11 ative McHugh served four terms in the New York
12 State Senate, representing the 48th district from
13 1984 to 1992.

14 (4) Representative McHugh began his public
15 service career in 1971 in his hometown of Water-
16 town, New York, where he served for five years as
17 a Confidential Assistant to the City Manager.

18 (5) Subsequently, Representative McHugh
19 served for nine years as Chief of Research and Liai-
20 son with local governments for New York State Sen-
21 ator H. Douglas Barclay.

22 (6) Representative McHugh is known by his
23 colleagues as a leader on national defense and secu-
24 rity issues and a tireless advocate for America's mili-
25 tary personnel and their families.

1 (7) During his tenure, he has led the effort to
2 increase Army and Marine Corps end-strength levels,
3 increase military personnel pay, reduce the unfair
4 tax on veterans' disability and military retired pay
5 (concurrent receipt) and safeguard military retiree
6 benefits for our troops.

7 (8) Since the 103rd Congress, Representative
8 McHugh has served on the Armed Services Com-
9 mittee of the House of Representatives and subse-
10 quently was appointed Chairman of the Morale, Wel-
11 fare, and Recreation Panel before being appointed
12 Chairman of the Military Personnel Subcommittee.

13 (9) Representative McHugh began serving on
14 the United States Military Academy Board of Visi-
15 tors in 1995, and he was appointed to the Board of
16 Visitors by the Speaker of the House in 2007.

17 (10) In the 111th Congress, Representative
18 McHugh was appointed Ranking Member of the
19 Armed Services Committee of the House of Rep-
20 resentatives by the Republican membership of the
21 House of Representatives.

22 (11) On June 2, 2009, the President announced
23 his intention to nominate Representative McHugh to
24 serve as the Secretary of the Army.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that the Honorable John M. McHugh, Representa-
3 tive from New York, has served the House of Representa-
4 tives and the American people selflessly and with distinc-
5 tion and that he deserves the sincere and humble gratitude
6 of Congress and the Nation.

7 **SEC. 1057. PUBLIC DISCLOSURE OF NAMES OF STUDENTS**
8 **AND INSTRUCTORS AT WESTERN HEMI-**
9 **SPHERE INSTITUTE FOR SECURITY CO-**
10 **OPERATION.**

11 Section 2166 of title 10, United States Code, is
12 amended by adding at the end the following new sub-
13 section:

14 “(j) PUBLIC DISCLOSURE OF STUDENTS AND IN-
15 STRUCTORS.—(1) The Secretary of Defense shall release
16 to the public, upon request, the information described in
17 paragraph (2) for each of fiscal years 2005, 2006, 2007,
18 2008, and 2009, and any fiscal year thereafter.

19 “(2) The information to be released under paragraph
20 (1) shall include the following with respect to the fiscal
21 year covered:

22 “(A) The entire name, including the first, mid-
23 dle, and maternal and paternal surnames, with re-
24 spect to each student and instructor at the Institute.

25 “(B) The rank of each student and instructor.

1 “(C) The country of origin of each student and
2 instructor.

3 “(D) The courses taken by each student.

4 “(E) The courses taught by each instructor.

5 “(F) Any years of attendance by each student
6 in addition to the fiscal year covered.”.

7 **SEC. 1058. REQUIREMENT FOR VIDEOTAPING OR OTHER-**
8 **WISE ELECTRONICALLY RECORDING STRA-**
9 **TEGIC INTELLIGENCE INTERROGATIONS OF**
10 **PERSONS IN THE CUSTODY OF OR UNDER**
11 **THE EFFECTIVE CONTROL OF THE DEPART-**
12 **MENT OF DEFENSE.**

13 (a) FINDINGS.—Congress makes the following find-
14 ings:

15 (1) In January 2009, the Secretary of Defense
16 tasked a special Department of Defense team to re-
17 view the conditions of confinement at Naval Station,
18 Guantanamo Bay, Cuba, to ensure all detainees
19 there are being held “in conformity with all applica-
20 ble laws governing the conditions of confinement, in-
21 cluding Common Article 3 of the Geneva Conven-
22 tions”, pursuant to the President’s Executive Order
23 on Review and Disposition of Individuals Detained
24 at the Guantánamo Bay Naval Base and Closure of
25 Detention Facilities, dated January 22, 2009.

1 (2) That review, led by Admiral Patrick M.
2 Walsh, included as one of its five key recommenda-
3 tions the following statement: “Fourth, we endorse
4 the use of video recording in all camps and for all
5 interrogations. The use of video recordings to con-
6 firm humane treatment could be an important en-
7 abler for detainee operations. Just as internal con-
8 trols provide standardization, the use of video re-
9 cordings provides the capability to monitor perform-
10 ance and maintain accountability.”.

11 (3) Congress concurs and finds that the imple-
12 mentation of such a detainee videorecording require-
13 ment within the Department of Defense is in the na-
14 tional security interest of the United States.

15 (b) IN GENERAL.—In accordance with the Army
16 Field Manual on Human Intelligence Collector Operations
17 (FM 2–22.3, September 2006), or any successor thereto,
18 and the guidelines developed pursuant to subsection (f),
19 the Secretary of Defense shall take such actions as are
20 necessary to ensure the videotaping or otherwise electroni-
21 cally recording of each strategic intelligence interrogation
22 of any person who is in the custody or under the effective
23 control of the Department of Defense or under detention
24 in a Department of Defense facility.

1 (c) CLASSIFICATION OF INFORMATION.—To protect
2 United States national security, the safety of the individ-
3 uals conducting or assisting in the conduct of a strategic
4 intelligence interrogation, and the privacy of persons de-
5 scribed in subsection (b), the Secretary of Defense shall
6 provide for the appropriate classification of video tapes or
7 other electronic recordings made pursuant to subsection
8 (b). The use of such classified video tapes or other elec-
9 tronic recordings in proceedings conducted under the De-
10 tainee Treatment Act of 2005 (title 14 of Public Law
11 109–163 and title 10 of Public Law 109–148), the Mili-
12 tary Commissions Act of 2006 (10 U.S.C. 948 et seq.;
13 Public Law 109–366), or any other provision of law shall
14 be governed by applicable rules, regulations, and law.

15 (d) STRATEGIC INTELLIGENCE INTERROGATION DE-
16 FINED.—For purposes of this section, the term “strategic
17 intelligence interrogation” means an interrogation of a
18 person described in subsection (b) conducted at a theater-
19 level detention facility.

20 (e) EXCLUSION.—Nothing in this section shall be
21 construed as requiring—

22 (1) any member of the Armed Forces engaged
23 in direct combat operations to videotape or otherwise
24 electronically record a person described in subsection
25 (b); or

1 (2) the videotaping or other electronic recording
2 of tactical questioning, as such term is defined in
3 the Army Field Manual on Human Intelligence Col-
4 lector Operations (FM 2–22.3, September 2006), or
5 any successor thereto.

6 (f) GUIDELINES FOR VIDEOTAPE AND OTHER ELEC-
7 TRONIC RECORDINGS.—

8 (1) DEVELOPMENT OF GUIDELINES.—The Sec-
9 retary of Defense, acting through the Judge Advo-
10 cates General (as defined in section 801(1) of title
11 10, United States Code, (Article 1 of the Uniform
12 Code of Military Justice)), shall develop and adopt
13 uniform guidelines designed to ensure that the
14 videotaping or other electronic recording required
15 under subsection (b), at a minimum—

16 (A) promotes full compliance with the laws
17 of the United States;

18 (B) is maintained for a length of time that
19 serves the interests of justice in cases for which
20 trials are being or may be conducted pursuant
21 to the Detainee Treatment Act of 2005 (title 14
22 of Public Law 109–163 and title 10 of Public
23 Law 109–148), the Military Commissions Act
24 of 2006 (10 U.S.C. 948 et seq.; Public Law
25 109–366), or any other provision of law;

1 (C) promotes the exploitation of intel-
2 ligence; and

3 (D) ensures the safety of all participants
4 in the interrogations.

5 (2) SUBMITTAL TO CONGRESS.—Not later than
6 30 days after the date of the enactment of this sec-
7 tion, the Secretary of Defense shall submit to the
8 Committees on Armed Services of the Senate and
9 House of Representatives a report containing the
10 guidelines developed under paragraph (1). Such re-
11 port shall be in an unclassified form but may include
12 a classified annex.

13 **TITLE XI—CIVILIAN PERSONNEL**
14 **MATTERS**

Sec. 1101. Authority to employ individuals completing the National Security Education Program.

Sec. 1102. Authority for employment by Department of Defense of individuals who have successfully completed the requirements of the science, mathematics, and research for transformation (SMART) defense scholarship program.

Sec. 1103. Authority for the employment of individuals who have successfully completed the Department of Defense information assurance scholarship program.

Sec. 1104. Additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.

Sec. 1105. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.

Sec. 1106. Extension of certain benefits to Federal civilian employees on official duty in Pakistan.

Sec. 1107. Authority to expand scope of provisions relating to unreduced compensation for certain reemployed annuitants.

Sec. 1108. Requirement for Department of Defense strategic workforce plans.

Sec. 1109. Adjustments to limitations on personnel and requirement for annual manpower reporting.

Sec. 1110. Modification to Department of Defense laboratory personnel authority.

Sec. 1111. Pilot program for the temporary exchange of information technology personnel.

Sec. 1112. Provisions relating to the National Security Personnel System.

Sec. 1113. Provisions relating to the Defense Civilian Intelligence Personnel System.

Sec. 1114. Sense of Congress on pay parity for Federal employees service at Joint Base McGuire/Dix/Lakehurst.

1 **SEC. 1101. AUTHORITY TO EMPLOY INDIVIDUALS COM-**
 2 **PLETING THE NATIONAL SECURITY EDU-**
 3 **CATION PROGRAM.**

4 (a) **AUTHORITY FOR EMPLOYMENT.**—Section 802 of
 5 the David L. Boren National Security Education Act of
 6 1991 (50 U.S.C. 1902) is amended by adding at the end
 7 the following new subsection:

8 “(k) **EMPLOYMENT OF PROGRAM PARTICIPANTS.**—
 9 The Secretary of Defense, the head of an element of the
 10 intelligence community, the Secretary of Homeland Secu-
 11 rity, the Secretary of State, or the head of a Federal agen-
 12 cy or office identified by the Secretary of Defense under
 13 subsection (g) as having national security responsibil-
 14 ities—

15 “(1) may, without regard to any provision of
 16 title 5 governing appointment of employees to posi-
 17 tions in the Department of Defense, an element of
 18 the intelligence community, the Department of
 19 Homeland Security, the Department of State, or
 20 such Federal agency or office, appoint to a position
 21 that is identified under subsection (b)(2)(A)(i) as
 22 having national security responsibilities, or to a posi-

1 tion in such Federal agency or office, in the excepted
2 service an individual who has successfully completed
3 an academic program for which a scholarship or fel-
4 lowship under this section was awarded and who,
5 under the terms of the agreement for such scholar-
6 ship or fellowship, at the time of such appointment
7 owes a service commitment to such Department,
8 such element, or such Federal agency or office; and

9 “(2) may, upon satisfactory completion of two
10 years of substantially continuous service by an in-
11 cumbent who was appointed to an excepted service
12 position under the authority of paragraph (1), con-
13 vert the appointment of such individual, without
14 competition, to a career or career conditional ap-
15 pointment.”.

16 (b) TECHNICAL AMENDMENT.—Section 808 of such
17 Act (50 U.S.C. 1908) is amended by adding at the end
18 the following new paragraph:

19 “(6) The term ‘intelligence community’ has the
20 meaning given the term in section 3(4) of the Na-
21 tional Security Act of 1947 (50 U.S.C. 401a(4)).”.

1 **SEC. 1102. AUTHORITY FOR EMPLOYMENT BY DEPART-**
2 **MENT OF DEFENSE OF INDIVIDUALS WHO**
3 **HAVE SUCCESSFULLY COMPLETED THE RE-**
4 **QUIREMENTS OF THE SCIENCE, MATHE-**
5 **MATICS, AND RESEARCH FOR TRANS-**
6 **FORMATION (SMART) DEFENSE SCHOLAR-**
7 **SHIP PROGRAM.**

8 (a) AUTHORITY FOR EMPLOYMENT.—Subsection (d)
9 of section 2192a of title 10, United States Code, is amend-
10 ed to read as follows:

11 “(d) EMPLOYMENT OF PROGRAM PARTICIPANTS.—
12 The Secretary of Defense—

13 “(1) may, without regard to any provision of
14 title 5 governing appointment of employees to posi-
15 tions in the Department of Defense, appoint to a po-
16 sition in the Department of Defense in the excepted
17 service an individual who has successfully completed
18 an academic program for which a scholarship or fel-
19 lowship under this section was awarded and who,
20 under the terms of the agreement for such scholar-
21 ship or fellowship, at the time of such appointment
22 owes a service commitment to the Department; and

23 “(2) may, upon satisfactory completion of two
24 years of substantially continuous service by an in-
25 cumbent who was appointed to an excepted service
26 position under the authority of paragraph (1), con-

1 vert the appointment of such individual, without
2 competition, to a career or career conditional ap-
3 pointment.”.

4 (b) CONFORMING AMENDMENT.—Subsection (e)(2)
5 of such section is amended by striking “Except as pro-
6 vided in subsection (d), the” in the second sentence and
7 inserting “The”.

8 (c) TECHNICAL AMENDMENTS.—Subsection (f) of
9 such section is amended—

10 (1) by striking the first sentence; and

11 (2) by striking “the authorities provided in such
12 chapter” and inserting “the other authorities pro-
13 vided in this chapter”.

14 (d) REPEAL OF OBSOLETE PROVISION.—Such sec-
15 tion is further amended by striking subsection (g).

16 **SEC. 1103. AUTHORITY FOR THE EMPLOYMENT OF INDIVID-**
17 **UALS WHO HAVE SUCCESSFULLY COM-**
18 **PLETED THE DEPARTMENT OF DEFENSE IN-**
19 **FORMATION ASSURANCE SCHOLARSHIP PRO-**
20 **GRAM.**

21 Section 2200a of title 10, United States Code, is
22 amended by adding at the end the following new sub-
23 section:

24 “(g) EMPLOYMENT OF PROGRAM PARTICIPANTS.—
25 The Secretary of Defense—

1 “(1) may, without regard to any provision of
2 title 5 governing appointments in the competitive
3 service, appoint to an information technology posi-
4 tion in the Department of Defense in the excepted
5 service an individual who has successfully completed
6 an academic program for which a scholarship under
7 this section was awarded and who, under the terms
8 of the agreement for such scholarship, at the time
9 of such appointment owes a service commitment to
10 the Department; and

11 “(2) may, upon satisfactory completion of two
12 years of substantially continuous service by an in-
13 cumbent who was appointed to an excepted service
14 position under the authority of paragraph (1), con-
15 vert the appointment of such individual, without
16 competition, to a career or career conditional ap-
17 pointment.”.

18 **SEC. 1104. ADDITIONAL PERSONNEL AUTHORITIES FOR**
19 **THE SPECIAL INSPECTOR GENERAL FOR AF-**
20 **GHANISTAN RECONSTRUCTION.**

21 Section 1229(h) of the National Defense Authoriza-
22 tion Act for Fiscal Year 2008 (Public Law 110–181; 122
23 Stat. 381) is amended by striking paragraph (1) and in-
24 serting the following:

25 “(1) PERSONNEL.—

1 “(A) IN GENERAL.—The Inspector General
2 may select, appoint, and employ such officers
3 and employees as may be necessary for carrying
4 out the duties of the Inspector General, subject
5 to the provisions of title 5, United States Code,
6 governing appointments in the competitive serv-
7 ice, and the provisions of chapter 51 and sub-
8 chapter III of chapter 53 of such title, relating
9 to classification and General Schedule pay
10 rates.

11 “(B) ADDITIONAL AUTHORITIES.—

12 “(i) IN GENERAL.—Subject to clause
13 (ii), the Inspector General may exercise the
14 authorities of subsections (b) through (i) of
15 section 3161 of title 5, United States Code
16 (without regard to subsection (a) of that
17 section).

18 “(ii) PERIODS OF APPOINTMENTS.—

19 In exercising the employment authorities
20 under subsection (b) of section 3161 of
21 title 5, United States Code, as provided
22 under clause (i) of this subparagraph—

23 “(I) paragraph (2) of that sub-
24 section (relating to periods of appoint-
25 ments) shall not apply; and

1 “(II) no period of appointment
2 may exceed the date on which the Of-
3 fice of the Special Inspector General
4 for Afghanistan Reconstruction termi-
5 nates under subsection (o).”.

6 **SEC. 1105. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE**
7 **ANNUAL LIMITATION ON PREMIUM PAY AND**
8 **AGGREGATE LIMITATION ON PAY FOR FED-**
9 **ERAL CIVILIAN EMPLOYEES WORKING OVER-**
10 **SEAS.**

11 Subsection (a) of section 1101 of the Duncan Hunter
12 National Defense Authorization Act for Fiscal Year 2009
13 (Public Law 110–417; 122 Stat. 4615), is amended by
14 striking “calendar year 2009” and inserting “calendar
15 years 2009 and 2010”.

16 **SEC. 1106. EXTENSION OF CERTAIN BENEFITS TO FEDERAL**
17 **CIVILIAN EMPLOYEES ON OFFICIAL DUTY IN**
18 **PAKISTAN.**

19 Section 1603(a)(2) of the Emergency Supplemental
20 Appropriations Act for Defense, the Global War on Ter-
21 ror, and Hurricane Recovery, 2006 (Public Law 109–234;
22 120 Stat. 443), as amended by section 1102 of the Dun-
23 can Hunter National Defense Authorization Act for Fiscal
24 Year 2009 (Public Law 110–417;122 Stat. 4616), is

1 amended by inserting “Pakistan or” after “is on official
2 duty in”.

3 **SEC. 1107. AUTHORITY TO EXPAND SCOPE OF PROVISIONS**
4 **RELATING TO UNREDUCED COMPENSATION**
5 **FOR CERTAIN REEMPLOYED ANNUITANTS.**

6 (a) IN GENERAL.—Section 9902(h) of title 5, United
7 States Code, is amended—

8 (1) by redesignating paragraph (3) as para-
9 graph (4); and

10 (2) by inserting after paragraph (2) the fol-
11 lowing:

12 “(3) Benefits similar to those provided by para-
13 graphs (1) and (2) may be extended, in accordance
14 with regulations prescribed by the President, so as
15 to be made available with respect to reemployed an-
16 nuitants within the Department of Defense who are
17 subject to such other retirement systems for Govern-
18 ment employees as may be provided for under such
19 regulations.”.

20 (b) CONFORMING AMENDMENT.—Paragraph (4) of
21 section 9902(h) of such title 5 (as so designated by sub-
22 section (a)(1)) is amended by striking the period and in-
23 serting “, excluding paragraph (3).”.

1 **SEC. 1108. REQUIREMENT FOR DEPARTMENT OF DEFENSE**
2 **STRATEGIC WORKFORCE PLANS.**

3 (a) CODIFICATION OF REQUIREMENT FOR STRA-
4 TEGIC WORKFORCE PLAN.—

5 (1) IN GENERAL.—Chapter 2 of title 10, United
6 States Code, is amended by adding after section
7 115a the following new section:

8 **“§ 115b. Annual strategic workforce plan**

9 “(a) ANNUAL PLAN REQUIRED.—(1) The Secretary
10 of Defense shall submit to the congressional defense com-
11 mittees on an annual basis a strategic workforce plan to
12 shape and improve the civilian employee workforce of the
13 Department of Defense.

14 “(2) The Under Secretary of Defense for Personnel
15 and Readiness shall have overall responsibility for devel-
16 oping and implementing the strategic workforce plan, in
17 consultation with the Under Secretary of Defense for Ac-
18 quisition, Technology, and Logistics.

19 “(b) CONTENTS.—Each strategic workforce plan
20 under subsection (a) shall include, at a minimum, the fol-
21 lowing:

22 “(1) An assessment of—

23 “(A) the critical skills and competencies
24 that will be needed in the future within the ci-
25 vilian employee workforce by the Department of
26 Defense to support national security require-

1 ments and effectively manage the Department
2 during the seven-year period following the year
3 in which the plan is submitted;

4 “(B) the appropriate mix of military, civil-
5 ian, and contractor personnel capabilities;

6 “(C) the critical skills and competencies of
7 the existing civilian employee workforce of the
8 Department and projected trends in that work-
9 force based on expected losses due to retirement
10 and other attrition; and

11 “(D) gaps in the existing or projected civil-
12 ian employee workforce of the Department that
13 should be addressed to ensure that the Depart-
14 ment has continued access to the critical skills
15 and competencies described in subparagraphs
16 (A) and (C).

17 “(2) A plan of action for developing and re-
18 shaping the civilian employee workforce of the De-
19 partment to address the gaps in critical skills and
20 competencies identified under paragraph (1)(D), in-
21 cluding—

22 “(A) specific recruiting and retention
23 goals, especially in areas identified as critical
24 skills and competencies under paragraph (1),
25 including the program objectives of the Depart-

1 ment to be achieved through such goals and the
2 funding needed to achieve such goals;

3 “(B) specific strategies for developing,
4 training, deploying, compensating, and moti-
5 vating the civilian employee workforce of the
6 Department, including the program objectives
7 of the Department to be achieved through such
8 strategies and the funding needed to implement
9 such strategies;

10 “(C) any incentives necessary to attract or
11 retain any civilian personnel possessing the
12 skills and competencies identified in paragraph
13 (1);

14 “(D) any changes in the number of per-
15 sonnel authorized in any category of personnel
16 listed in subsection (f)(1) or in the acquisition
17 workforce that may be needed to address such
18 gaps and effectively meet the needs of the De-
19 partment;

20 “(E) any changes in the rates or methods
21 of pay for any category of personnel listed in
22 subsection (f)(1) or in the acquisition workforce
23 that may be needed to address inequities and
24 ensure that the Department has full access to
25 appropriately qualified personnel to address

1 such gaps and meet the needs of the Depart-
2 ment; and

3 “(F) any legislative changes that may be
4 necessary to achieve the goals referred to in
5 subparagraph (A).

6 “(3) An assessment, using results-oriented per-
7 formance measures, of the progress of the Depart-
8 ment in implementing the strategic workforce plan
9 under this section during the previous year.

10 “(4) Any additional matters the Secretary of
11 Defense considers necessary to address.

12 “(c) SENIOR MANAGEMENT, FUNCTIONAL, AND
13 TECHNICAL WORKFORCE.—Each strategic workforce plan
14 under subsection (a) shall specifically address the shaping
15 and improvement of the senior management, functional,
16 and technical workforce (including scientists and engi-
17 neers) of the Department of Defense, including the re-
18 quirements set forth in subparagraphs (A) through (F)
19 of subsection (b)(2).

20 “(d) DEFENSE ACQUISITION WORKFORCE.—(1)
21 Each strategic workforce plan under subsection (a) shall
22 specifically address the shaping and improvement of the
23 defense acquisition workforce, including both military and
24 civilian personnel.

1 “(2) For purposes of paragraph (1), each plan shall
2 specifically address—

3 “(A) the requirements set forth in subpara-
4 graphs (A) through (F) of subsection (b)(2);

5 “(B) a plan for funding needed improvements
6 in the military and civilian workforce of the Depart-
7 ment, including—

8 “(i) the funding programmed for defense
9 acquisition workforce improvements, including a
10 specific identification of funding provided in the
11 Department of Defense Acquisition Workforce
12 Fund established under section 1705 of this
13 title, along with a description of how such fund-
14 ing is being implemented and whether it is
15 being fully used; and

16 “(ii) a description of any continuing short-
17 falls in funding available for the acquisition
18 workforce.

19 “(e) SUBMITTALS BY SECRETARIES OF THE MILI-
20 TARY DEPARTMENTS AND HEADS OF THE DEFENSE
21 AGENCIES.—The Secretary of Defense shall require the
22 Secretary of each military department and the head of
23 each Defense Agency to submit a report to the Secretary
24 addressing each of the matters described in this section.
25 The Secretary of Defense shall establish a deadline for the

1 submittal of reports under this subsection that enables the
2 Secretary to consider the material submitted in a timely
3 manner and incorporate such material, as appropriate,
4 into the strategic workforce plan required by this section.

5 “(f) DEFINITIONS.—In this section:

6 “(1) The term ‘senior management, functional,
7 and technical workforce of the Department of De-
8 fense’ includes the following categories of Depart-
9 ment of Defense civilian personnel:

10 “(A) Appointees in the Senior Executive
11 Service under section 3131 of title 5.

12 “(B) Persons serving in positions described
13 in section 5376(a) of title 5.

14 “(C) Highly qualified experts appointed
15 pursuant to section 9903 of title 5.

16 “(D) Scientists and engineers appointed
17 pursuant to section 342(b) of the National De-
18 fense Authorization Act for Fiscal Year 1995
19 (Public Law 103–337; 108 Stat. 2721), as
20 amended by section 1114 of the Floyd D.
21 Spence National Defense Authorization Act for
22 Fiscal Year 2001 (as enacted into law by Public
23 Law 106–398 (114 Stat. 1654A–315)).

24 “(E) Scientists and engineers appointed
25 pursuant to section 1101 of the Strom Thur-

1 mond National Defense Authorization Act for
2 Fiscal Year 1999 (5 U.S.C. 3104 note).

3 “(F) Persons serving in the Defense Intel-
4 ligence Senior Executive Service under section
5 1606 of this title.

6 “(G) Persons serving in Intelligence Senior
7 Level positions under section 1607 of this title.

8 “(2) The term ‘acquisition workforce’ includes
9 individuals designated under section 1721 as filling
10 acquisition positions.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
12 tions at the beginning of chapter 2 of such title is
13 amended by inserting after the item relating to sec-
14 tion 115a the following new item:

 “115b. Annual strategic workforce plan.”.

15 (b) COMPTROLLER GENERAL REVIEW.—Not later
16 than 180 days after the date on which the Secretary of
17 Defense submits to the congressional defense committees
18 an annual strategic workforce plan under section 115b of
19 title 10, United States Code (as added by subsection (a)),
20 in each of 2009, 2010, 2011, and 2012, the Comptroller
21 General of the United States shall submit to the congres-
22 sional defense committees a report on the plan so sub-
23 mitted.

24 (c) CONFORMING REPEALS.—The following provi-
25 sions are repealed:

1 (1) Section 1122 of the National Defense Au-
2 thorization Act for Fiscal Year 2006 (Public Law
3 109–163; 119 Stat. 3452; 10 U.S.C. note prec.
4 1580).

5 (2) Section 1102 of the John Warner National
6 Defense Authorization Act for Fiscal Year 2007
7 (Public Law 109–364; 120 Stat. 2407).

8 (3) Section 851 of the National Defense Au-
9 thorization Act for Fiscal Year 2008 (Public Law
10 110–181; 122 Stat. 247; 10 U.S.C. note prec.
11 1580).

12 **SEC. 1109. ADJUSTMENTS TO LIMITATIONS ON PERSONNEL**
13 **AND REQUIREMENT FOR ANNUAL MAN-**
14 **POWER REPORTING.**

15 (a) AMENDMENTS.—Section 1111 of the Duncan
16 Hunter National Defense Authorization Act for Fiscal
17 Year 2009 (Public Law 110–417; 122 Stat. 4619) is
18 amended—

19 (1) in paragraph (1) of subsection (b), by strik-
20 ing “requirements of—” and all that follows through
21 the end of subparagraph (C) and inserting “the re-
22 quirements of section 115b of this title; or”;

23 (2) in paragraph (2) of subsection (b), by strik-
24 ing “purposes described in paragraphs (1) through
25 (4) of subsection (c).” and inserting the following:

1 “any of the following purposes:

2 “(A) Performance of inherently govern-
3 mental functions.

4 “(B) Performance of work pursuant to sec-
5 tion 2463 of title 10, United States Code.

6 “(C) Ability to maintain sufficient organic
7 expertise and technical capability.

8 “(D) Performance of work that, while the
9 position may not exercise an inherently govern-
10 mental function, nevertheless should be per-
11 formed only by officers or employees of the
12 Federal Government or members of the Armed
13 Forces because of the critical nature of the
14 work.”; and

15 (3) by striking subsections (c) and (d).

16 (b) CONSOLIDATED ANNUAL REPORT.—

17 (1) INCLUSION IN ANNUAL DEFENSE MAN-
18 POWER REQUIREMENTS REPORT.—Section 115a of
19 title 10, United States Code, is amended by insert-
20 ing after subsection (e) the following new subsection:

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

1 “(1) The military end strength and civilian full-
2 time equivalents assigned to major Department of
3 Defense headquarters activities for the preceding fis-
4 cal year and estimates of such numbers for the cur-
5 rent fiscal year and subsequent fiscal years.

6 “(2) A summary of the replacement during the
7 preceding fiscal year of contract workyears providing
8 support to major Department of Defense head-
9 quarters activities with military end strength or ci-
10 vilian full-time equivalents, including an estimate of
11 the number of contract workyears associated with
12 the replacement of contracts performing inherently
13 governmental or exempt functions.

14 “(3) The plan for the continued review of con-
15 tract personnel supporting major Department of De-
16 fense headquarters activities for possible conversion
17 to military or civilian performance in accordance
18 with section 2463 of this title.

19 “(4) The amount of any adjustment in the limi-
20 tation on personnel made by the Secretary of De-
21 fense or the Secretary of a military department, and,
22 for each adjustment made pursuant to section
23 1111(b)(2) of the Duncan Hunter National Defense
24 Authorization Act for Fiscal Year 2009 (10 U.S.C.
25 143 note), the purpose of the adjustment.”.

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

3 (A) Subsection (a) of section 115a of such
4 title is amended by inserting “defense” before
5 “manpower requirements 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
11 in the table of sections at the beginning of
12 chapter 2 of such title is amended to read
13 as follows:

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

14 (3) CONFORMING REPEAL.—Subsections (b)
15 and (c) of section 901 of the National Defense Au-
16 thorization Act for Fiscal Year 2008 (Public Law
17 110–181; 122 Stat. 272; 10 U.S.C. 221 note) are
18 repealed.

19 **SEC. 1110. MODIFICATION TO DEPARTMENT OF DEFENSE**
20 **LABORATORY PERSONNEL AUTHORITY.**

21 (a) ADDITIONAL SCIENCE AND TECHNOLOGY RE-
22 INVENTION LABORATORIES.—

23 (1) DESIGNATION.—Each of the following is
24 hereby designated as a Department of Defense
25 science and technology reinvention laboratory (as de-

1 scribed in section 342(b) of the National Defense
2 Authorization Act for Fiscal Year 1995 (Public Law
3 103–337; 108 Stat. 2721):

4 (A) The Tank and Automotive Research
5 Development and Engineering Center.

6 (B) The Armament Research Development
7 and Engineering Center.

8 (C) The Naval Air Warfare Center, Weap-
9 ons Division.

10 (D) The Naval Air Warfare Center, Air-
11 craft Division.

12 (E) The Space and Naval Warfare Sys-
13 tems Center, Pacific.

14 (F) The Space and Naval Warfare Sys-
15 tems Center, Atlantic.

16 (2) CONVERSION PROCEDURES.—The Secretary
17 of Defense shall implement procedures to convert
18 the civilian personnel of each facility identified in
19 paragraph (1) from their current personnel system
20 to the personnel system under an appropriate dem-
21 onstration project (as referred to in such section
22 342(b)). Any conversion under this paragraph—

23 (A) shall not adversely affect any employee
24 with respect to pay or any other term or condi-
25 tion of employment;

1 (B) shall be consistent with the terms of
2 any collective bargaining agreement which
3 might apply; and

4 (C) shall be completed within 18 months
5 after the date of the enactment of this Act.

6 (b) EXCLUSION FROM NATIONAL SECURITY PER-
7 SONNEL SYSTEM.—

8 (1) IN GENERAL.—Section 9902(c)(2) of title 5,
9 United States Code, is amended—

10 (A) in subparagraph (I), by striking “and”
11 after the semicolon;

12 (B) in subparagraph (J), by striking the
13 period and inserting “; and”; and

14 (C) by adding after subparagraph (J) the
15 following:

16 “(K) the Tank and Automotive Research
17 Development and Engineering Center;

18 “(L) the Armament Research Development
19 and Engineering Center;

20 “(M) the Naval Air Warfare Center,
21 Weapons Division;

22 “(N) the Naval Air Warfare Center, Air-
23 craft Division;

24 “(O) the Space and Naval Warfare Sys-
25 tems Center, Pacific; and

1 “(P) the Space and Naval Warfare Sys-
2 tems Center, Atlantic.”.

3 (2) EXTENSION OF PERIOD OF EXCLUSION.—
4 Section 9902(c)(1) of title 5, United States Code, is
5 amended by striking “2011” each place it appears
6 and inserting “2014”.

7 **SEC. 1111. PILOT PROGRAM FOR THE TEMPORARY EX-**
8 **CHANGE OF INFORMATION TECHNOLOGY**
9 **PERSONNEL.**

10 (a) ASSIGNMENT AUTHORITY.—The Secretary of De-
11 fense may, with the agreement of the private sector orga-
12 nization concerned, arrange for the temporary assignment
13 of an employee to such private sector organization, or from
14 such private sector organization to a Department of De-
15 fense organization under this section. An employee shall
16 be eligible for such an assignment only if—

17 (1) the employee—

18 (A) works in the field of information tech-
19 nology management;

20 (B) is considered to be an exceptional em-
21 ployee;

22 (C) is expected to assume increased infor-
23 mation technology management responsibilities
24 in the future; and

1 (D) is compensated at not less than the
2 GS–11 level (or the equivalent); and

3 (2) the proposed assignment meets applicable
4 requirements of section 209(b) of the E-Government
5 Act of 2002 (44 U.S.C. 3501 note).

6 (b) AGREEMENTS.—The Secretary of Defense shall
7 provide for a written agreement between the Department
8 of Defense and the employee concerned regarding the
9 terms and conditions of the employee’s assignment under
10 this section. The agreement—

11 (1) shall require that Department of Defense
12 employees, upon completion of the assignment, will
13 serve in the civil service for a period equal to the
14 length of the assignment; and

15 (2) shall provide that if the Department of De-
16 fense or private sector employee fails to carry out
17 the agreement, such employee shall be liable to the
18 United States for payment of all expenses of the as-
19 signment, unless that failure was for good and suffi-
20 cient reason (as determined by the Secretary of De-
21 fense).

22 An amount for which an employee is liable under para-
23 graph (2) shall be treated as a debt due the United States.

24 (c) TERMINATION.—An assignment under this sec-
25 tion may, at any time and for any reason, be terminated

1 by the Department of Defense or the private sector organi-
2 zation concerned.

3 (d) DURATION.—An assignment under this section
4 shall be for a period of not less than 3 months and not
5 more than 1 year, and may be extended in 3-month incre-
6 ments for a total of not more than 1 additional year; how-
7 ever, no assignment under this section may commence
8 after September 30, 2013.

9 (e) CONSIDERATIONS.—In carrying out this section,
10 the Secretary of Defense—

11 (1) shall ensure that, of the assignments made
12 under this section each year, at least 20 percent are
13 from small business concerns (as defined by section
14 3703(e)(2)(A) of title 5, United States Code); and

15 (2) shall take into consideration the question of
16 how assignments under this section might best be
17 used to help meet the needs of the Department of
18 Defense with respect to the training of employees in
19 information technology management.

20 (f) NUMERICAL LIMITATION.—In no event may more
21 than 10 employees be participating in assignments under
22 this section as of any given time.

23 (g) REPORTING REQUIREMENT.—For each of fiscal
24 years 2010 through 2015, the Secretary of Defense shall
25 submit to the congressional defense committees, not later

1 than 1 month after the end of the fiscal year involved,
2 a report on any activities carried out under this section
3 during such fiscal year, including information con-
4 cerning—

5 (1) the respective organizations (as referred to
6 in subsection (a)) to and from which any employee
7 was assigned under this section;

8 (2) the positions those employees held while
9 they were so assigned; and

10 (3) a description of the tasks they performed
11 while they were so assigned.

12 (h) REPEAL OF SUPERSEDED SECTION.—Section
13 1109 of the National Defense Authorization Act for Fiscal
14 Year 2008 (Public Law 110–181; 122 Stat. 358) is re-
15 pealed, except that—

16 (1) nothing in this subsection shall, in the case
17 of any assignment commencing under such section
18 1109 on or before the date of the enactment of this
19 Act, affect—

20 (A) the duration of such assignment or the
21 authority to extend such assignment in accord-
22 ance with subsection (d) of such section 1109,
23 as last in effect; or

24 (B) the terms or conditions of the agree-
25 ment governing such assignment, including with

1 respect to any service obligation under sub-
2 section (b) thereof; and

3 (2) any employee whose assignment is allowed
4 to continue by virtue of paragraph (1) shall be taken
5 into account for purposes of—

6 (A) the numerical limitation under sub-
7 section (f); and

8 (B) the reporting requirement under sub-
9 section (g).

10 **SEC. 1112. PROVISIONS RELATING TO THE NATIONAL SECUR-**
11 **ITY PERSONNEL SYSTEM.**

12 (a) DEFINITIONS.—For purposes of this section—

13 (1) the term “National Security Personnel Sys-
14 tem” or “NSPS” refers to a human resources man-
15 agement system established under authority of chap-
16 ter 99 of title 5, United States Code; and

17 (2) the term “statutory pay sytem” means a
18 pay system under—

19 (A) subchapter III of chapter 53 of title 5,
20 United States Code (relating to General Sched-
21 ule pay rates);

22 (B) subchapter IV of chapter 53 of title 5,
23 United States Code (relating to prevailing rate
24 systems); or

1 (C) such other provisions of law as would
2 apply if chapter 99 of title 5, United States
3 Code, had never been enacted.

4 (b) REQUIREMENT THAT ALL APPOINTMENTS MADE
5 AFTER JUNE 16, 2009, BE SUBJECT TO THE APPRO-
6 PRIATE STATUTORY PAY SYSTEM AND NOT NSPS.—Not-
7 withstanding any other provision of law—

8 (1) the National Security Personnel System—

9 (A) shall not apply to any individual who
10 is not subject to such System as of June 16,
11 2009; and

12 (B) shall not apply to any position which
13 is not subject to such System as of June 16,
14 2009; and

15 (2) any individual who, after June 16, 2009, is
16 appointed to any position within the Department of
17 Defense shall accordingly be subject to the statutory
18 pay system and all other aspects of the personnel
19 system which would otherwise apply (with respect to
20 the individual or position involved) if the National
21 Security Personnel System had never been estab-
22 lished.

23 (c) TERMINATION OF NSPS AND CONVERSION OF
24 ANY EMPLOYEES AND POSITIONS REMAINING SUBJECT
25 TO NSPS.—

1 (1) IN GENERAL.—The Secretary of Defense
2 shall take all actions which may be necessary to pro-
3 vide, within 12 months after the date of enactment
4 of this Act, for the termination of the National Se-
5 curity Personnel System and for the conversion of
6 any employees and positions which, as of such date
7 of enactment, remain subject to such System, to—

8 (A) the statutory pay system and all other
9 aspects of the personnel system that last ap-
10 plied to such employee or position (as the case
11 may be) before the National Security Personnel
12 System applied; or

13 (B) if subparagraph (A) does not apply,
14 the statutory pay system and all other aspects
15 of the personnel system that would have applied
16 if the National Security Personnel System had
17 never been established.

18 No employee shall suffer any loss of or decrease in
19 pay because of the preceding sentence.

20 (2) REPORT.—If the Secretary of Defense is of
21 the view that the National Security Personnel Sys-
22 tem should not be terminated in accordance with
23 paragraph (1), the Secretary shall submit to the
24 President and both Houses of Congress as soon as
25 practicable, but in no event later than 6 months

1 after the date of the enactment of this Act, a written
2 report setting forth a statement of the Secretary's
3 views and the reasons therefor. Such report shall
4 specifically include—

5 (A) the Secretary's opinion as to whether
6 the System should be continued with or without
7 changes; and

8 (B) if, in the opinion of the Secretary, the
9 System should be continued with changes—

10 (i) a detailed description of the pro-
11 posed changes; and

12 (ii) a description of any administrative
13 action or legislation which may be nec-
14 essary.

15 (d) RESTORATION OF FULL ANNUAL PAY ADJUST-
16 MENTS UNDER NSPS PENDING ITS TERMINATION.—Sec-
17 tion 9902(e)(7) of title 5, United States Code, is amended
18 by striking “no less than 60 percent” and all that follows
19 and inserting “the full amount of such adjustment.”.

20 **SEC. 1113. PROVISIONS RELATING TO THE DEFENSE CIVIL-**
21 **IAN INTELLIGENCE PERSONNEL SYSTEM.**

22 (a) DEFINITIONS.—For purposes of this section—

23 (1) the term “covered position” means a de-
24 fense intelligence position in the Department of De-
25 fense established under chapter 83 of title 10,

1 United States Code, excluding an Intelligence Senior
2 Level position designated under section 1607 of such
3 title and any position in the Defense Intelligence
4 Senior Executive Service;

5 (2) the term “DCIPS pay system”, as used
6 with respect to a covered position, means the provi-
7 sions of the Defense Civilian Intelligence Personnel
8 System under which the rate of salary or basic pay
9 for such position is determined, excluding any provi-
10 sions relating to bonuses, awards, or any other
11 amounts not in the nature of salary or basic pay;

12 (3) the term “Defense Civilian Intelligence Per-
13 sonnel System” means the personnel system estab-
14 lished under chapter 83 of title 10, United States
15 Code; and

16 (4) the term “appropriate pay system”, as used
17 with respect to a covered position, means—

18 (A) the system under which, as of Sep-
19 tember 30, 2007, the rate of salary or basic pay
20 for such position was determined; or

21 (B) if subparagraph (A) does not apply,
22 the system under which, as of September 30,
23 2007, the rate of salary or basic pay was deter-
24 mined for the positions within the Department
25 of Defense most similar to the position involved,

1 excluding any provisions relating to bonuses, awards,
2 or any other amounts which are not in the nature
3 of salary or basic pay.

4 (b) REQUIREMENT THAT APPOINTMENTS TO COV-
5 ERED POSITIONS AFTER JUNE 16, 2009, BE SUBJECT TO
6 THE APPROPRIATE PAY SYSTEM.—Notwithstanding any
7 other provision of law—

8 (1) the DCIPS pay system—

9 (A) shall not apply to any individual hold-
10 ing a covered position who is not subject to
11 such system as of June 16, 2009; and

12 (B) shall not apply to any covered position
13 which is not subject to such system as of June
14 16, 2009; and

15 (2) any individual who, after June 16, 2009, is
16 appointed to a covered position shall accordingly be
17 subject to the appropriate pay system.

18 (c) TERMINATION OF DCIPS PAY SYSTEM FOR COV-
19 ERED POSITIONS AND CONVERSION OF EMPLOYEES
20 HOLDING COVERED POSITIONS TO THE APPROPRIATE
21 PAY SYSTEM.—

22 (1) IN GENERAL.—The Secretary of Defense
23 shall take all actions which may be necessary to pro-
24 vide, within 12 months after the date of enactment
25 of this Act, for the termination of the DCIPS pay

1 system with respect to covered positions and for the
2 conversion of any employees holding any covered po-
3 sitions which, as of such date of enactment, remain
4 subject to the DCIPS pay system, to the appropriate
5 pay system. No employee shall suffer any loss of or
6 decrease in pay because of the preceding sentence.

7 (2) REPORT.—If the Secretary of Defense is of
8 the view that the DCIPS pay system should not be
9 terminated with respect to covered positions, as re-
10 quired by paragraph (1), the Secretary shall submit
11 to the President and both Houses of Congress as
12 soon as practicable, but in no event later than 6
13 months after the date of the enactment of this Act,
14 a written report setting forth a statement of the
15 Secretary’s views and the reasons therefor. Such re-
16 port shall specifically include—

17 (A) the Secretary’s opinion as to whether
18 the DCIPS pay system should be continued,
19 with or without changes, with respect to covered
20 positions; and

21 (B) if, in the opinion of the Secretary, the
22 DCIPS pay system should be continued with re-
23 spect to covered positions, with changes—

24 (i) a detailed description of the pro-
25 posed changes; and

1 (ii) a description of any administrative
2 action or legislation which may be nec-
3 essary.

4 The requirements of this paragraph shall be carried
5 out by the Secretary of Defense in conjunction with
6 the Director of the Office of Personnel Management.

7 (d) **RULE OF CONSTRUCTION.**—Nothing in this sec-
8 tion shall be considered to affect—

9 (1) the provisions of the Defense Civilian Intel-
10 ligence Personnel System governing aspects of com-
11 pensation apart from salary or basic pay; or

12 (2) the application of such provisions with re-
13 spect to a covered position or any individual holding
14 a covered position, including after June 16, 2009.

15 **SEC. 1114. SENSE OF CONGRESS ON PAY PARITY FOR FED-**
16 **ERAL EMPLOYEES SERVICE AT JOINT BASE**
17 **MCGUIRE/DIX/LAKEHURST.**

18 It is the sense of Congress that for the purposes of
19 determining any pay for an employee serving at Joint
20 Base McGuire/Dix/Lakehurst—

21 (1) the pay schedules and rates to be used shall
22 be the same as if such employee were serving in the
23 pay locality, wage area, or other area of locality
24 (whichever would apply to determine pay for the em-

1 ployees involved) that includes Ocean County, New
 2 Jersey; and

3 (2) the Office of Personnel Management should
 4 develop regulations to ensure pay parity for employ-
 5 ees serving at Joint Bases.

6 **TITLE XII—MATTERS RELATING**
 7 **TO FOREIGN NATIONS**

Subtitle A—Assistance and Training

- Sec. 1201. Modification and extension of authority for security and stabilization assistance.
- Sec. 1202. Increase of authority for support of special operations to combat terrorism.
- Sec. 1203. Modification of report on foreign-assistance related programs carried out by the Department of Defense.
- Sec. 1204. Report on authorities to build the capacity of foreign military forces and related matters.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

- Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.
- Sec. 1212. Reauthorization of Commanders' Emergency Response Program.
- Sec. 1213. Reimbursement of certain Coalition nations for support provided to United States military operations.
- Sec. 1214. Pakistan Counterinsurgency Fund.
- Sec. 1215. Program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan.
- Sec. 1216. Reports on campaign plans for Iraq and Afghanistan.
- Sec. 1217. Required assessments of United States efforts in Afghanistan.
- Sec. 1218. Report on responsible redeployment of United States Armed Forces from Iraq.
- Sec. 1219. Report on Afghan Public Protection Program.
- Sec. 1220. Updates of report on command and control structure for military forces operating in Afghanistan.
- Sec. 1221. Report on payments made by United States Armed Forces to residents of Afghanistan as compensation for losses caused by United States military operations.
- Sec. 1222. Assessment and report on United States-Pakistan military relations and cooperation.
- Sec. 1223. Required assessments of progress toward security and stability in Pakistan.
- Sec. 1224. Repeal of GAO war-related reporting requirement.
- Sec. 1225. Plan to govern the disposition of specified defense items in Iraq.
- Sec. 1226. Civilian ministry of defense advisor program.

- Sec. 1227. Report on the status of interagency coordination in the Afghanistan and Operation Enduring Freedom theater of operations.
- Sec. 1228. Sense of Congress supporting United States policy for Afghanistan.
- Sec. 1229. Analysis of required force levels and types of forces needed to secure southern and eastern regions of Afghanistan.
- Sec. 1230. Modification of report on progress toward security and stability in Afghanistan.
- Sec. 1230A. No permanent military bases in Afghanistan.

Subtitle C—Other Matters

- Sec. 1231. NATO Special Operations Coordination Center.
- Sec. 1232. Annual report on military power of the Islamic Republic of Iran.
- Sec. 1233. Annual report on military and security developments involving the People's Republic of China.
- Sec. 1234. Report on impacts of drawdown authorities on the Department of Defense.
- Sec. 1235. Risk assessment of United States space export control policy.
- Sec. 1236. Patriot air and missile defense battery in Poland.
- Sec. 1237. Report on potential foreign military sales of the F-22A fighter aircraft to Japan.
- Sec. 1238. Expansion of United States-Russian Federation joint center to include exchange of data on missile defense.
- Sec. 1239. Limitation on funds to implement reductions in the strategic nuclear forces of the United States pursuant to any treaty or other agreement with the Russian Federation.
- Sec. 1240. Map of mineral-rich zones and areas under the control of armed groups in Democratic Republic of the Congo.
- Sec. 1241. Sense of Congress relating to the State of Israel.

1 **Subtitle A—Assistance and** 2 **Training**

3 **SEC. 1201. MODIFICATION AND EXTENSION OF AUTHORITY** 4 **FOR SECURITY AND STABILIZATION ASSIST-** 5 **ANCE.**

6 (a) MODIFICATION.—Subsection (b) of section 1207
 7 of the National Defense Authorization Act for Fiscal Year
 8 2006 (Public Law 109–163; 119 Stat. 3458), as amended
 9 by section 1207(b) of the Duncan Hunter National De-
 10 fense Authorization Act for Fiscal Year 2009 (Public Law
 11 110–417; 122 Stat. 4626), is further amended—

1 (1) by striking “(b) LIMITATION.—” and all
2 that follows through “the aggregate value” and in-
3 serting “(b) LIMITATION.—The aggregate value”;

4 (2) by striking “\$100,000,000” and inserting
5 “\$25,000,000”; and

6 (3) by striking paragraph (2).

7 (b) EXTENSION OF AUTHORITY.—Subsection (g) of
8 such section, as most recently amended by section 1207(c)
9 of the Duncan Hunter National Defense Authorization
10 Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat.
11 4626), is further amended by striking “September 30,
12 2009” and inserting “September 30, 2010”.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect on October 1, 2009.

15 **SEC. 1202. INCREASE OF AUTHORITY FOR SUPPORT OF**
16 **SPECIAL OPERATIONS TO COMBAT TER-**
17 **RORISM.**

18 Section 1208(a) of the Ronald W. Reagan National
19 Defense Authorization Act for Fiscal Year 2005 (Public
20 Law 108–375; 118 Stat. 2086), as amended by section
21 1208(a) of the Duncan Hunter National Defense Author-
22 ization Act for Fiscal Year 2009 (Public Law 110–417;
23 122 Stat. 4626), is further amended by striking
24 “\$35,000,000” and inserting “\$50,000,000”.

1 **SEC. 1203. MODIFICATION OF REPORT ON FOREIGN-ASSIST-**
2 **ANCE RELATED PROGRAMS CARRIED OUT BY**
3 **THE DEPARTMENT OF DEFENSE.**

4 (a) AMENDMENT.—Section 1209 of the National De-
5 fense Authorization Act for Fiscal Year 2008 (Public Law
6 110–181; 122 Stat. 368) is amended—

7 (1) in subsection (a), by striking “180 days
8 after the date of the enactment of this Act” and in-
9 serting “February 1 of each year”; and

10 (2) in subsection (b)(1)—

11 (A) in subparagraph (G), by striking
12 “and” at the end; and

13 (B) by adding at the end the following new
14 subparagraph:

15 “(I) subsection (b)(6) of section 166a of
16 title 10, United States Code; and”.

17 (b) REPORT FOR FISCAL YEARS 2008 AND 2009.—

18 The report required to be submitted not later than Feb-
19 ruary 1, 2010, under section 1209(a) of the National De-
20 fense Authorization Act for Fiscal Year 2008, as amended
21 by subsection (a), shall include information required under
22 such section with respect to fiscal years 2008 and 2009.

1 **SEC. 1204. REPORT ON AUTHORITIES TO BUILD THE CA-**
2 **PACITY OF FOREIGN MILITARY FORCES AND**
3 **RELATED MATTERS.**

4 (a) REPORT REQUIRED.—Not later than March 1,
5 2010, the President shall transmit to the congressional
6 committees specified in subsection (b) a report on the fol-
7 lowing:

8 (1) The relationship between authorities of the
9 Department of Defense to conduct security coopera-
10 tion programs to train and equip, or otherwise build
11 the capacity of, foreign military forces and security
12 assistance authorities of the Department of State
13 and other foreign assistance agencies to provide as-
14 sistance to train and equip, or otherwise build the
15 capacity of, foreign military forces, including the dis-
16 tinction, if any, between the purposes of such au-
17 thorities, the processes to generate requirements to
18 satisfy the purposes of such authorities, and the con-
19 tribution such authorities make to the core missions
20 of each such department and agency.

21 (2) The strengths and weaknesses of the For-
22 eign Assistance Act of 1961 (22 U.S.C. 2151 et
23 seq.), the Arms Export Control Act (22 U.S.C. 2171
24 et seq.), title 10, United States Code, and any other
25 provision of law relating to training and equipping,
26 or otherwise building the capacity of, foreign mili-

1 tary forces, including to conduct counterterrorist op-
2 erations or participate in or support military and
3 stability operations in which the United State Armed
4 Forces are a participant.

5 (3) The changes, if any, that should be made
6 to the provisions of law described in paragraph (2)
7 that would improve the ability of the United States
8 Government to train and equip, or otherwise build
9 the capacity of, foreign military forces, including to
10 conduct counterterrorist operations or participate in
11 or support military and stability operations in which
12 the United State Armed Forces are a participant.

13 (4) The organizational and procedural changes,
14 if any, that should be made in the Department of
15 Defense and the Department of State and other for-
16 eign assistance agencies to improve the ability of
17 such departments and agencies to conduct programs
18 to train and equip, or otherwise build the capacity
19 of, foreign military forces, including to conduct
20 counterterrorist operations or participate in or sup-
21 port military and stability operations in which the
22 United State Armed Forces are a participant.

23 (5) The resources and funding mechanisms re-
24 quired to ensure adequate funding for such pro-
25 grams.

1 (b) SPECIFIED CONGRESSIONAL COMMITTEES.—The
2 congressional committees specified in this subsection are
3 the following:

4 (1) The Committee on Armed Services, the
5 Committee on Foreign Affairs, and the Committee
6 on Appropriations of the House of Representatives.

7 (2) The Committee on Armed Services, the
8 Committee on Foreign Relations, and the Committee
9 on Appropriations of the Senate.

10 **Subtitle B—Matters Relating to**
11 **Iraq, Afghanistan, and Pakistan**

12 **SEC. 1211. LIMITATION ON AVAILABILITY OF FUNDS FOR**
13 **CERTAIN PURPOSES RELATING TO IRAQ.**

14 No funds appropriated pursuant to an authorization
15 of appropriations in this Act may be obligated or expended
16 for a purpose as follows:

17 (1) To establish any military installation or
18 base for the purpose of providing for the permanent
19 stationing of United States Armed Forces in Iraq.

20 (2) To exercise United States control of the oil
21 resources of Iraq.

22 **SEC. 1212. REAUTHORIZATION OF COMMANDERS' EMER-**
23 **GENCY RESPONSE PROGRAM.**

24 (a) AUTHORITY FOR FISCAL YEAR 2010.—Sub-
25 section (a) of section 1202 of the National Defense Au-

1 thORIZATION Act for Fiscal Year 2006 (Public Law 109–
2 163; 119 Stat. 3455), as most recently amended by sec-
3 tion 1214 of the Duncan Hunter National Defense Au-
4 thorization Act for Fiscal Year 2009 (Public Law 110–
5 417; 122 Stat. 4360), is further amended—

6 (1) in the heading, by striking “FISCAL YEARS
7 2008 AND 2009” and inserting “FISCAL YEAR
8 2010”; and

9 (2) in the matter preceding paragraph (1)—

10 (A) by striking “each of fiscal years 2008
11 and 2009” and inserting “fiscal year 2010”;
12 and

13 (B) by striking “\$1,700,000,000 in fiscal
14 year 2008 and \$1,500,000,000 in fiscal year
15 2009” and inserting “\$1,300,000,000 in fiscal
16 year 2010”.

17 (b) QUARTERLY REPORTS.—Subsection (b) of such
18 section is amended by striking “fiscal years 2008 and
19 2009” and inserting “fiscal year 2010”.

20 **SEC. 1213. REIMBURSEMENT OF CERTAIN COALITION NA-**
21 **TIONS FOR SUPPORT PROVIDED TO UNITED**
22 **STATES MILITARY OPERATIONS.**

23 (a) AUTHORITY.—From funds made available for the
24 Department of Defense by section 1510 for operation and
25 maintenance, Defense-wide activities, the Secretary of De-

1 fense may reimburse any key cooperating nation for
2 logistical and military support provided by that nation to
3 or in connection with United States military operations
4 in Operation Iraqi Freedom or Operation Enduring Free-
5 dom.

6 (b) AMOUNTS OF REIMBURSEMENT.—Reimburse-
7 ment authorized by subsection (a) may be made in such
8 amounts as the Secretary of Defense, with the concurrence
9 of the Secretary of State and in consultation with the Di-
10 rector of the Office of Management and Budget, may de-
11 termine, based on documentation determined by the Sec-
12 retary of Defense to adequately account for the support
13 provided.

14 (c) LIMITATIONS.—

15 (1) LIMITATION ON AMOUNT.—The total
16 amount of reimbursements made under the authority
17 in subsection (a) during fiscal year 2010 may not
18 exceed \$1,600,000,000.

19 (2) PROHIBITION ON CONTRACTUAL OBLIGA-
20 TIONS TO MAKE PAYMENTS.—The Secretary of De-
21 fense may not enter into any contractual obligation
22 to make a reimbursement under the authority in
23 subsection (a).

24 (d) NOTICE TO CONGRESS.—The Secretary of De-
25 fense shall notify the appropriate congressional commit-

1 tees not less than 15 days before making any reimburse-
2 ment under the authority in subsection (a). In the case
3 of any reimbursement to Pakistan under the authority in
4 subsection (a), such notification shall be made in accord-
5 ance with the notification requirements under section
6 1232(b) of the National Defense Authorization Act for
7 Fiscal Year 2008 (Public Law 110–181; 122 Stat. 392).

8 (e) QUARTERLY REPORTS.—The Secretary of De-
9 fense shall submit to the appropriate congressional com-
10 mittees on a quarterly basis a report on any reimburse-
11 ments made under the authority in subsection (a) during
12 such quarter.

13 (f) EXTENSION OF NOTIFICATION REQUIREMENT
14 RELATING TO DEPARTMENT OF DEFENSE COALITION
15 SUPPORT FUNDS FOR PAKISTAN.—Section 1232(b)(6) of
16 the National Defense Authorization Act for Fiscal Year
17 2008 (Public Law 110–181; 122 Stat. 393), as amended
18 by section 1217(d) of the Duncan Hunter National De-
19 fense Authorization Act for Fiscal Year 2009 (Public Law
20 110–417; 122 Stat. 4635), is further amended by striking
21 “September 30, 2010” and inserting “September 30,
22 2011”.

23 (g) APPROPRIATE CONGRESSIONAL COMMITTEES
24 DEFINED.—In this section, the term “appropriate con-
25 gressional committees” means—

1 (1) the Committee on Armed Services, the
2 Committee on Foreign Affairs, and the Committee
3 on Appropriations of the House of Representatives;
4 and

5 (2) the Committee on Armed Services, the
6 Committee on Foreign Relations, and the Committee
7 on Appropriations of the Senate.

8 **SEC. 1214. PAKISTAN COUNTERINSURGENCY FUND.**

9 (a) AMOUNTS IN FUND.—The Pakistan Counter-
10 insurgency Fund (in this section referred to as the
11 “Fund”) shall consist of the following:

12 (1) Amounts appropriated to the Fund for fis-
13 cal year 2009.

14 (2) Amounts transferred to the Fund pursuant
15 to subsection (d).

16 (b) USE OF FUNDS.—

17 (1) IN GENERAL.—Amounts in the Fund shall
18 be made available to the Secretary of Defense, with
19 the concurrence of the Secretary of State, to provide
20 assistance to the security forces of Pakistan (includ-
21 ing program management and the provision of
22 equipment, supplies, services, training, facility and
23 infrastructure repair, renovation, and construction)
24 to improve the counterinsurgency capability of Paki-
25 stan’s security forces (including Pakistan’s military,

1 Frontier Corps, and other security forces), and of
2 which not more than \$2,000,000 may be made avail-
3 able to provide humanitarian assistance to the peo-
4 ple of Pakistan only as part of civil-military training
5 exercises for Pakistan's security forces receiving as-
6 sistance under the Fund.

7 (2) RELATION TO OTHER AUTHORITIES.—EX-
8 cept as otherwise provided in section 1215 of this
9 Act (relating to the program to provide for the reg-
10 istration and end-use monitoring of defense articles
11 and defense services transferred to Afghanistan and
12 Pakistan), amounts in the Fund are authorized to
13 be made available notwithstanding any other provi-
14 sion of law. The authority to provide assistance
15 under this subsection is in addition to any other au-
16 thority to provide assistance to foreign countries.

17 (c) TRANSFERS FROM FUND.—

18 (1) IN GENERAL.—The Secretary of Defense
19 may transfer such amounts as the Secretary deter-
20 mines to be appropriate from the Fund—

21 (A) to any account available to the Depart-
22 ment of Defense, or

23 (B) with the concurrence of the Secretary
24 of State and head of the relevant Federal de-

1 partment or agency, to any other non-intel-
2 ligence related Federal account,
3 for purposes consistent with this section.

4 (2) TREATMENT OF TRANSFERRED FUNDS.—

5 Amounts transferred to an account under the au-
6 thority of paragraph (1) shall be merged with
7 amounts in such account and shall be made available
8 for the same purposes, and subject to the same con-
9 ditions and limitations, as amounts in such account.

10 (3) TRANSFERS BACK TO FUND.—Upon a de-

11 termination by the Secretary of Defense with respect
12 to funds transferred under paragraph (1)(A), or the
13 head of the other Federal department or agency with
14 the concurrence of the Secretary of State with re-
15 spect to funds transferred under paragraph (1)(B),
16 that all or part of amounts transferred from the
17 Fund under paragraph (1) are not necessary for the
18 purpose provided, such amounts may be transferred
19 back to the Fund and shall be made available for the
20 same purposes, and subject to the same conditions
21 and limitations, as originally applicable under sub-
22 section (b).

23 (d) TRANSFERS TO FUND.—

24 (1) IN GENERAL.—The Fund may include

25 amounts transferred by the Secretary of State, with

1 the concurrence of the Secretary of Defense, under
2 any authority of the Secretary of State to transfer
3 funds under any provision of law.

4 (2) TREATMENT OF TRANSFERRED FUNDS.—
5 Amounts transferred to the Fund under the author-
6 ity of paragraph (1) shall be merged with amounts
7 in the Fund and shall be made available for the
8 same purposes, and subject to the same conditions
9 and limitations, as amounts in the Fund.

10 (e) CONGRESSIONAL NOTIFICATION.—

11 (1) IN GENERAL.—Amounts in the Fund may
12 not be obligated or transferred from the Fund under
13 this section until 15 days after the date on which
14 the Secretary of Defense notifies the appropriate
15 congressional committees in writing of the details of
16 the proposed obligation or transfer.

17 (2) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES DEFINED.—In this subsection, the term “ap-
19 propriate congressional committees” means—

20 (A) the Committee on Armed Services, the
21 Committee on Foreign Affairs, and the Com-
22 mittee on Appropriations of the House of Rep-
23 resentatives; and

1 (B) the Committee on Armed Services, the
2 Committee on Foreign Relations, and the Com-
3 mittee on Appropriations of the Senate.

4 (f) SUNSET.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), the authority provided under this section
7 terminates at the close of September 30, 2010.

8 (2) EXCEPTION.—Any program supported from
9 amounts in the Fund established before the close of
10 September 30, 2010, may be completed after that
11 date but only using amounts appropriated or trans-
12 ferred to the Fund on or before that date.

13 **SEC. 1215. PROGRAM TO PROVIDE FOR THE REGISTRATION**
14 **AND END-USE MONITORING OF DEFENSE AR-**
15 **TICLES AND DEFENSE SERVICES TRANS-**
16 **FERRED TO AFGHANISTAN AND PAKISTAN.**

17 (a) PROGRAM REQUIRED.—

18 (1) IN GENERAL.—The Secretary of Defense
19 shall establish and carry out a program to provide
20 for the registration and end-use monitoring of de-
21 fense articles and defense services transferred to Af-
22 ghanistan and Pakistan in accordance with the re-
23 quirements under subsection (b) and to prohibit the
24 retransfer of such defense articles and defense serv-
25 ices without the consent of the United States. The

1 program required under this subsection shall be lim-
2 ited to the transfer of defense articles and defense
3 services—

4 (A) pursuant to authorities other than the
5 Arms Export Control Act or the Foreign Assist-
6 ance Act of 1961; and

7 (B) using funds made available to the De-
8 partment of Defense, including funds available
9 pursuant to the Pakistan Counterinsurgency
10 Fund.

11 (2) PROHIBITION.—No defense articles or de-
12 fense services that would be subject to the program
13 required under this subsection may be transferred
14 to—

15 (A) the Government of Afghanistan or any
16 other group, organization, citizen, or resident of
17 Afghanistan, or

18 (B) the Government of Pakistan or any
19 other group, organization, citizen, or resident of
20 Pakistan,

21 until the Secretary of Defense certifies to the speci-
22 fied congressional committees that the program re-
23 quired under this subsection has been established.

24 (b) REGISTRATION AND END-USE MONITORING RE-
25 QUIREMENTS.—The registration and end-use monitoring

1 requirements under this subsection shall include the fol-
2 lowing:

3 (1) A detailed record of the origin, shipping,
4 and distribution of defense articles and defense serv-
5 ices transferred to—

6 (A) the Government of Afghanistan and
7 other groups, organizations, citizens, and resi-
8 dents of Afghanistan; and

9 (B) the Government of Pakistan and other
10 groups, organizations, citizens, and residents of
11 Pakistan.

12 (2) A program of end-use monitoring of lethal
13 defense articles and defense services transferred to
14 the entities and individuals described in subpara-
15 graphs (A) and (B) of paragraph (1).

16 (c) REVIEW; EXEMPTION.—

17 (1) REVIEW.—The Secretary of Defense shall
18 periodically review the defense articles and defense
19 services subject to the registration and end-use mon-
20 itoring requirements under subsection (b) to deter-
21 mine which defense articles and defense services, if
22 any, should no longer be subject to such registration
23 and monitoring requirements. The Secretary of De-
24 fense shall submit to the specified congressional

1 committees the results of each review conducted
2 under this paragraph.

3 (2) EXEMPTION.—The Secretary of Defense
4 may exempt a defense article or defense service from
5 the registration and end-use monitoring require-
6 ments under subsection (b) beginning on the date
7 that is 30 days after the date on which the Sec-
8 retary provides notice of the proposed exemption to
9 the specified congressional committees. Such notice
10 shall describe any controls to be imposed on such de-
11 fense article or defense service, as the case may be,
12 under any other provision of law.

13 (d) DEFINITIONS.—In this section:

14 (1) DEFENSE ARTICLE.—The term “defense ar-
15 ticle”—

16 (A) includes—

17 (i) any weapon, including a small arm
18 (as defined in paragraph (3)), weapons
19 system, munition, aircraft, vessel, boat or
20 other implement of war;

21 (ii) any property, installation, com-
22 modity, material, equipment, supply, or
23 goods used for the purposes of furnishing
24 military assistance;

1 (iii) any machinery, facility, tool, ma-
2 terial supply, or other item necessary for
3 the manufacture, production, processing
4 repair, servicing, storage, construction,
5 transportation, operation, or use of any ar-
6 ticle listed in this paragraph; or

7 (iv) any component or part of any ar-
8 ticle listed in this paragraph; but

9 (B) does not include merchant vessels or,
10 as defined by the Atomic Energy Act of 1954
11 (42 U.S.C. 2011 et seq.), source material (ex-
12 cept uranium depleted in the isotope 235 which
13 is incorporated in defense articles solely to take
14 advantage of high density or pyrophoric charac-
15 teristics unrelated to radioactivity), by-product
16 material, special nuclear material, production
17 facilities, utilization facilities, or atomic weap-
18 ons or articles involving Restricted Data.

19 (2) DEFENSE SERVICE.—The term “defense
20 service” includes any service, test, inspection, repair,
21 publication, or technical or other assistance or de-
22 fense information used for the purposes of fur-
23 nishing military assistance, but does not include
24 military educational and training activities under

1 chapter 5 of part II of the Foreign Assistance Act
2 of 1961.

3 (3) SMALL ARM.—The term “small arm”
4 means—

5 (A) a handgun or pistol;

6 (B) a shoulder-fired weapon, including a
7 sub-carbine, carbine, or rifle;

8 (C) a light, medium, or heavy automatic
9 weapon up to and including a .50 caliber ma-
10 chine gun;

11 (D) a recoilless rifle up to and including
12 106mm;

13 (E) a mortar up to and including 81mm;

14 (F) a rocket launcher, man-portable;

15 (G) a grenade launcher, rifle and shoulder
16 fired; and

17 (H) an individually-operated weapon which
18 is portable or can be fired without special
19 mounts or firing devices and which has poten-
20 tial use in civil disturbances and is vulnerable
21 to theft.

22 (4) SPECIFIED CONGRESSIONAL COMMIT-
23 TEES.—The term “specified congressional commit-
24 tees” means—

1 (A) the Committee on Foreign Affairs and
2 the Committee on Armed Services of the House
3 of Representatives; and

4 (B) the Committee on Foreign Relations
5 and the Committee on Armed Services of the
6 Senate.

7 (e) EFFECTIVE DATE.—

8 (1) IN GENERAL.—Except as provided in para-
9 graph (2), this section shall take effect 180 days
10 after the date of the enactment of this Act.

11 (2) EXCEPTION.—The Secretary of Defense
12 may delay the effective date of this section by an ad-
13 ditional period of up to 90 days if the Secretary cer-
14 tifies in writing to the specified congressional com-
15 mittees for such additional period that it is in the
16 vital interest of the United States to do so and in-
17 cludes in the certification a description of such vital
18 interest.

19 **SEC. 1216. REPORTS ON CAMPAIGN PLANS FOR IRAQ AND**
20 **AFGHANISTAN.**

21 (a) REPORTS REQUIRED.—Not later than 180 days
22 after the date of the enactment of this Act, the Comp-
23 troller General of the United States shall submit to the
24 congressional defense committees separate reports con-
25 taining assessments of the extent to which the campaign

1 plan for Iraq and the campaign plan for Afghanistan each
2 adhere to military doctrine (as defined in the Department
3 of Defense's Joint Publication 5-0, Joint Operation Plan-
4 ning), including the elements set forth in subsection (b).

5 (b) MATTERS TO BE ASSESSED.—The matters to be
6 included in the assessments required under subsection (a)
7 are as follows:

8 (1) The extent to which each campaign plan
9 identifies and prioritizes the conditions that must be
10 achieved in each phase of the campaign.

11 (2) The extent to which each campaign plan re-
12 ports the number of combat brigade teams and other
13 forces required for each campaign phase.

14 (3) The extent to which each campaign plan es-
15 timates the time needed to reach the desired end
16 state and complete the military portion of the cam-
17 paign.

18 (c) UPDATE OF REPORT.—The Comptroller General
19 shall submit to the congressional defense committees an
20 update of the report on the campaign plan for Iraq or
21 the campaign plan for Afghanistan required under sub-
22 section (a) whenever the campaign plan for Iraq or the
23 campaign plan for Afghanistan, as the case may be, is sub-
24 stantially updated or altered.

1 (d) EXCEPTION.—If the Comptroller General deter-
2 mines that a report submitted to Congress by the Comp-
3 troller General before the date of the enactment of this
4 Act substantially meets the requirements of subsection (a)
5 for the submission of a report on the campaign plan for
6 Iraq or the campaign plan for Afghanistan, the Comp-
7 troller General shall so notify the congressional defense
8 committees in writing, but shall provide an update of the
9 report as required under subsection (c).

10 (e) TERMINATION.—

11 (1) REPORTS ON IRAQ.—The requirement to
12 submit updates of reports on the campaign plan for
13 Iraq under subsection (c) shall terminate on Decem-
14 ber 31, 2011.

15 (2) REPORTS ON AFGHANISTAN.—The require-
16 ment to submit updates of reports on the campaign
17 plan for Afghanistan under subsection (c) shall ter-
18minate on September 30, 2012.

19 **SEC. 1217. REQUIRED ASSESSMENTS OF UNITED STATES**
20 **EFFORTS IN AFGHANISTAN.**

21 (a) ASSESSMENTS REQUIRED.—Not later than 180
22 days after the date of the enactment of this Act, and every
23 180 days thereafter, the President shall conduct an assess-
24 ment, which shall be not more than 30 days in duration,
25 of the progress toward defeating al Qa'ida and its affili-

1 ated networks and extremist allies and preventing the es-
2 tablishment of safe havens in Afghanistan for al Qa'ida
3 and its affiliated networks and extremist allies.

4 (b) AREAS TO BE ASSESSED.—In carrying out sub-
5 section (a), the President should assess progress in the
6 following areas:

7 (1) Ending the ability of the Taliban, al Qa'ida,
8 and other anti-government elements—

9 (A) to establish control over the population
10 of Afghanistan or regions of Afghanistan;

11 (B) to establish safe havens in Afghani-
12 stan; and

13 (C) to conduct attacks inside or outside
14 Afghanistan.

15 (2) Spreading legitimate and functional govern-
16 ance.

17 (3) Spreading the rule of law.

18 (4) Improving the legal economy of Afghani-
19 stan.

20 (5) Other areas the President determines to be
21 important.

22 (c) REQUIREMENT TO DEVELOP GOALS AND
23 TIMELINES.—For each area required to be assessed under
24 subsection (b), the President, in consultation with the
25 Government of Afghanistan and the governments of other

1 countries the President determines to be necessary, shall
2 establish goals for each area and timelines for meeting
3 such goals.

4 (d) METRICS.—The President shall develop metrics
5 that allows for the accurate and thorough assessment of
6 progress toward each goal and along each timeline re-
7 quired under subsection (c).

8 (e) REPORT REQUIRED.—

9 (1) IN GENERAL.—Not later than 30 days after
10 the completion of each assessment required under
11 subsection (a), the President shall transmit to Con-
12 gress a report on the assessment.

13 (2) ELEMENTS.—The report required under
14 paragraph (1) should include, at a minimum, the fol-
15 lowing elements:

16 (A) The results of the assessment of—

17 (i) the progress of the government
18 and people of Afghanistan, with the assist-
19 ance of the international community, in
20 each area required to be assessed under
21 subsection (b); and

22 (ii) the effectiveness of United States
23 efforts to assist the government and people
24 of Afghanistan to make progress in each

1 area required to be assessed under sub-
2 section (b).

3 (B) A description of the goals and
4 timelines for meeting such goals required under
5 subsection (c).

6 (C) A description of the metrics required
7 to be developed under subsection (d) and how
8 such metrics were used to assess progress in
9 each area required to be assessed under sub-
10 section (b).

11 (3) FORM.—The report required under para-
12 graph (1) shall be transmitted in unclassified form,
13 but may contain a classified annex if necessary.

14 (f) SUNSET.—The requirement to conduct assess-
15 ments under subsection (a) shall not apply beginning on
16 the date that is 5 years after the date of the enactment
17 of this Act.

18 **SEC. 1218. REPORT ON RESPONSIBLE REDEPLOYMENT OF**

19 **UNITED STATES ARMED FORCES FROM IRAQ.**

20 (a) REPORT REQUIRED.—Not later than 90 days
21 after the date of the enactment of this Act, or December
22 31, 2009, whichever occurs later, and every 90 days there-
23 after, the Secretary of Defense shall submit to the appro-
24 priate congressional committees a report concerning the
25 responsible redeployment of United States Armed Forces

1 from Iraq in accordance with the policy announced by the
2 President on February 27, 2009, and the Agreement Be-
3 tween the United States of America and the Republic of
4 Iraq On the Withdrawal of United States Forces From
5 Iraq and the Organization of Their Activities During
6 Their Temporary Presence in Iraq.

7 (b) ELEMENTS.—The report required under sub-
8 section (a) shall include the following elements:

9 (1) The number of United States military per-
10 sonnel in Iraq by service and component for each
11 month of the preceding 90-day period and an esti-
12 mate of the personnel levels in Iraq for the 90-day
13 period following submission of the report.

14 (2) The number and type of military installa-
15 tions in Iraq occupied by 100 or more United States
16 military personnel and the number of such military
17 installations closed, consolidated, or transferred to
18 the Government of Iraq in the preceding 90-day pe-
19 riod.

20 (3) An estimate of the number of military vehi-
21 cles, containers of equipment, tons of ammunition,
22 or other significant items belonging to the Depart-
23 ment of Defense removed from Iraq during the pre-
24 ceding 90-day period, an estimate of the remaining
25 amount of such items belonging to the Department

1 of Defense, and an assessment of the likelihood of
2 successfully removing, demilitarizing, or otherwise
3 transferring all items belonging to the Department
4 of Defense from Iraq on or before December 31,
5 2011.

6 (4) An assessment of United States detainee
7 operations and releases. Such assessment should in-
8 clude the total number of detainees held by the
9 United States in Iraq, the number of detainees in
10 each threat level category, the number of detainees
11 who are not nationals of Iraq, the number of detain-
12 ees transferred to Iraqi authorities, the number of
13 detainees who were released from United States cus-
14 tody and the reasons for their release, and the num-
15 ber of detainees who having been released in the
16 past were recaptured or had their remains identified
17 planning or after carrying out attacks on United
18 States or Coalition forces.

19 (5) A listing of the objective and subjective fac-
20 tors utilized by the commander of Multi-National
21 Force–Iraq, including any changes to that list in the
22 case of an update to the report, to determine risk
23 levels associated with the drawdown of United States
24 Armed Forces, and the process and timing that will
25 be utilized by the commander of Multi-National

1 Force—Iraq and the Secretary of Defense to assess
2 risk and make recommendations to the President
3 about either continuing the redeployment of United
4 States Armed Forces from Iraq in accordance with
5 the schedule announced by the President or modi-
6 fying the pace or timing of that redeployment.

7 (c) INCLUSION IN OTHER REPORTS.—The report re-
8 quired under subsection (a) and any updates to the report
9 may be included in any other required report on Iraq sub-
10 mitted to Congress by the Secretary of Defense.

11 (d) FORM.—The report required under subsection
12 (a), whether or not included in another report on Iraq sub-
13 mitted to Congress by the Secretary of Defense, may in-
14 clude a classified annex.

15 (e) APPROPRIATE CONGRESSIONAL COMMITTEES.—
16 In this section, the term “appropriate congressional com-
17 mittees” means—

18 (1) the Committee on Armed Services, the
19 Committee on Foreign Relations, the Select Com-
20 mittee on Intelligence, and the Committee on Appro-
21 priations of the Senate; and

22 (2) the Committee on Armed Services, the
23 Committee on Foreign Affairs, the Permanent Select
24 Committee on Intelligence, and the Committee on
25 Appropriations of the House of Representatives.

1 **SEC. 1219. REPORT ON AFGHAN PUBLIC PROTECTION PRO-**
2 **GRAM.**

3 (a) REPORT REQUIRED.—Not later than 90 days
4 after the date of the enactment of this Act, the Secretary
5 of Defense shall submit to the congressional defense com-
6 mittees a report on the Afghan Public Protection Program
7 (in this section referred to as the “program”).

8 (b) MATTERS TO BE INCLUDED.—The report re-
9 quired under subsection (a) shall include the following ele-
10 ments:

11 (1) An assessment of the program in the initial
12 pilot districts in Afghanistan, including, at a min-
13 imum, the following elements:

14 (A) An evaluation of the changes in secu-
15 rity conditions in the initial pilot districts from
16 the program’s inception to the date of the re-
17 port.

18 (B) The extent to which the forces devel-
19 oped under the program in the initial pilot dis-
20 tricts are generally representative of the ethnic
21 groups in the respective districts.

22 (C) If the forces developed under the pro-
23 gram are appropriately representative of the ge-
24 ographic area of responsibility.

25 (D) An assessment of the views of the local
26 communities, to include both Afghan national,

1 provincial, and district governmental officials
2 and leaders of the local communities, of the
3 successes and failures of the program.

4 (E) Any formal reviews of the program
5 that are planned for the future and the
6 timelines on which the reviews would be con-
7 ducted, by whom the reviews would be con-
8 ducted, and the criteria that would be used.

9 (F) The selection criteria that were used to
10 select members of the program in the initial
11 pilot districts and how the members were vet-
12 ted.

13 (G) The costs to the Department of De-
14 fense to support the program in the initial pilot
15 districts, to include any Commanders' Emer-
16 gency Response Program funds spent as formal
17 or informal incentives.

18 (H) The roles of the Afghanistan National
19 Security Forces (ANSF) in supporting and
20 training forces under the program.

21 (I) Any other criteria used to evaluate the
22 program in the initial pilot districts by the
23 Commander of United States Forces–Afghani-
24 stan.

1 (2) An assessment of the future of the pro-
2 gram, including, at a minimum, the following ele-
3 ments:

4 (A) A description of the goals and objec-
5 tives expected to be met by the expansion of the
6 program.

7 (B) A description of how such an expan-
8 sion supports the functions of the Afghan Na-
9 tional Police.

10 (C) A description of how the decision will
11 be made whether to expand the program out-
12 side the initial pilot districts and the criteria
13 that will be used to make that decision.

14 (D) A description of how districts or prov-
15 inces outside of the initial pilot districts will be
16 chosen to participate in the program, including
17 an explanation of the following:

18 (i) What mechanisms the Government
19 of Afghanistan will use to select additional
20 districts or provinces, including partici-
21 pants in the decision process and the cri-
22 teria used.

23 (ii) How the views of relevant United
24 States Government departments and agen-
25 cies will be taken into account by the Gov-

1 ernment of Afghanistan when choosing dis-
2 tricts or provinces to participate in the
3 program.

4 (iii) How the views of other North At-
5 lantic Treaty Organization (NATO) Inter-
6 national Security Assistance Force (ISAF)
7 Coalition partners will be taken into ac-
8 count during the decision process.

9 (iv) What process will be used to
10 evaluate any changes to the program as ex-
11 ecuted in the initial pilot districts to ac-
12 count for different or unique circumstances
13 in additional areas of expansion.

14 (E) An assessment of personnel or assets
15 of the Department of Defense that would likely
16 be required to support any expansion of the
17 program, including a description of the fol-
18 lowing:

19 (i) Any requirement for personnel to
20 train or mentor additional forces developed
21 under the program or to train additional
22 members of the ANSF to train forces
23 under the program.

1 (ii) Any Department of Defense fund-
2 ing that would be provided to support ad-
3 ditional forces under the program.

4 (iii) Any assistance that would reason-
5 ably be required to assist the Government
6 of Afghanistan manage any additional
7 forces developed under the program.

8 (F) A description of the formal process, led
9 by the Government of Afghanistan, that will be
10 used to evaluate the program, including a de-
11 scription of the following:

12 (i) A listing of the criteria that are ex-
13 pected to be considered in the process.

14 (ii) The roles in the process of—

15 (I) the Government of Afghani-
16 stan;

17 (II) relevant United States Gov-
18 ernment departments and agencies;

19 (III) NATO-ISAF Coalition part-
20 ners;

21 (IV) nongovernmental represent-
22 atives of the people of Afghanistan;
23 and

24 (V) any other appropriate indi-
25 viduals and entities.

1 (G) If members of the forces developed
2 under the program will be transitioned to the
3 ANSF or to other employment in the future, a
4 description of—

5 (i) the process that will be used to
6 transition the forces;

7 (ii) additional training that may be re-
8 quired;

9 (iii) how decisions will be made to
10 transition the forces to the ANSF or other
11 employment; and

12 (iv) any other relevant information.

13 (H) The Afghan chain of command that
14 will be used to implement the program and pro-
15 vide command and control over the units cre-
16 ated by the program.

17 **SEC. 1220. UPDATES OF REPORT ON COMMAND AND CON-**
18 **TROL STRUCTURE FOR MILITARY FORCES**
19 **OPERATING IN AFGHANISTAN.**

20 Section 1216(d) of the Duncan Hunter National De-
21 fense Authorization Act for Fiscal Year 2009 (Public Law
22 110–417; 122 Stat. 4634) is amended by adding at the
23 end the following new sentence: “Any update of the report
24 required under subsection (c) may be included in the re-
25 port required under section 1230 of the National Defense

1 Authorization Act for Fiscal Year 2008 (Public Law 110–
2 181; 122 Stat. 385).”.

3 **SEC. 1221. REPORT ON PAYMENTS MADE BY UNITED**
4 **STATES ARMED FORCES TO RESIDENTS OF**
5 **AFGHANISTAN AS COMPENSATION FOR**
6 **LOSSES CAUSED BY UNITED STATES MILI-**
7 **TARY OPERATIONS.**

8 (a) **REPORT REQUIRED.**—Not later than 180 days
9 after the date of the enactment of this Act, and every 180
10 days thereafter, the Secretary of Defense shall submit to
11 the congressional defense committees a report on pay-
12 ments made by United States Armed Forces to residents
13 of Afghanistan as compensation for losses caused by
14 United States military operations.

15 (b) **MATTERS TO BE INCLUDED.**—The report re-
16 quired under subsection (a) shall include—

17 (1) the total amount of funds provided for
18 losses caused by United States military operations;

19 (2) a breakdown of the number of payments by
20 type, to include—

21 (A) compensation for the death of a non-
22 combatant Afghan resident;

23 (B) compensation for the injury of a non-
24 combatant Afghan resident;

1 (C) compensation for property damage
2 caused during combat operations or noncombat
3 operations; and

4 (D) any other category for which com-
5 pensation was paid by United States Armed
6 Forces; and

7 (3) the average amount of compensation for
8 each type of payment described in paragraph (2).

9 (c) SCOPE OF REPORT.—The initial report required
10 under subsection (a) shall include the information required
11 under subsection (b) for the 5-year period ending on the
12 date of submission of the initial report and each update
13 of the report required under subsection (a) shall include
14 the information required under subsection (b) for the pe-
15 riod since the submission of last report.

16 (d) TERMINATION.—The requirement to submit re-
17 ports under subsection (a) shall terminate on September
18 30, 2012.

19 **SEC. 1222. ASSESSMENT AND REPORT ON UNITED STATES-**
20 **PAKISTAN MILITARY RELATIONS AND CO-**
21 **OPERATION.**

22 (a) ASSESSMENT REQUIRED.—The Secretary of De-
23 fense, in consultation with the Secretary of State, shall
24 conduct an assessment of possible alternatives to reim-
25 bursements to Pakistan for logistical, military, or other

1 support provided by Pakistan to or in connection with
2 United States military operations, which could encourage
3 the Pakistani military to undertake counterterrorism and
4 counterinsurgency operations and achieve the goals and
5 objectives for long-term United States-Pakistan military
6 relations and cooperation.

7 (b) REPORT.—Not later than 180 days after the date
8 of the enactment of this Act, the Secretary of Defense
9 shall submit to the appropriate congressional committees
10 a report on the assessment required under subsection (a).

11 (c) FORM.—The report required under subsection (b)
12 shall be submitted in unclassified form, but may include
13 a classified annex if necessary.

14 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
15 DEFINED.—In this section, the term “appropriate con-
16 gressional committees” means—

17 (1) the Committee on Armed Services, the
18 Committee on Foreign Affairs, and the Committee
19 on Appropriations of the House of Representatives;
20 and

21 (2) the Committee on Armed Services, the
22 Committee on Foreign Relations, and the Committee
23 on Appropriations of the Senate.

1 **SEC. 1223. REQUIRED ASSESSMENTS OF PROGRESS TO-**
2 **WARD SECURITY AND STABILITY IN PAKI-**
3 **STAN.**

4 (a) **ASSESSMENTS REQUIRED.**—Not later than 180
5 days after the date of the enactment of this Act, and every
6 180 days thereafter, the President shall conduct an assess-
7 ment, which shall be not more than 30 days in duration,
8 of the progress toward long-term security and stability in
9 Pakistan.

10 (b) **AREAS TO BE ASSESSED.**—In carrying out sub-
11 section (a), the President should assess—

12 (1) the effectiveness of efforts—

13 (A) to disrupt, dismantle, and defeat al
14 Qa'ida, its affiliated networks, and other ex-
15 tremist forces in Pakistan;

16 (B) to eliminate the safe havens for such
17 forces in Pakistan; and

18 (C) to prevent the return of such forces to
19 Pakistan or Afghanistan; and

20 (2) the effectiveness of United States security
21 assistance to Pakistan to achieve the strategic goal
22 described in paragraph (1).

23 (c) **REQUIREMENT TO DEVELOP GOALS AND OBJEC-**
24 **TIVES AND TIMELINES.**—For any area assessed under
25 subsection (b), the President, in consultation with the
26 Government of Pakistan and the governments of other

1 countries the President determines to be necessary, shall
2 establish goals and objectives and timelines for meeting
3 such goals and objectives.

4 (d) REQUIREMENT TO DEVELOP METRICS.—The
5 President shall develop metrics that allow for the accurate
6 and thorough assessment of progress toward each goal
7 and objective and along each timeline required under sub-
8 section (c).

9 (e) REPORT REQUIRED.—

10 (1) IN GENERAL.—Not later than 30 days after
11 the completion of each assessment required under
12 subsection (a), the President shall transmit to Con-
13 gress a report on the assessment.

14 (2) ELEMENTS.—The report required under
15 paragraph (1) should include, at a minimum, the fol-
16 lowing elements:

17 (A) The results of the assessment required
18 under subsection (a).

19 (B) A description of the goals and objec-
20 tives and timelines for meeting such goals and
21 objectives required under subsection (c).

22 (C) A description of the metrics required
23 to be developed under subsection (d) and how
24 such metrics were used to assess progress in

1 each area required to be assessed under sub-
2 section (b).

3 (3) FORM.—The report required under para-
4 graph (1) shall be transmitted in unclassified form,
5 but may contain a classified annex if necessary.

6 (f) SUNSET.—The requirement to conduct assess-
7 ments under subsection (a) shall not apply beginning on
8 the date that is 5 years after the date of the enactment
9 of this Act.

10 **SEC. 1224. REPEAL OF GAO WAR-RELATED REPORTING RE-**
11 **QUIREMENT.**

12 Section 1221(c) of the National Defense Authoriza-
13 tion Act for Fiscal Year 2006 (Public Law 109–163; 119
14 Stat. 3462) is amended by striking the following: “Based
15 on these reports, the Comptroller General shall provide to
16 Congress quarterly updates on the costs of Operation Iraqi
17 Freedom and Operation Enduring Freedom.”.

18 **SEC. 1225. PLAN TO GOVERN THE DISPOSITION OF SPECI-**
19 **IFIED DEFENSE ITEMS IN IRAQ.**

20 (a) PLAN REQUIRED.—The Secretary of Defense
21 shall prepare a plan to govern the disposition of specified
22 defense items in Iraq.

23 (b) ELEMENTS OF PLAN.—The plan required under
24 subsection (a) shall, at a minimum, address the following
25 elements:

1 (1) The identification of an individual, position,
2 or office that will be responsible for making rec-
3 ommendations to the Secretary of Defense regarding
4 the disposition of specified defense items in Iraq.

5 (2) A mechanism for conducting a thorough in-
6 ventory of specified defense items in Iraq owned by
7 the Department of Defense, including specified de-
8 fense items in Iraq that are operated by contractors.

9 (3) A mechanism for soliciting input regarding
10 potential requirements for specified defense items in
11 Iraq. Such potential requirements may include—

12 (A) use in other overseas contingency oper-
13 ations involving the Armed Forces;

14 (B) use to reset the Armed Forces;

15 (C) use by other United States combatant
16 commanders to enhance their capability to
17 carry out missions in their respective combatant
18 commands;

19 (D) use to refill prepositioned stocks;

20 (E) transfer to the security forces of Iraq
21 or Afghanistan; and

22 (F) use by other Federal departments and
23 agencies or political subdivisions of the United
24 States.

1 (4) A mechanism for identifying specified de-
2 fense items in Iraq that are not economically viable
3 to remove from Iraq or which are not needed to
4 meet other requirements, and for soliciting and eval-
5 uating proposals for the disposition of those items.

6 (5) A mechanism for ensuring that the views
7 and inputs, as may be required by law, of other Fed-
8 eral departments and agencies are taken into ac-
9 count.

10 (c) REPORT REQUIRED.—The Secretary of Defense
11 shall submit to the congressional defense committees a re-
12 port outlining the plan required under subsection (a) and
13 including the elements required under subsection (b). The
14 report shall further include an assessment of current au-
15 thorities for the disposition of equipment and rec-
16 ommendations about changes to such authorities that the
17 Secretary determines to be necessary. The report required
18 under this subsection shall be submitted not later than
19 the date of submission to Congress of the President’s
20 budget for fiscal year 2011 pursuant to section 1105(a)
21 of title 31, United States Code.

22 (d) REVIEW BY THE COMPTROLLER GENERAL.—Not
23 later than 60 days after the date of submission of the re-
24 port required under subsection (c), the Comptroller Gen-
25 eral of the United States shall submit to the congressional

1 defense committees a review of the plan required under
2 subsection (a) and the recommendations of the Secretary
3 of Defense contained in the report required under sub-
4 section (c).

5 (e) **RULE OF CONSTRUCTION.**—Nothing in this sec-
6 tion shall be construed to authorize the transfer of speci-
7 fied defense items in Iraq to any entity outside the De-
8 partment of Defense except pursuant to relevant laws cur-
9 rently in force.

10 (f) **SPECIFIED DEFENSE ITEMS IN IRAQ DEFINED.**—
11 In this section, the term “specified defense items in Iraq”
12 includes major end items and tactical equipment items
13 owned by the Department of Defense that are present in
14 Iraq as of the date of enactment of this Act and are no
15 longer required to support United States military oper-
16 ations in Iraq.

17 **SEC. 1226. CIVILIAN MINISTRY OF DEFENSE ADVISOR PRO-**
18 **GRAM.**

19 (a) **AUTHORITY.**—The Secretary of Defense, with the
20 concurrence of the Secretary of State, may provide civilian
21 advisors to senior civilian and military officials of the Gov-
22 ernments of Iraq and Afghanistan for the purpose of pro-
23 viding institutional, ministerial-level advice and other
24 training to such officials in support of stabilization efforts
25 and United States military operations in those countries.

1 (b) FORMULATION OF ADVICE AND TRAINING PRO-
2 GRAM.—The Secretary of Defense and the Secretary of
3 State shall jointly formulate any program to provide ad-
4 vice and training under subsection (a).

5 (c) LIMITATION.—The Secretary of Defense may not
6 expend more than \$13,100,000 for any fiscal year in car-
7 rying out any program in Iraq and Afghanistan as de-
8 scribed in subsection (a).

9 (d) ADDITIONAL AUTHORITY.—The authority to pro-
10 vide assistance under this section is in addition to any
11 other authority to provide assistance to foreign nations or
12 forces.

13 (e) TERMINATION OF AUTHORITY.—The authority to
14 provide assistance under this section terminates at the
15 close of September 30, 2010.

16 **SEC. 1227. REPORT ON THE STATUS OF INTERAGENCY CO-**
17 **ORDINATION IN THE AFGHANISTAN AND OP-**
18 **ERATION ENDURING FREEDOM THEATER OF**
19 **OPERATIONS.**

20 (a) REPORT REQUIRED.—Not later than 90 days
21 after the date of the enactment of this Act, and every 180
22 days thereafter, the Secretary of Defense and the Sec-
23 retary of State shall submit to the appropriate congres-
24 sional committees a report on the status of interagency

1 coordination in the Afghanistan and Operation Enduring
2 Freedom theater of operations.

3 (b) MATTERS TO BE INCLUDED.—The report re-
4 quired under subsection (a) shall include a description of
5 the following:

6 (1) The staffing structure of United States-led
7 Provincial Reconstruction Teams (PRTs) in Afghan-
8 istan, including the roles of members of the Armed
9 Forces, the roles of non-Armed Forces personnel,
10 and unfilled staffing, training, and resource needs.

11 (2) The use of members of the Armed Forces
12 for reconstruction, development, and capacity build-
13 ing programs outside the jurisdiction of the Depart-
14 ment of Defense.

15 (3) Coordination between United States-led and
16 NATO ISAF-led programs to develop the capacity of
17 national, provincial, and local government and other
18 civil institutions as well as reconstruction and devel-
19 opment activities in Afghanistan.

20 (4) Unfilled staffing and resource requirements
21 for reconstruction, development, and civil institution
22 capacity building programs.

23 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
24 FINED.—In this section, the term “appropriate congres-
25 sional committees” means—

1 stantial commitment of military resources to Af-
2 ghanistan;

3 (5) as part of such an effort, the President
4 should continue to provide United States military
5 commanders with the forces requested to conduct
6 combat operations and to train and mentor Afghan
7 security forces; and

8 (6) in support of the President's strategy, Con-
9 gress should ensure that United States military com-
10 manders in Afghanistan have the necessary funding
11 and resources to succeed.

12 **SEC. 1229. ANALYSIS OF REQUIRED FORCE LEVELS AND**
13 **TYPES OF FORCES NEEDED TO SECURE**
14 **SOUTHERN AND EASTERN REGIONS OF AF-**
15 **GHANISTAN.**

16 (a) STUDY REQUIRED.—At the request of the Com-
17 mander of United States Forces for Afghanistan
18 (USFOR-A), the Secretary of Defense shall enter into a
19 contract with a Federally Funded Research Development
20 Center (FFRDC) to provide analysis and support to the
21 commander to assist with analyzing the required force lev-
22 els and types of forces needed to secure the southern and
23 eastern regions of Afghanistan in an effort to provide a
24 space for the government of Afghanistan to establish effec-

1 tive government control and provide the Afghan security
2 forces with the required training and mentoring.

3 (b) FUNDING.—Of the amount authorized to be ap-
4 propriated for Defense-wide operation and maintenance in
5 section 301(5), \$3,000,000 may be used to carry out sub-
6 section (a).

7 **SEC. 1230. MODIFICATION OF REPORT ON PROGRESS TO-**
8 **WARD SECURITY AND STABILITY IN AFGHAN-**
9 **ISTAN.**

10 (a) MATTERS TO BE INCLUDED: STRATEGIC DIREC-
11 TION OF UNITED STATES ACTIVITIES RELATING TO SE-
12 CURITY AND STABILITY IN AFGHANISTAN.—Subsection
13 (c) of section 1230 of the National Defense Authorization
14 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
15 385) is amended—

16 (1) in paragraph (1)—

17 (A) by redesignating subparagraph (B) as
18 subparagraph (C); and

19 (B) by inserting after subparagraph (A)
20 the following new subparagraph:

21 “(B) The specific substance of any existing
22 formal or informal agreement with NATO
23 ISAF countries regarding the following:

24 “(i) Mutually agreed upon goals.

1 “(ii) Strategies to achieve such goals,
2 including strategies identified in ‘The
3 Comprehensive Political Military Strategic
4 Plan’ agreed to by the Heads of State and
5 Government from Allied and other troop-
6 contributing nations.

7 “(iii) Resource and force require-
8 ments, including the requirements as de-
9 termined by NATO military authorities in
10 the agreed ‘Combined Joint Statement of
11 Requirements’ (CJSOR).

12 “(iv) Commitments and pledges of
13 support regarding troops and resource lev-
14 els.”;

15 (2) by redesignating paragraphs (2) through
16 (6) as paragraphs (3) through (7), respectively; and

17 (3) by inserting after paragraph (1) the fol-
18 lowing new paragraph:

19 “(2) NON-NATO ISAF TROOP-CONTRIBUTING
20 COUNTRIES.—A description of the specific substance
21 of any existing formal or informal agreement with
22 non-NATO ISAF troop-contributing countries re-
23 garding the following:

24 “(A) Mutually agreed upon goals.

25 “(B) Strategies to achieve such goals.

1 “(C) Resource and force requirements.

2 “(D) Commitments and pledges of support
3 regarding troops and resource levels.”.

4 (b) MATTERS TO BE INCLUDED: PERFORMANCE IN-
5 DICATORS AND MEASURES OF PROGRESS TOWARD SUS-
6 TAINABLE LONG-TERM SECURITY AND STABILITY IN AF-
7 GHANISTAN.—Subsection (d)(2) of such section is amend-
8 ed—

9 (1) in subparagraph (A)—

10 (A) by striking “individual NATO ISAF
11 countries” and inserting “each individual
12 NATO ISAF country”; and

13 (B) by inserting “estimated in the most re-
14 cent NATO ISAF Troops Placemat” after “,
15 including levels of troops and equipment”;

16 (2) by redesignating subparagraphs (C) through
17 (K) as subparagraphs (D) through (L), respectively;

18 (3) by inserting after subparagraph (B) the fol-
19 lowing new subparagraph:

20 “(C) With respect to non-NATO ISAF
21 troop-contributing countries, a listing of con-
22 tributions from each individual country, includ-
23 ing levels of troops and equipment, the effect of
24 contributions on operations, and unfulfilled
25 commitments.”; and

1 (4) in subparagraph (I) (as redesignated)—

2 (A) by redesignating clause (ii) as clause

3 (iii); and

4 (B) by inserting after clause (i) the fol-
5 lowing:

6 “(ii) The location, funding, staffing
7 requirements, current staffing levels, and
8 activities of each Provincial Reconstruction
9 Team led by a nation other than the
10 United States.”.

11 (c) CONFORMING AMENDMENT.—Subsection (d)(2)
12 of such section, as amended, is further amended in sub-
13 paragraph (J) (as redesignated) by striking “subsection
14 (c)(4)” and inserting “subsection (c)(5)”.

15 **SEC. 1230A. NO PERMANENT MILITARY BASES IN AFGHANI-**
16 **STAN.**

17 None of the funds authorized to be appropriated by
18 this Act or otherwise made available by this or any other
19 Act shall be obligated or expended by the United States
20 Government to establish any military installation or base
21 for the purpose of providing for the permanent stationing
22 of United States Armed Forces in Afghanistan.

1 **Subtitle C—Other Matters**

2 **SEC. 1231. NATO SPECIAL OPERATIONS COORDINATION**

3 **CENTER.**

4 (a) **AUTHORIZATION.**—Of the amounts authorized to
5 be appropriated for fiscal year 2010 pursuant to section
6 301(1) for operation and maintenance for the Army, to
7 be derived from amounts made available for support of
8 North Atlantic Treaty Organization (hereinafter in this
9 section referred to as “NATO”) operations, the Secretary
10 of Defense is authorized to use up to \$30,000,000 for the
11 purposes set forth in subsection (b).

12 (b) **PURPOSES.**—The Secretary shall provide funds
13 for the NATO Special Operations Coordination Center
14 (hereinafter in this section referred to as the “NSCC”)
15 to—

16 (1) improve coordination and cooperation be-
17 tween the special operations forces of NATO na-
18 tions;

19 (2) facilitate joint operations by the special op-
20 erations forces of NATO nations;

21 (3) support special operations forces peculiar
22 command, control, and communications capabilities;

23 (4) promote special operations forces intel-
24 ligence and informational requirements within the
25 NATO structure; and

1 security strategy, and military strategy, and of military
2 organizations and operational concepts.

3 (b) MATTERS TO BE INCLUDED.—The report re-
4 quired under subsection (a) shall include at least the fol-
5 lowing elements:

6 (1) As assessment of Iranian grand strategy,
7 security strategy, and military strategy, including
8 the following:

9 (A) The goals of Iran’s grand strategy, se-
10 curity strategy, and military strategy.

11 (B) Trends in Iran’s strategy that would
12 be designed to establish Iran as the leading
13 power in the Middle East and to enhance the
14 influence of Iran in other regions of the world.

15 (C) The security situation in the Persian
16 Gulf and the Levant.

17 (D) Iranian strategy regarding other coun-
18 tries in the region, including Israel, Lebanon,
19 Iraq, Afghanistan, Saudi Arabia, Turkey, Bah-
20 rain, Kuwait, the United Arab Emirates, Arme-
21 nia, and Azerbaijan.

22 (2) An assessment of the capabilities of Iran’s
23 conventional forces, including the following:

24 (A) The size, location, and capabilities of
25 Iran’s conventional forces.

1 (B) A detailed analysis of Iran's forces fac-
2 ing United States forces in the region and other
3 countries in the region, including Israel, Leb-
4 anon, Iraq, Afghanistan, Saudi Arabia, Turkey,
5 Bahrain, Kuwait, the United Arab Emirates,
6 Armenia, and Azerbaijan.

7 (C) Major developments in Iranian military
8 doctrine.

9 (D) An estimate of the funding provided
10 for each branch of Iran's conventional forces.

11 (3) An assessment of Iran's unconventional
12 forces, including the following:

13 (A) The size and capability of Iranian spe-
14 cial operations units, including the Iranian Rev-
15 olutionary Guard Corps—Quds Force.

16 (B) The types and amount of support pro-
17 vided to groups designated by the United States
18 as terrorist organizations, including Hezbollah,
19 Hamas, and the Special Groups in Iraq, in par-
20 ticular those forces as having been assessed as
21 to be willing to carry out terrorist operations on
22 behalf of Iran or in response to a military at-
23 tack by another country on Iran.

24 (C) A detailed analysis of Iran's unconven-
25 tional forces facing United States forces in the

1 region and other countries in the region, includ-
2 ing Israel, Lebanon, Iraq, Afghanistan, Saudi
3 Arabia, Turkey, Bahrain, Kuwait, the United
4 Arab Emirates, Armenia, and Azerbaijan.

5 (D) An estimate of the amount of funds
6 spent by Iran to develop and support special op-
7 erations forces and terrorist groups.

8 (4) An assessment of Iranian capabilities re-
9 lated to nuclear and missile forces, including the fol-
10 lowing:

11 (A) A summary of nuclear capabilities and
12 developments in the preceding year, including
13 the location of major facilities believed to be in-
14 volved in a nuclear weapons program.

15 (B) A summary of the capabilities of
16 Iran's strategic missile forces, including the size
17 of the Iranian strategic missile arsenal and the
18 locations of missile launch sites.

19 (C) A detailed analysis of Iran's strategic
20 missile forces facing United States forces in the
21 region and other countries in the region, includ-
22 ing Israel, Lebanon, Iraq, Afghanistan, Saudi
23 Arabia, Turkey, Bahrain, Kuwait, the United
24 Arab Emirates, Armenia, and Azerbaijan.

1 (D) An estimate of the amount of funding
2 expended by Iran on programs to develop a ca-
3 pability to build nuclear weapons or to enhance
4 Iran’s strategic missile capability.

5 (c) DEFINITIONS.—In this section:

6 (1) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES.—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Armed Services, the
10 Committee on Foreign Relations, the Select
11 Committee on Intelligence, and the Committee
12 on Appropriations of the Senate; and

13 (B) the Committee on Armed Services, the
14 Committee on Foreign Affairs, the Permanent
15 Select Committee on Intelligence, and the Com-
16 mittee on Appropriations of the House of Rep-
17 resentatives.

18 (2) IRAN’S CONVENTIONAL FORCES.—The term
19 “Iran’s conventional forces”—

20 (A) means military forces of the Islamic
21 Republic of Iran designed to conduct operations
22 on sea, air, or land, other than Iran’s unconven-
23 tional forces and Iran’s strategic missile forces;
24 and

1 (B) includes Iran’s Army, Iran’s Air
2 Force, Iran’s Navy, and elements of the Iranian
3 Revolutionary Guard Corps, other than the Ira-
4 nian Revolutionary Guard Corps–Quds Force.

5 (3) IRAN’S UNCONVENTIONAL FORCES.—The
6 term “Iran’s unconventional forces”—

7 (A) means forces of the Islamic Republic
8 of Iran that carry out missions typically associ-
9 ated with special operations forces; and

10 (B) includes—

11 (i) the Iranian Revolutionary Guard
12 Corps–Quds Force; and

13 (ii) any organization that—

14 (I) has been designated a ter-
15 rorist organization by the United
16 States;

17 (II) receives assistance from
18 Iran; and

19 (III)(aa) is assessed as being
20 willing in some or all cases of carrying
21 out attacks on behalf of Iran; or

22 (bb) is assessed as likely to carry
23 out attacks in response to a military
24 attack by another country on Iran.

1 (4) IRAN’S STRATEGIC MISSILE FORCES.—The
2 term “Iran’s strategic missile forces” means those
3 elements of the military forces of the Islamic Repub-
4 lic of Iran that employ missiles capable of flights in
5 excess of 500 kilometers.

6 **SEC. 1233. ANNUAL REPORT ON MILITARY AND SECURITY**
7 **DEVELOPMENTS INVOLVING THE PEOPLE’S**
8 **REPUBLIC OF CHINA.**

9 (a) ANNUAL REPORT.—Subsection (a) of section
10 1202 of the National Defense Authorization Act for Fiscal
11 Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C.
12 113 note) is amended—

13 (1) in the first sentence, by striking “on the
14 current and future military strategy of the People’s
15 Republic of China” and inserting “on military and
16 security developments involving the People’s Repub-
17 lic of China”;

18 (2) in the second sentence—

19 (A) by striking “on the People’s Liberation
20 Army” and inserting “of the People’s Libera-
21 tion Army”; and

22 (B) by striking “Chinese grand strategy,
23 security strategy,” and inserting “Chinese secu-
24 rity strategy”; and

1 (3) by adding at the end the following new sen-
2 tence: “The report shall also address United States-
3 China engagement and cooperation on security mat-
4 ters during the period covered by the report, includ-
5 ing through United States-China military-to-military
6 contacts, and the United States strategy for such
7 engagement and cooperation in the future.”.

8 (b) MATTERS TO BE INCLUDED.—Subsection (b) of
9 such section, as amended by section 1263 of the National
10 Defense Authorization Act for Fiscal Year 2008 (Public
11 Law 110–181; 122 Stat. 407), is further amended—

12 (1) in paragraph (1)—

13 (A) by striking “goals of” inserting “goals
14 and factors shaping”; and

15 (B) by striking “Chinese grand strategy,
16 security strategy,” and inserting “Chinese secu-
17 rity strategy”;

18 (2) by amending paragraph (2) to read as fol-
19 lows:

20 “(2) Trends in Chinese security and military
21 behavior that would be designed to achieve, or that
22 are inconsistent with, the goals described in para-
23 graph (1).”;

24 (3) in paragraph (6)—

1 (A) by inserting “and training” after
2 “military doctrine”; and

3 (B) by striking “, focusing on (but not lim-
4 ited to) efforts to exploit a transformation in
5 military affairs or to conduct preemptive
6 strikes”; and

7 (4) by adding at the end the following new
8 paragraphs:

9 “(10) In consultation with the Secretary of En-
10 ergy and the Secretary of State, developments re-
11 garding United States-China engagement and co-
12 operation on security matters.

13 “(11) The current state of United States mili-
14 tary-to-military contacts with the People’s Libera-
15 tion Army, which shall include the following:

16 “(A) A comprehensive and coordinated
17 strategy for such military-to-military contacts
18 and updates to the strategy.

19 “(B) A summary of all such military-to-
20 military contacts during the period covered by
21 the report, including a summary of topics dis-
22 cussed and questions asked by the Chinese par-
23 ticipants in those contacts.

24 “(C) A description of such military-to-mili-
25 tary contacts scheduled for the 12-month period

1 following the period covered by the report and
2 the plan for future contacts.

3 “(D) The Secretary’s assessment of the
4 benefits the Chinese expect to gain from such
5 military-to-military contacts.

6 “(E) The Secretary’s assessment of the
7 benefits the Department of Defense expects to
8 gain from such military-to-military contacts,
9 and any concerns regarding such contacts.

10 “(F) The Secretary’s assessment of how
11 such military-to-military contacts fit into the
12 larger security relationship between the United
13 States and the People’s Republic of China.

14 “(12) Other military and security developments
15 involving the People’s Republic of China that the
16 Secretary of Defense considers relevant to United
17 States national security.”.

18 (c) CONFORMING AMENDMENT.—Such section is fur-
19 ther amended in the heading by striking “**MILITARY**
20 **POWER OF**” and inserting “**MILITARY AND SECURITY**
21 **DEVELOPMENTS INVOLVING**”.

22 (d) REPEALS.—Section 1201 of the National Defense
23 Authorization Act for Fiscal Year 2000 (Public Law 106–
24 65; 113 Stat. 779; 10 U.S.C. 168 note) is amended by
25 striking subsections (e) and (f).

1 (e) EFFECTIVE DATE.—

2 (1) IN GENERAL.—The amendments made by
3 this section shall take effect on the date of the en-
4 actment of this Act, and shall apply with respect to
5 reports required to be submitted under subsection
6 (a) of section 1202 of the National Defense Author-
7 ization Act for Fiscal Year 2000, as so amended, on
8 or after that date.

9 (2) STRATEGY AND UPDATES FOR MILITARY-
10 TO-MILITARY CONTACTS WITH PEOPLE'S LIBERA-
11 TION ARMY.—The requirement to include the strat-
12 egy described in paragraph (11)(A) of section
13 1202(b) of the National Defense Authorization Act
14 for Fiscal Year 2000, as so amended, in the report
15 required to be submitted under section 1202(a) of
16 such Act, as so amended, shall apply with respect to
17 the first report required to be submitted under sec-
18 tion 1202(a) of such Act on or after the date of the
19 enactment of this Act. The requirement to include
20 updates to such strategy shall apply with respect to
21 each subsequent report required to be submitted
22 under section 1202(a) of such Act on or after the
23 date of the enactment of this Act.

1 **SEC. 1234. REPORT ON IMPACTS OF DRAWDOWN AUTHORI-**
2 **TIES ON THE DEPARTMENT OF DEFENSE.**

3 (a) **REPORT REQUIRED.**—The Secretary of Defense
4 shall submit to the congressional defense committees and
5 the Committee on Foreign Affairs of the House of Rep-
6 resentatives and the Committee on Foreign Relations of
7 the Senate an annual report, in unclassified form but with
8 a classified annex if necessary, on the impacts of draw-
9 down authorities on the Department of Defense. The re-
10 port required under this subsection shall be submitted con-
11 current with the budget submitted to Congress by the
12 President pursuant to section 1105(a) of title 31, United
13 States Code.

14 (b) **ELEMENTS OF REPORT.**—The report required
15 under subsection (a) shall contain the following elements:

16 (1) A list of each drawdown for which a presi-
17 dential determination was issued in the preceding
18 year.

19 (2) A summary of the types and quantities of
20 equipment that was provided under each drawdown
21 in the preceding year.

22 (3) The cost to the Department of Defense to
23 replace any equipment transferred as part of each
24 drawdown, not including any depreciation, in the
25 preceding year.

1 (4) The cost to the Department of Defense of
2 any other item, including fuel or services, trans-
3 ferred as part of each drawdown in the preceding
4 year.

5 (5) The total amount of funds transferred
6 under each drawdown in the preceding year.

7 (6) A copy of any statement of impact on readi-
8 ness or statement of impact on operations and main-
9 tenance that any military service furnished as part
10 of the process of developing a drawdown package in
11 the preceding year.

12 (7) An assessment by the Secretary of Defense
13 and the Chairman of the Joint Chiefs of Staff of the
14 impact of transfers carried out as part of drawdowns
15 in the previous year on—

16 (A) the ability of the Armed Forces to
17 meet the requirements of ongoing overseas con-
18 tingency operations;

19 (B) the level of risk associated with the
20 ability of the Armed Forces to execute the mis-
21 sions called for under the National Military
22 Strategy as described in section 153(b) of title
23 10, United States Code;

24 (C) the ability of the Armed Forces to
25 reset from current contingency operations;

1 (D) the ability of both the active and Re-
2 serve forces to conduct necessary training; and

3 (E) the ability of the Reserve forces to re-
4 spond to domestic emergencies.

5 (c) DEFINITIONS.—In this section:

6 (1) DRAWDOWN.—The term “drawdown”
7 means any transfer or package of transfers of equip-
8 ment, services, fuel, funds or any other items carried
9 out pursuant to a presidential determination issued
10 under a drawdown authority.

11 (2) DRAWDOWN AUTHORITY.—The term “draw-
12 down authority” means an authority under—

13 (A) section 506(a) (1) or (2) of the For-
14 eign Assistance Act of 1961 (22 U.S.C. 2318(a)
15 (1) or (2));

16 (B) section 552(c)(2) of the Foreign As-
17 sistance Act of 1961 (22 U.S.C. 2348a(c)(2));
18 or

19 (C) any other substantially similar provi-
20 sion of law.

21 **SEC. 1235. RISK ASSESSMENT OF UNITED STATES SPACE**
22 **EXPORT CONTROL POLICY.**

23 (a) ASSESSMENT REQUIRED.—The Secretary of De-
24 fense and the Secretary of State shall carry out an assess-
25 ment of the national security risks of removing satellites

1 and related components from the United States Munitions
2 List.

3 (b) MATTERS TO BE INCLUDED.—The assessment
4 required under subsection (a) shall include the following
5 matters:

6 (1) A review of the space and space-related
7 technologies currently on the United States Muni-
8 tions List, to include satellite systems, dedicated
9 subsystems, and components.

10 (2) An assessment of the national security risks
11 of removing certain space and space-related tech-
12 nologies identified under paragraph (1) from the
13 United States Munitions List.

14 (3) An examination of the degree to which
15 other nations' export control policies control or limit
16 the export of space and space-related technologies
17 for national security reasons.

18 (4) Recommendations for—

19 (A) the space and space-related tech-
20 nologies that should remain on, or may be can-
21 didates for removal from, the United States
22 Munitions List based on the national security
23 risk assessment required paragraph (2);

24 (B) the safeguards and verifications nec-
25 essary to—

1 (i) prevent the proliferation and diver-
2 sion of such space and space-related tech-
3 nologies;

4 (ii) confirm appropriate end use and
5 end users; and

6 (iii) minimize the risk that such space
7 and space-related technologies could be
8 used in foreign missile, space, or other ap-
9 plications that may pose a threat to the se-
10 curity of the United States; and

11 (C) improvements to the space export con-
12 trol policy and processes of the United States
13 that do not adversely affect national security.

14 (e) CONSULTATION.—In conducting the assessment
15 required under subsection (a), the Secretary of Defense
16 and the Secretary of State may consult with the heads
17 of other relevant departments and agencies of the United
18 States Government as the Secretaries determine is nec-
19 essary.

20 (d) REPORT.—Not later than 180 days after the date
21 of the enactment of this Act, the Secretary of Defense and
22 the Secretary of State shall submit to the congressional
23 defense committees and the Committee on Foreign Affairs
24 of the House of Representatives and the Committee on
25 Foreign Relations of the Senate a report on the assess-

1 ment required under subsection (a). The report shall be
2 in unclassified form but may include a classified annex.

3 (e) DEFINITION.—In this section, the term “United
4 States Munitions List” means the list referred to in sec-
5 tion 38(a)(1) of the Arms Export Control Act (22 U.S.C.
6 2778(a)(1)).

7 **SEC. 1236. PATRIOT AIR AND MISSILE DEFENSE BATTERY**
8 **IN POLAND.**

9 Consistent with United States national security inter-
10 ests and the Declaration on Strategic Cooperation Be-
11 tween the United States of America and Republic of Po-
12 land (signed in Warsaw, Poland, on August 20, 2008),
13 and subject to the availability of appropriations, the Sec-
14 retary of Defense shall seek to deploy a United States
15 Army Patriot air and missile defense battery and the per-
16 sonnel required to operate and maintain such battery to
17 Poland by 2012.

18 **SEC. 1237. REPORT ON POTENTIAL FOREIGN MILITARY**
19 **SALES OF THE F-22A FIGHTER AIRCRAFT TO**
20 **JAPAN.**

21 (a) REPORT REQUIRED.—Not later than 30 days
22 after the date of the enactment of this Act, Secretary of
23 Defense, in coordination with the Secretary of State and
24 in consultation with the Secretary of the Air Force, shall
25 submit to the congressional defense committees and the

1 Committee on Foreign Affairs of the House of Representa-
2 tives and the Committee on Foreign Relations of the Sen-
3 ate a report on potential foreign military sales of the F-
4 22A fighter aircraft to the Government of Japan.

5 (b) MATTERS TO BE INCLUDED.—The report re-
6 quired under subsection (a) should detail—

7 (1) the cost of developing an exportable version
8 of the F-22A fighter aircraft to the United States
9 Government, industry, and the Government of
10 Japan;

11 (2) whether an exportable version of the F-22A
12 fighter aircraft is technically feasible and executable,
13 and the timeline for achieving such an exportable
14 version of the aircraft;

15 (3) the potential strategic implication for allow-
16 ing the sale of the F-22A fighter aircraft to Japan;

17 (4) the impact of foreign military sales of the
18 F-22A fighter aircraft on the United States aero-
19 space and aviation industry and the benefit or draw-
20 back such sales might have on sustaining such in-
21 dustry; and

22 (5) any changes to existing law needed to allow
23 foreign military sales of the F-22A fighter aircraft
24 to Japan.

1 **SEC. 1238. EXPANSION OF UNITED STATES-RUSSIAN FED-**
2 **ERATION JOINT CENTER TO INCLUDE EX-**
3 **CHANGE OF DATA ON MISSILE DEFENSE.**

4 (a) **EXPANSION AUTHORIZED.**—In conjunction with
5 the Government of the Russian Federation, the Secretary
6 of Defense may expand the United States-Russian Fed-
7 eration joint center for the exchange of data from early
8 warning systems for launches of ballistic missiles, as es-
9 tablished pursuant to section 1231 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–329), to include the exchange of data on missile
13 defense-related activities.

14 (b) **REPORT REQUIRED.**—Not later than 30 days
15 after the date of the enactment of this Act, the Secretary
16 of Defense shall submit to the Committees on Armed Serv-
17 ices of the Senate and House of Representatives a report
18 on plans for expansion of the joint data exchange center.

19 (c) **AUTHORIZATION OF APPROPRIATIONS.**—Of the
20 amount authorized to be appropriated pursuant to section
21 201(1) for research, development, test, and evaluation for
22 the Army, \$5,000,000, to be derived from PE 0604869A,
23 shall be available to carry out this section.

1 **SEC. 1239. LIMITATION ON FUNDS TO IMPLEMENT REDUC-**
2 **TIONS IN THE STRATEGIC NUCLEAR FORCES**
3 **OF THE UNITED STATES PURSUANT TO ANY**
4 **TREATY OR OTHER AGREEMENT WITH THE**
5 **RUSSIAN FEDERATION.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) In the Joint Statement by President
9 Dmitriy Medvedev of the Russian Federation and
10 President Barack Obama of the United States of
11 America after their meeting in London, England on
12 April 1, 2009, the two Presidents agreed “to pursue
13 new and verifiable reductions in our strategic offen-
14 sive arsenals in a step-by-step process, beginning by
15 replacing the Strategic Arms Reduction Treaty with
16 a new, legally-binding treaty.”.

17 (2) At that meeting, the two Presidents in-
18 structed their negotiators to reach an agreement
19 that “will mutually enhance the security of the Par-
20 ties and predictability and stability in strategic of-
21 fensive forces, and will include effective verification
22 measures drawn from the experience of the Parties
23 in implementing the START Treaty.”.

24 (3) Subsequently, on April 5, 2009, in a speech
25 in Prague, the Czech Republic, President Obama
26 proclaimed: “Iran’s nuclear and ballistic missile ac-

1 tivity poses a real threat, not just to the United
2 States, but to Iran’s neighbors and our allies. The
3 Czech Republic and Poland have been courageous in
4 agreeing to host a defense against these missiles. As
5 long as the threat from Iran persists, we will go for-
6 ward with a missile defense system that is cost-effec-
7 tive and proven.”.

8 (4) President Obama also said: “As long as
9 these [nuclear] weapons exist, the United States will
10 maintain a safe, secure and effective arsenal to deter
11 any adversary, and guarantee that defense to our al-
12 lies—including the Czech Republic. But we will
13 begin the work of reducing our arsenal.”.

14 (b) LIMITATION.—Funds authorized to be appro-
15 priated by this Act or otherwise made available to the De-
16 partment of Defense for fiscal year 2010 may be obligated
17 or expended to implement reductions in the strategic nu-
18 clear forces of the United States pursuant to any treaty
19 or other agreement entered into between the United States
20 and the Russian Federation on strategic nuclear forces
21 after the date of enactment of this Act only if the Presi-
22 dent certifies to Congress that—

23 (1) the treaty or other agreement provides for
24 sufficient mechanisms to verify compliance with the
25 treaty or agreement;

1 (2) the treaty or other agreement does not
2 place limitations on the ballistic missile defense sys-
3 tems, space capabilities, or advanced conventional
4 weapons of the United States; and

5 (3) the fiscal year 2011 budget request for pro-
6 grams of the Department of Energy's National Nu-
7 clear Security Administration will be sufficiently
8 funded to—

9 (A) maintain the reliability, safety, and se-
10 curity of the remaining strategic nuclear forces
11 of the United States; and

12 (B) modernize and refurbish the nuclear
13 weapons complex.

14 (c) REPORT.—Not later than 90 days after the date
15 of the enactment of this Act, the President shall transmit
16 to the congressional committees specified in subsection (d)
17 a report on the stockpiles of strategic and non-strategic
18 weapons of the United States and the Russian Federation.

19 (d) SPECIFIED CONGRESSIONAL COMMITTEES.—The
20 congressional committees specified in this subsection are
21 the following:

22 (1) The Committee on Armed Services and the
23 Committee on Foreign Affairs of the House of Rep-
24 resentatives.

1 (2) The Committee on Armed Services and the
2 Committee on Foreign Relations of the Senate.

3 (e) DEFINITION.—For the purposes of this section,
4 the term “advanced conventional weapons” means any ad-
5 vanced weapons system that has been specifically designed
6 not to carry a nuclear payload.

7 **SEC. 1240. MAP OF MINERAL-RICH ZONES AND AREAS**
8 **UNDER THE CONTROL OF ARMED GROUPS IN**
9 **DEMOCRATIC REPUBLIC OF THE CONGO.**

10 (a) IN GENERAL.—Not later than 120 days after the
11 date of the enactment of this Act, the Secretary of De-
12 fense, in consultation with the Secretary of State, shall,
13 consistent with the recommendation from the United Na-
14 tions Group of Experts on the Democratic Republic of the
15 Congo in their December 2008 report, work with other
16 member states of the United Nations and local and inter-
17 national nongovernmental organizations—

18 (1) to produce a map of mineral-rich zones and
19 areas under the control of armed groups in the
20 Democratic Republic of the Congo; and

21 (2) to make such map available to the public.
22 The map required under this subsection shall be known
23 as the “Congo Conflict Minerals Map”. Mines located in
24 areas under the control of armed groups in the Democratic

1 Republic of the Congo, as depicted on the Congo Conflict
2 Minerals Map, shall be known as “conflict zone mines”.

3 (b) UPDATES.—The Secretary of Defense, in con-
4 sultation with the Secretary of State, shall update the map
5 required by subsection (a) not less frequently than once
6 every 180 days until the Secretary of Defense certifies
7 that no armed party to any ongoing armed conflict in the
8 Democratic Republic of the Congo or any other country
9 is involved in the mining, sale, or export of columbite-tan-
10 talite, cassiterite, wolframite, or gold, or the control there-
11 of, or derives benefits from such activities.

12 **SEC. 1241. SENSE OF CONGRESS RELATING TO THE STATE**
13 **OF ISRAEL.**

14 It is the sense of Congress that—

15 (1) the State of Israel is one of the strongest
16 allies of the United States;

17 (2) Israel and the United States face many
18 common enemies; and

19 (3) the United States should continue to work
20 with Israeli Prime Minister Netanyahu, the Israeli
21 Government, and the people of Israel to ensure that
22 Israel continues to receive critical military assist-
23 ance, including missile defense capabilities, needed
24 to address existential threats.

1 **TITLE XIII—COOPERATIVE**
 2 **THREAT REDUCTION**

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.

Sec. 1302. Funding allocations.

Sec. 1303. Utilization of contributions to the Cooperative Threat Reduction Program.

Sec. 1304. National Academy of Sciences study of metrics for the Cooperative Threat Reduction Program.

Sec. 1305. Cooperative Threat Reduction program authority for urgent threat reduction activities.

Sec. 1306. Cooperative Threat Reduction Defense and Military Contacts Program.

3 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**
 4 **DUCTION PROGRAMS AND FUNDS.**

5 (a) SPECIFICATION OF COOPERATIVE THREAT RE-
 6 DUCTION PROGRAMS.—For purposes of section 301 and
 7 other provisions of this Act, Cooperative Threat Reduction
 8 programs are the programs specified in section 1501 of
 9 the National Defense Authorization Act for Fiscal Year
 10 1997 (50 U.S.C. 2362 note).

11 (b) FISCAL YEAR 2010 COOPERATIVE THREAT RE-
 12 DUCTION FUNDS DEFINED.—As used in this title, the
 13 term “fiscal year 2010 Cooperative Threat Reduction
 14 funds” means the funds appropriated pursuant to the au-
 15 thorization of appropriations in section 301 for Coopera-
 16 tive Threat Reduction 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

1 available for obligation for fiscal years 2010, 2011, and
2 2012.

3 **SEC. 1302. FUNDING ALLOCATIONS.**

4 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the
5 \$434,093,000 authorized to be appropriated to the De-
6 partment of Defense for fiscal year 2010 in section
7 301(20) for Cooperative Threat Reduction programs, the
8 following amounts may be obligated for the purposes spec-
9 ified:

10 (1) For strategic offensive arms elimination in
11 Russia, \$66,385,000.

12 (2) For strategic nuclear arms elimination in
13 Ukraine, \$6,800,000.

14 (3) For nuclear weapons storage security in
15 Russia, \$15,090,000.

16 (4) For nuclear weapons transportation security
17 in Russia, \$46,400,000.

18 (5) For weapons of mass destruction prolifera-
19 tion prevention in the states of the former Soviet
20 Union, \$90,886,000.

21 (6) For biological threat reduction in the
22 former Soviet Union, \$152,132,000.

23 (7) For chemical weapons destruction,
24 \$1,000,000.

1 (8) For defense and military contacts,
2 \$5,000,000.

3 (9) For new Cooperative Threat Reduction ini-
4 tiatives, \$29,000,000.

5 (10) For activities designated as Other Assess-
6 ments/Administrative Costs, \$21,400,000.

7 (b) REPORT ON OBLIGATION OR EXPENDITURE OF
8 FUNDS FOR OTHER PURPOSES.—No fiscal year 2010 Co-
9 operative Threat Reduction funds may be obligated or ex-
10 pended for a purpose other than a purpose listed in para-
11 graphs (1) through (10) of subsection (a) until 30 days
12 after the date that the Secretary of Defense submits to
13 Congress a report on the purpose for which the funds will
14 be obligated or expended and the amount of funds to be
15 obligated or expended. Nothing in the preceding sentence
16 shall be construed as authorizing the obligation or expend-
17 iture of fiscal year 2010 Cooperative Threat Reduction
18 funds for a purpose for which the obligation or expendi-
19 ture of such funds is specifically prohibited under this title
20 or any other provision of law.

21 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL
22 AMOUNTS.—

23 (1) IN GENERAL.—Subject to paragraph (2), in
24 any case in which the Secretary of Defense deter-
25 mines that it is necessary to do so in the national

1 interest, the Secretary may obligate amounts appro-
2 priated for fiscal year 2010 for a purpose listed in
3 paragraphs (1) through (10) of subsection (a) in ex-
4 cess of the specific amount authorized for that pur-
5 pose.

6 (2) NOTICE-AND-WAIT REQUIRED.—An obliga-
7 tion of funds for a purpose stated in paragraphs (1)
8 through (10) of subsection (a) in excess of the spe-
9 cific amount authorized for such purpose may be
10 made using the authority provided in paragraph (1)
11 only after—

12 (A) the Secretary submits to Congress no-
13 tification of the intent to do so together with a
14 complete discussion of the justification for
15 doing so; and

16 (B) 15 days have elapsed following the
17 date of the notification.

18 **SEC. 1303. UTILIZATION OF CONTRIBUTIONS TO THE COOP-**
19 **ERATIVE THREAT REDUCTION PROGRAM.**

20 (a) IN GENERAL.—The Secretary of Defense, in con-
21 sultation with the Secretary of State, may enter into one
22 or more agreements with any person (including a foreign
23 government, international organization, multinational en-
24 tity, non-governmental organization, or individual) that
25 the Secretary of Defense considers appropriate, under

1 which the person contributes funds for activities conducted
2 under the Cooperative Threat Reduction Program of the
3 Department of Defense.

4 (b) RETENTION AND USE OF AMOUNTS.—Subject to
5 the availability of appropriations, the Secretary of Defense
6 may retain and use amounts contributed under an agree-
7 ment under subsection (a) for purposes of the Cooperative
8 Threat Reduction Program of the Department of Defense.
9 Amounts so contributed shall be retained in a separate
10 fund established in the Treasury for such purposes, sub-
11 ject to the availability of appropriations, consistent with
12 an agreement under subsection (a).

13 (c) RETURN OF AMOUNTS NOT USED WITHIN FIVE
14 YEARS.—If an amount contributed under an agreement
15 under subsection (a) is not used under this section within
16 five years after it was contributed, the Secretary of De-
17 fense shall return that amount to the person who contrib-
18 uted it.

19 (d) QUARTERLY REPORTS.—

20 (1) IN GENERAL.—Not later than 90 days after
21 the date of the enactment of this Act, and every 90
22 days thereafter, the Secretary of Defense shall sub-
23 mit to the appropriate congressional committees a
24 report on the receipt and use of amounts under this

1 section during the period covered by the report.

2 Each report shall set forth—

3 (A) a statement of any amounts received
4 under this section, including, for each such
5 amount, the value of the contribution and the
6 person who contributed it;

7 (B) a statement of any amounts used
8 under this section, including, for each such
9 amount, the purposes for which the amount was
10 used; and

11 (C) a statement of the amounts retained
12 but not used under this section including, for
13 each such amount, the purposes (if known) for
14 which the Secretary intends to use the amount.

15 (2) IMPLEMENTATION PLAN.—In addition to
16 the statements described in subparagraphs (A)
17 through (C) of paragraph (1), the first report sub-
18 mitted under such paragraph shall include an imple-
19 mentation plan for the authority provided under this
20 section.

21 (e) EXPIRATION.—The authority to accept contribu-
22 tions under this section shall expire on December 31,
23 2012. The authority to retain and use contributions under
24 this section shall expire on December 31, 2015.

1 (f) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
2 FINED.—In this section, the term “appropriate congres-
3 sional committees” means—

4 (1) the Committee on Armed Services, the
5 Committee on Appropriations, and the Committee on
6 Foreign Affairs of the House of Representatives;
7 and

8 (2) the Committee on Armed Services, the
9 Committee on Appropriations, and the Committee on
10 Foreign Relations of the Senate.

11 **SEC. 1304. NATIONAL ACADEMY OF SCIENCES STUDY OF**
12 **METRICS FOR THE COOPERATIVE THREAT**
13 **REDUCTION PROGRAM.**

14 (a) STUDY REQUIRED.—Not later than 60 days after
15 the date of the enactment of this Act, the Secretary of
16 Defense shall enter into an arrangement with the National
17 Academy of Sciences under which the Academy shall carry
18 out a study to identify metrics to measure the impact and
19 effectiveness of activities under the Cooperative Threat
20 Reduction Program of the Department of Defense to ad-
21 dress threats arising from the proliferation of chemical,
22 nuclear, and biological weapons and weapons-related ma-
23 terials, technologies, and expertise.

24 (b) SUBMISSION OF NATIONAL ACADEMY OF
25 SCIENCES REPORT.—The National Academy of Sciences

1 shall submit to Congress and the Secretary of Defense a
2 report on the results of the study carried out under sub-
3 section (a).

4 (c) SECRETARY OF DEFENSE REPORT.—

5 (1) IN GENERAL.—Not later than 90 days after
6 receipt of the report required by subsection (b), the
7 Secretary shall submit to Congress a report on the
8 study carried out under subsection (a).

9 (2) MATTERS TO BE INCLUDED.—The report
10 under paragraph (1) shall include the following:

11 (A) A summary of the results of the study
12 carried out under subsection (a).

13 (B) An assessment by the Secretary of the
14 study.

15 (C) A statement of the actions, if any, to
16 be undertaken by the Secretary to implement
17 any recommendations in the study.

18 (3) FORM.—The report under paragraph (1)
19 shall be submitted in unclassified form, but may in-
20 clude a classified annex.

21 (d) FUNDING.—Of the amounts appropriated pursu-
22 ant to the authorization of appropriations in section
23 301(20) or otherwise made available for Cooperative
24 Threat Reduction Programs for fiscal year 2010, not more

1 than \$1,000,000 may be obligated or expended to carry
2 out this section.

3 **SEC. 1305. COOPERATIVE THREAT REDUCTION PROGRAM**

4 **AUTHORITY FOR URGENT THREAT REDUC-**
5 **TION ACTIVITIES.**

6 (a) IN GENERAL.—Subject to the notification re-
7 quirement under subsection (b), not more than 10 percent
8 of the total amounts appropriated or otherwise made avail-
9 able in any fiscal year for the Cooperative Threat Reduc-
10 tion Program of the Department of Defense may be ex-
11 pended, notwithstanding any provision of law identified
12 pursuant to subsection (b)(2)(B), for activities described
13 under subsection (b)(1)(A).

14 (b) DETERMINATION AND NOTICE.—

15 (1) DETERMINATION.—The Secretary of De-
16 fense, in consultation with the Secretary of State,
17 may make a written determination that—

18 (A) certain activities of the Cooperative
19 Threat Reduction Program of the Department
20 of Defense are urgently needed to address
21 threats arising from the proliferation of chem-
22 ical, nuclear, and biological weapons or weap-
23 ons-related materials, technologies, and exper-
24 tise;

1 (B) certain provisions of law would unnec-
2 essarily impede the Secretary's ability to carry
3 out such activities; and

4 (C) it is necessary to expend amounts de-
5 scribed in subsection (a) to carry out such ac-
6 tivities.

7 (2) NOTICE REQUIRED.—Not later than 15
8 days before expending funds under the authority
9 provided in subsection (a), the Secretary of Defense
10 shall notify the appropriate congressional committees
11 of the determination made under paragraph (1). The
12 notice shall include—

13 (A) the determination;

14 (B) an identification of each provision of
15 law the Secretary determines would unneces-
16 sarily impede the Secretary's ability to carry
17 out the activities described under paragraph
18 (1)(A);

19 (C) the activities of the Cooperative Threat
20 Reduction Program to be undertaken pursuant
21 to the determination;

22 (D) the expected time frame for such ac-
23 tivities; and

24 (E) the expected costs of such activities.

1 (c) APPROPRIATE CONGRESSIONAL COMMITTEES.—

2 In this section, the term “appropriate congressional com-
3 mittees” means—

4 (1) the Committee on Foreign Affairs, the
5 Committee on Armed Services, and the Committee
6 on Appropriations of the House of Representatives;
7 and

8 (2) the Committee on Foreign Relations, the
9 Committee on Armed Services, and the Committee
10 on Appropriations of the Senate.

11 **SEC. 1306. COOPERATIVE THREAT REDUCTION DEFENSE**
12 **AND MILITARY CONTACTS PROGRAM.**

13 The Secretary of Defense shall ensure the following:

14 (1) The Defense and Military Contacts Pro-
15 gram under the Cooperative Threat Reduction Pro-
16 gram of the Department of Defense—

17 (A) is strategically used to advance the
18 mission of the Cooperative Threat Reduction
19 Program;

20 (B) is focused and expanded to support
21 specific relationship-building opportunities,
22 which could lead to Cooperative Threat Reduc-
23 tion Program development in new geographic
24 areas and achieve other Cooperative Threat Re-
25 duction Program benefits;

1 (C) is directly administered as part of the
2 Cooperative Threat Reduction Program; and

3 (D) includes, within an overall strategic
4 framework, cooperation and coordination
5 with—

6 (i) the unified combatant commands
7 that operate in areas in which Cooperative
8 Threat Reduction activities are carried out;
9 and

10 (ii) related diplomatic efforts.

11 (2) Beginning with fiscal year 2010, the strat-
12 egy and activities of the Defense and Military Con-
13 tacts Program, in accordance with this section, are
14 included in the Cooperative Threat Reduction An-
15 nual Report to Congress for each fiscal year, as re-
16 quired by section 1308 of the Floyd D. Spence Na-
17 tional Defense Authorization Act for fiscal year
18 2001 (as enacted into law by Public Law 106–398;
19 114 Stat. 1654A–341; 22 U.S.C. 5959 note).

20 **TITLE XIV—OTHER**
21 **AUTHORIZATIONS**

Subtitle A—Military Programs

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

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.

Sec. 1412. Extension of previously authorized disposal of cobalt from National Defense Stockpile.

Sec. 1413. Report on implementation of reconfiguration of the National Defense Stockpile.

Subtitle C—Armed Forces Retirement Home

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

1 **Subtitle A—Military Programs**

2 **SEC. 1401. WORKING CAPITAL FUNDS.**

3 Funds are hereby authorized to be appropriated for
4 fiscal year 2010 for the use of the Armed Forces and other
5 activities and agencies of the Department of Defense for
6 providing capital for working capital and revolving funds
7 in amounts as follows:

8 (1) For the Defense Working Capital Funds,
9 \$141,388,000.

10 (2) For the Defense Working Capital Fund,
11 Defense Commissary, \$1,313,616,000.

12 **SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.**

13 Funds are hereby authorized to be appropriated for
14 the fiscal year 2010 for the National Defense Sealift Fund
15 in the amount of \$1,702,758,000.

16 **SEC. 1403. DEFENSE HEALTH PROGRAM.**

17 Funds are hereby authorized to be appropriated for
18 the Department of Defense for fiscal year 2010 for ex-
19 penses, not otherwise provided for, for the Defense Health
20 Program, in the amount of \$26,963,187,000, of which—

1 (1) \$26,292,463,000 is for Operation and
2 Maintenance;

3 (2) \$493,192,000 is for Research, Development,
4 Test, and Evaluation; and

5 (3) \$177,532,000 is for Procurement.

6 **SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUC-**
7 **TION, DEFENSE.**

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

14 (1) \$1,146,802,000 is for Operation and Main-
15 tenance;

16 (2) \$401,269,000 is for Research, Development,
17 Test, and Evaluation; and

18 (3) \$12,689,000 is for Procurement.

19 (b) USE.—Amounts authorized to be appropriated
20 under subsection (a) are authorized for—

21 (1) the destruction of lethal chemical agents
22 and munitions in accordance with section 1412 of
23 the Department of Defense Authorization Act, 1986
24 (50 U.S.C. 1521); and

1 (2) the destruction of chemical warfare materiel
2 of the United States that is not covered by section
3 1412 of such Act.

4 **SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG AC-**
5 **TIVITIES, DEFENSE-WIDE.**

6 Funds are hereby authorized to be appropriated for
7 the Department of Defense for fiscal year 2010 for ex-
8 penses, not otherwise provided for, for Drug Interdiction
9 and Counter-Drug Activities, Defense-wide, in the amount
10 of \$1,050,984,000.

11 **SEC. 1406. DEFENSE INSPECTOR GENERAL.**

12 Funds are hereby authorized to be appropriated for
13 the Department of Defense for fiscal year 2010 for ex-
14 penses, not otherwise provided for, for the Office of the
15 Inspector General of the Department of Defense, in the
16 amount of \$279,224,000, of which—

17 (1) \$278,224,000 is for Operation and Mainte-
18 nance; and

19 (2) \$1,000,000 is for Procurement.

20 **Subtitle B—National Defense**
21 **Stockpile**

22 **SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE**
23 **STOCKPILE FUNDS.**

24 (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-
25 cal year 2010, the National Defense Stockpile Manager

1 may obligate up to \$41,179,000 of the funds in the Na-
2 tional Defense Stockpile Transaction Fund established
3 under subsection (a) of section 9 of the Strategic and Crit-
4 ical Materials Stock Piling Act (50 U.S.C. 98h) for the
5 authorized uses of such funds under subsection (b)(2) of
6 such section, including the disposal of hazardous materials
7 that are environmentally sensitive.

8 (b) **ADDITIONAL OBLIGATIONS.**—The National De-
9 fense Stockpile Manager may obligate amounts in excess
10 of the amount specified in subsection (a) if the National
11 Defense Stockpile Manager notifies Congress that extraor-
12 dinary or emergency conditions necessitate the additional
13 obligations. The National Defense Stockpile Manager may
14 make the additional obligations described in the notifica-
15 tion after the end of the 45-day period beginning on the
16 date on which Congress receives the notification.

17 (c) **LIMITATIONS.**—The authorities provided by this
18 section shall be subject to such limitations as may be pro-
19 vided in appropriations Acts.

20 **SEC. 1412. EXTENSION OF PREVIOUSLY AUTHORIZED DIS-**
21 **POSAL OF COBALT FROM NATIONAL DE-**
22 **FENSE STOCKPILE.**

23 Section 3305(a)(5) of the National Defense Author-
24 ization Act for Fiscal Year 1998 (Public Law 105–85; 50
25 U.S.C. 98d note), as most recently amended by section

1 1412(b) of the Duncan Hunter National Defense Author-
2 ization Act for Fiscal Year 2009 (Public Law 110–417;
3 122 Stat. 4648), is amended by striking “during fiscal
4 year 2009” and inserting “by the end of fiscal year 2011”.

5 **SEC. 1413. REPORT ON IMPLEMENTATION OF RECONFIG-**
6 **URATION OF THE NATIONAL DEFENSE**
7 **STOCKPILE.**

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 Committees on Armed Serv-
11 ices of the Senate and House of Representatives a report
12 on any actions the Secretary plans to take in response to
13 the recommendations in the April 2009 report entitled
14 “Reconfiguration of the National Defense Stockpile Re-
15 port to Congress” submitted by the Under Secretary of
16 Defense for Acquisition, Logistics, and Technology, as re-
17 quired by House Report 109–89, House Report 109–452,
18 and Senate Report 110–115.

19 (b) **CONGRESSIONAL NOTIFICATION.**—The Secretary
20 may not take any action regarding the implementation of
21 any initiative recommended in the report required under
22 subsection (a) until 45 days after the Secretary submits
23 to the congressional defense committees such report.

1 **Subtitle C—Armed Forces**
 2 **Retirement Home**

3 **SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR**
 4 **ARMED FORCES RETIREMENT HOME.**

5 There is authorized to be appropriated for fiscal year
 6 2010 from the Armed Forces Retirement Home Trust
 7 Fund the sum of \$134,000,000 for the operation of the
 8 Armed Forces Retirement Home.

9 **TITLE XV—AUTHORIZATION OF**
 10 **ADDITIONAL APPROPRIA-**
 11 **TIONS FOR OVERSEAS CON-**
 12 **TINGENCY OPERATIONS**

Sec. 1501. Purpose.

Sec. 1502. Army procurement.

Sec. 1503. Joint Improvised Explosive Device Defeat Fund.

Sec. 1504. Limitation on obligation of funds for Joint Improvised Explosive
 Device Defeat Organization pending report to Congress.

Sec. 1505. Navy and Marine Corps procurement.

Sec. 1506. Air Force procurement.

Sec. 1507. Defense-wide activities procurement.

Sec. 1508. Mine Resistant Ambush Protected Vehicle Fund.

Sec. 1509. Research, development, test, and evaluation.

Sec. 1510. Operation and maintenance.

Sec. 1511. Working capital funds.

Sec. 1512. Military personnel.

Sec. 1513. Afghanistan Security Forces Fund.

Sec. 1514. Iraq Freedom Fund.

Sec. 1515. Other Department of Defense programs.

Sec. 1516. Limitations on Iraq Security Forces Fund.

Sec. 1517. Continuation of prohibition on use of United States funds for cer-
 tain facilities projects in Iraq.

Sec. 1518. Special transfer authority.

Sec. 1519. Treatment as additional authorizations.

13 **SEC. 1501. PURPOSE.**

14 The purpose of this title is to authorize appropria-
 15 tions for the Department of Defense for fiscal year 2010

1 to provide additional funds for overseas contingency oper-
2 ations being carried out by the Armed Forces.

3 **SEC. 1502. ARMY PROCUREMENT.**

4 Funds are hereby authorized to be appropriated for
5 fiscal year 2010 for procurement accounts of the Army
6 in amounts as follows:

7 (1) For aircraft procurement, \$1,976,474,000.

8 (2) For ammunition procurement,
9 \$370,635,000.

10 (3) For weapons and tracked combat vehicles
11 procurement, \$874,466,000.

12 (4) For missile procurement, \$531,570,000.

13 (5) For other procurement, \$6,021,786,000.

14 **SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT**
15 **FUND.**

16 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
17 are hereby authorized to be appropriated for fiscal year
18 2010 for the Joint Improvised Explosive Device Defeat
19 Fund in the amount of \$1,435,000,000.

20 (b) **USE AND TRANSFER OF FUNDS.**—Subsections
21 (b) and (c) of section 1514 of the John Warner National
22 Defense Authorization Act for Fiscal Year 2007 (Public
23 Law 109–364; 120 Stat. 2439), as amended by section
24 1503 of the Duncan Hunter National Defense Authoriza-
25 tion Act for Fiscal Year 2009 (Public Law 110–417; 122

1 Stat. 4649), shall apply to the funds appropriated pursu-
2 ant to the authorization of appropriations in subsection
3 (a) and made available to the Department of Defense for
4 the Joint Improvised Explosive Device Defeat Fund.

5 (c) MONTHLY OBLIGATIONS AND EXPENDITURE RE-
6 PORTS.—Not later than 15 days after the end of each
7 month of fiscal year 2010, the Secretary of Defense shall
8 provide to the congressional defense committees a report
9 on the Joint Improvised Explosive Device Defeat Fund ex-
10 plaining monthly commitments, obligations, and expendi-
11 tures by line of action.

12 **SEC. 1504. LIMITATION ON OBLIGATION OF FUNDS FOR**
13 **JOINT IMPROVISED EXPLOSIVE DEVICE DE-**
14 **FEAT ORGANIZATION PENDING REPORT TO**
15 **CONGRESS.**

16 (a) LIMITATION.—Of the amounts remaining unobli-
17 gated as of the date of the enactment of this Act from
18 amounts described in subsection (b) for the Joint Impro-
19 vided Explosive Device Defeat Organization (in this sec-
20 tion referred to as “JIEDDO”), not more than 50 percent
21 of such remaining amounts may be obligated until
22 JIEDDO submits to the congressional defense committees
23 a report containing the following information regarding
24 projects funded for fiscal years 2008, 2009, and 2010:

1 (1) A description of the purpose, funding, and
2 schedule of the project.

3 (2) A description of related projects.

4 (3) An acquisition strategy.

5 (b) COVERED AUTHORIZATION OF APPROPRIA-
6 TIONS.—The limitation contained in subsection (a) applies
7 with respect to amounts made available pursuant to the
8 authorization of appropriations—

9 (1) in section 1503 of the Duncan Hunter Na-
10 tional Defense Authorization Act for Fiscal Year
11 2009 (Public Law 110–417; 122 Stat. 4649); and

12 (2) in section 1503(a) of this Act.

13 (c) WAIVER.—The Secretary of Defense may waive
14 the limitation in subsection (a) if the Secretary determines
15 that the waiver is necessary to fulfill a critical need by
16 United States military forces deployed in overseas contin-
17 gency operations. The Secretary shall notify the congres-
18 sional defense committees of any waiver granted under
19 this subsection and the reasons for the waiver.

20 **SEC. 1505. NAVY AND MARINE CORPS PROCUREMENT.**

21 Funds are hereby authorized to be appropriated for
22 fiscal year 2010 for procurement accounts of the Navy and
23 Marine Corps in amounts as follows:

24 (1) For aircraft procurement, Navy,
25 \$916,553,000.

1 (2) For weapons procurement, Navy,
2 \$73,700,000.

3 (3) For ammunition procurement, Navy and
4 Marine Corps, \$710,780,000.

5 (4) For other procurement, Navy,
6 \$318,018,000.

7 (5) For procurement, Marine Corps,
8 \$1,164,445,000.

9 **SEC. 1506. AIR FORCE PROCUREMENT.**

10 Funds are hereby authorized to be appropriated for
11 fiscal year 2010 for procurement accounts of the Air
12 Force in amounts as follows:

13 (1) For aircraft procurement, \$1,151,776,000.

14 (2) For ammunition procurement,
15 \$256,819,000.

16 (3) For missile procurement, \$36,625,000.

17 (4) For other procurement, \$2,321,549,000.

18 **SEC. 1507. DEFENSE-WIDE ACTIVITIES PROCUREMENT.**

19 Funds are hereby authorized to be appropriated for
20 fiscal year 2010 for the procurement account for Defense-
21 wide in the amount of \$799,830,000.

1 **SEC. 1508. MINE RESISTANT AMBUSH PROTECTED VEHICLE**
2 **FUND.**

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

6 **SEC. 1509. RESEARCH, DEVELOPMENT, TEST, AND EVALUA-**
7 **TION.**

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

- 11 (1) For the Army, \$57,962,000.
12 (2) For the Navy, \$107,180,000.
13 (3) For the Air Force, \$29,286,000.
14 (4) For Defense-wide activities, \$215,826,000.

15 **SEC. 1510. OPERATION AND MAINTENANCE.**

16 Funds are hereby authorized to be appropriated for
17 fiscal year 2010 for the use of the Armed Forces for ex-
18 penses, not otherwise provided for, for operation and
19 maintenance, in amounts as follows:

- 20 (1) For the Army, \$51,970,661,000.
21 (2) For the Navy, \$6,219,583,000.
22 (3) For the Marine Corps, \$3,701,600,000.
23 (4) For the Air Force, \$10,152,068,000.
24 (5) For Defense-wide activities,
25 \$7,578,300,000.
26 (6) For the Army Reserve, \$204,326,000.

1 (7) For the Navy Reserve, \$68,059,000

2 (8) For the Marine Corps Reserve,
3 \$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,
8 \$289,862,000.

9 **SEC. 1511. WORKING CAPITAL FUNDS.**

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 providing capital for working capital and revolving funds
14 in the amount of \$396,915,000.

15 **SEC. 1512. MILITARY PERSONNEL.**

16 Funds are hereby authorized to be appropriated for
17 fiscal year 2010 to the Department of Defense for military
18 personnel accounts in the total amount of
19 \$13,586,341,000.

20 **SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
22 are hereby authorized to be appropriated for fiscal year
23 2010 for the Afghanistan Security Forces Fund in the
24 amount of \$7,462,769,000.

1 (b) LIMITATION.—Funds appropriated pursuant to
2 the authorization of appropriations in subsection (a) or in
3 any other Act and made available to the Department of
4 Defense for the Afghanistan Security Forces Fund shall
5 be subject to the conditions contained in subsections (b)
6 through (g) of section 1513 of the National Defense Au-
7 thorization Act for Fiscal Year 2008 (Public Law 110-
8 181; 122 Stat. 428).

9 **SEC. 1514. IRAQ FREEDOM FUND.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
11 are hereby authorized to be appropriated for fiscal year
12 2010 for the Iraq Freedom Fund in the amount of
13 \$115,300,000.

14 (b) TRANSFER.—

15 (1) TRANSFER AUTHORIZED.—Subject to para-
16 graph (2), amounts authorized to be appropriated by
17 subsection (a) may be transferred from the Iraq
18 Freedom Fund to any accounts as follows:

19 (A) Operation and maintenance accounts
20 of the Armed Forces.

21 (B) Military personnel accounts.

22 (C) Research, development, test, and eval-
23 uation accounts of the Department of Defense.

24 (D) Procurement accounts of the Depart-
25 ment of Defense.

1 (E) Accounts providing funding for classi-
2 fied programs.

3 (F) The operating expenses account of the
4 Coast Guard.

5 (2) NOTICE TO CONGRESS.—A transfer may not
6 be made under the authority in paragraph (1) until
7 five days after the date on which the Secretary of
8 Defense notifies the congressional defense commit-
9 tees in writing of the transfer.

10 (3) TREATMENT OF TRANSFERRED FUNDS.—
11 Amounts transferred to an account under the au-
12 thority in paragraph (1) shall be merged with
13 amounts in such account and shall be made available
14 for the same purposes, and subject to the same con-
15 ditions and limitations, as amounts in such account.

16 (4) EFFECT ON AUTHORIZATION AMOUNTS.—A
17 transfer of an amount to an account under the au-
18 thority in paragraph (1) shall be deemed to increase
19 the amount authorized for such account by an
20 amount equal to the amount transferred.

21 **SEC. 1515. OTHER DEPARTMENT OF DEFENSE PROGRAMS.**

22 (a) DEFENSE HEALTH PROGRAM.—Funds are here-
23 by authorized to be appropriated for the Department of
24 Defense for fiscal year 2010 for expenses, not otherwise

1 provided for, for the Defense Health Program in the
2 amount of \$1,155,235,000 for operation and maintenance.

3 (b) DRUG INTERDICTION AND COUNTER-DRUG AC-
4 TIVITIES, DEFENSE-WIDE.—Funds are hereby authorized
5 to be appropriated for the Department of Defense for fis-
6 cal year 2010 for expenses, not otherwise provided for, for
7 Drug Interdiction and Counter-Drug Activities, Defense-
8 wide in the amount of \$324,603,000.

9 (c) DEFENSE INSPECTOR GENERAL.—Funds are
10 hereby authorized to be appropriated for the Department
11 of Defense for fiscal year 2010 for expenses, not otherwise
12 provided for, for the Office of the Inspector General of
13 the Department of Defense in the amount of \$8,876,000
14 for operation and maintenance.

15 **SEC. 1516. LIMITATIONS ON IRAQ SECURITY FORCES FUND.**

16 Funds made available to the Department of Defense
17 for the Iraq Security Forces Fund for fiscal year 2010
18 shall be subject to the conditions contained in subsections
19 (b) through (g) of section 1512 of the National Defense
20 Authorization Act for Fiscal Year 2008 (Public Law 110–
21 181; 122 Stat. 426).

1 **SEC. 1517. CONTINUATION OF PROHIBITION ON USE OF**
2 **UNITED STATES FUNDS FOR CERTAIN FACILI-**
3 **TIES PROJECTS IN IRAQ.**

4 Section 1508(a) of the Duncan Hunter National De-
5 fense Authorization Act for Fiscal Year 2009 (Public Law
6 110–417; 122 Stat. 4651) shall apply to funds authorized
7 to be appropriated by this title.

8 **SEC. 1518. SPECIAL TRANSFER AUTHORITY.**

9 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

10 (1) **AUTHORITY.—**Upon determination by the
11 Secretary of Defense that such action is necessary in
12 the national interest, the Secretary may transfer
13 amounts of authorizations made available to the De-
14 partment of Defense in this title for fiscal year 2010
15 between any such authorizations for that fiscal year
16 (or any subdivisions thereof). Amounts of authoriza-
17 tions so transferred shall be merged with and be
18 available for the same purposes as the authorization
19 to which transferred.

20 (2) **LIMITATION.—**The total amount of author-
21 izations that the Secretary may transfer under the
22 authority of this section may not exceed
23 \$4,000,000,000.

24 (b) **TERMS AND CONDITIONS.—**Transfers under this
25 section shall be subject to the same terms and conditions
26 as transfers under section 1001.

1 (c) ADDITIONAL AUTHORITY.—The transfer author-
2 ity provided by this section is in addition to the transfer
3 authority provided under section 1001.

4 **SEC. 1519. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

5 The amounts authorized to be appropriated by this
6 title are in addition to amounts otherwise authorized to
7 be appropriated by this Act.

8 **TITLE XVI—GUAM WORLD WAR II**
9 **LOYALTY RECOGNITION ACT**

10 **SEC. 1601. SHORT TITLE.**

11 This title may be cited as the “Guam World War II
12 Loyalty Recognition Act”.

13 **SEC. 1602. RECOGNITION OF THE SUFFERING AND LOY-**
14 **ALTY OF THE RESIDENTS OF GUAM.**

15 (a) RECOGNITION OF THE SUFFERING OF THE RESI-
16 DENTS OF GUAM.—The United States recognizes that, as
17 described by the Guam War Claims Review Commission,
18 the residents of Guam, on account of their United States
19 nationality, suffered unspeakable harm as a result of the
20 occupation of Guam by Imperial Japanese military forces
21 during World War II, by being subjected to death, rape,
22 severe personal injury, personal injury, forced labor,
23 forced march, or internment.

24 (b) RECOGNITION OF THE LOYALTY OF THE RESI-
25 DENTS OF GUAM.—The United States forever will be

1 grateful to the residents of Guam for their steadfast loy-
2 alty to the United States of America, as demonstrated by
3 the countless acts of courage they performed despite the
4 threat of death or great bodily harm they faced at the
5 hands of the Imperial Japanese military forces that occu-
6 pied Guam during World War II.

7 **SEC. 1603. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.**

8 (a) PAYMENTS FOR DEATH, PERSONAL INJURY,
9 FORCED LABOR, FORCED MARCH, AND INTERNMENT.—
10 Subject to the availability of appropriations authorized to
11 be appropriated under section 1606(a), after receipt of
12 certification pursuant to section 1604(b)(8) and in accord-
13 ance with the provisions of this title, the Secretary of the
14 Treasury shall make payments as follows:

15 (1) RESIDENTS INJURED.—The Secretary shall
16 pay compensable Guam victims who are not de-
17 ceased before any payments are made to individuals
18 described in paragraphs (2) and (3) as follows:

19 (A) If the victim has suffered an injury de-
20 scribed in subsection (c)(2)(A), \$15,000.

21 (B) If the victim is not described in sub-
22 paragraph (A) but has suffered an injury de-
23 scribed in subsection (c)(2)(B), \$12,000.

1 (C) If the victim is not described in sub-
2 paragraph (A) or (B) but has suffered an in-
3 jury described in subsection (c)(2)(C), \$10,000.

4 (2) SURVIVORS OF RESIDENTS WHO DIED IN
5 WAR.—In the case of a compensable Guam decedent,
6 the Secretary shall pay \$25,000 for distribution to
7 eligible survivors of the decedent as specified in sub-
8 section (b). The Secretary shall make payments
9 under this paragraph after payments are made
10 under paragraph (1) and before payments are made
11 under paragraph (3).

12 (3) SURVIVORS OF DECEASED INJURED RESI-
13 DENTS.—In the case of a compensable Guam victim
14 who is deceased, the Secretary shall pay \$7,000 for
15 distribution to eligible survivors of the victim as
16 specified in subsection (b). The Secretary shall make
17 payments under this paragraph after payments are
18 made under paragraphs (1) and (2).

19 (b) DISTRIBUTION OF SURVIVOR PAYMENTS.—Pay-
20 ments under paragraph (2) or (3) of subsection (a) to eli-
21 gible survivors of an individual who is a compensable
22 Guam decedent or a compensable Guam victim who is de-
23 ceased shall be made as follows:

1 (1) If there is living a spouse of the individual,
2 but no child of the individual, all of the payment
3 shall be made to such spouse.

4 (2) If there is living a spouse of the individual
5 and one or more children of the individual, one-half
6 of the payment shall be made to the spouse and the
7 other half to the child (or to the children in equal
8 shares).

9 (3) If there is no living spouse of the individual,
10 but there are one or more children of the individual
11 alive, all of the payment shall be made to such child
12 (or to such children in equal shares).

13 (4) If there is no living spouse or child of the
14 individual but there is a living parent (or parents)
15 of the individual, all of the payment shall be made
16 to the parents (or to the parents in equal shares).

17 (5) If there is no such living spouse, child, or
18 parent, no payment shall be made.

19 (c) DEFINITIONS.—For purposes of this title:

20 (1) COMPENSABLE GUAM DECEDENT.—The
21 term “compensable Guam decedent” means an indi-
22 vidual determined under section 1604(a)(1) to have
23 been a resident of Guam who died or was killed as
24 a result of the attack and occupation of Guam by
25 Imperial Japanese military forces during World War

1 II, or incident to the liberation of Guam by United
2 States military forces, and whose death would have
3 been compensable under the Guam Meritorious
4 Claims Act of 1945 (Public Law 79–224) if a timely
5 claim had been filed under the terms of such Act.

6 (2) COMPENSABLE GUAM VICTIM.—The term
7 “compensable Guam victim” means an individual de-
8 termined under section 1604(a)(1) to have suffered,
9 as a result of the attack and occupation of Guam by
10 Imperial Japanese military forces during World War
11 II, or incident to the liberation of Guam by United
12 States military forces, any of the following:

13 (A) Rape or severe personal injury (such
14 as loss of a limb, dismemberment, or paralysis).

15 (B) Forced labor or a personal injury not
16 under subparagraph (A) (such as disfigure-
17 ment, scarring, or burns).

18 (C) Forced march, internment, or hiding
19 to evade internment.

20 (3) DEFINITIONS OF SEVERE PERSONAL INJU-
21 RIES AND PERSONAL INJURIES.—The Foreign
22 Claims Settlement Commission shall promulgate reg-
23 ulations to specify injuries that constitute a severe
24 personal injury or a personal injury for purposes of

1 subparagraphs (A) and (B), respectively, of para-
2 graph (2).

3 **SEC. 1604. ADJUDICATION.**

4 (a) **AUTHORITY OF FOREIGN CLAIMS SETTLEMENT**
5 **COMMISSION.—**

6 (1) **IN GENERAL.—**The Foreign Claims Settle-
7 ment Commission is authorized to adjudicate claims
8 and determine eligibility for payments under section
9 1603.

10 (2) **RULES AND REGULATIONS.—**The chairman
11 of the Foreign Claims Settlement Commission shall
12 prescribe such rules and regulations as may be nec-
13 essary to enable it to carry out its functions under
14 this title. Such rules and regulations shall be pub-
15 lished in the Federal Register.

16 (b) **CLAIMS SUBMITTED FOR PAYMENTS.—**

17 (1) **SUBMITTAL OF CLAIM.—**For purposes of
18 subsection (a)(1) and subject to paragraph (2), the
19 Foreign Claims Settlement Commission may not de-
20 termine an individual is eligible for a payment under
21 section 1603 unless the individual submits to the
22 Commission a claim in such manner and form and
23 containing such information as the Commission
24 specifies.

1 (2) FILING PERIOD FOR CLAIMS AND NOTICE.—

2 All claims for a payment under section 1603 shall be
3 filed within 1 year after the Foreign Claims Settle-
4 ment Commission publishes public notice of the fil-
5 ing period in the Federal Register. The Foreign
6 Claims Settlement Commission shall provide for the
7 notice required under the previous sentence not later
8 than 180 days after the date of the enactment of
9 this title. In addition, the Commission shall cause to
10 be publicized the public notice of the deadline for fil-
11 ing claims in newspaper, radio, and television media
12 on Guam.

13 (3) ADJUDICATORY DECISIONS.—The decision
14 of the Foreign Claims Settlement Commission on
15 each claim shall be by majority vote, shall be in writ-
16 ing, and shall state the reasons for the approval or
17 denial of the claim. If approved, the decision shall
18 also state the amount of the payment awarded and
19 the distribution, if any, to be made of the payment.

20 (4) DEDUCTIONS IN PAYMENT.—The Foreign
21 Claims Settlement Commission shall deduct, from
22 potential payments, amounts previously paid under
23 the Guam Meritorious Claims Act of 1945 (Public
24 Law 79–224).

1 (5) INTEREST.—No interest shall be paid on
2 payments awarded by the Foreign Claims Settlement
3 Commission.

4 (6) REMUNERATION PROHIBITED.—No remun-
5 eration on account of representational services ren-
6 dered on behalf of any claimant in connection with
7 any claim filed with the Foreign Claims Settlement
8 Commission under this title shall exceed one percent
9 of the total amount paid pursuant to any payment
10 certified under the provisions of this title on account
11 of such claim. Any agreement to the contrary shall
12 be unlawful and void. Whoever demands or receives,
13 on account of services so rendered, any remunera-
14 tion in excess of the maximum permitted by this sec-
15 tion shall be fined not more than \$5,000 or impris-
16 oned not more than 12 months, or both.

17 (7) APPEALS AND FINALITY.—Objections and
18 appeals of decisions of the Foreign Claims Settle-
19 ment Commission shall be to the Commission, and
20 upon rehearing, the decision in each claim shall be
21 final, and not subject to further review by any court
22 or agency.

23 (8) CERTIFICATIONS FOR PAYMENT.—After a
24 decision approving a claim becomes final, the chair-
25 man of the Foreign Claims Settlement Commission

1 shall certify it to the Secretary of the Treasury for
2 authorization of a payment under section 1603.

3 (9) TREATMENT OF AFFIDAVITS.—For pur-
4 poses of section 1603 and subject to paragraph (2),
5 the Foreign Claims Settlement Commission shall
6 treat a claim that is accompanied by an affidavit of
7 an individual that attests to all of the material facts
8 required for establishing eligibility of such individual
9 for payment under such section as establishing a
10 prima facie case of the individual's eligibility for
11 such payment without the need for further docu-
12 mentation, except as the Commission may otherwise
13 require. Such material facts shall include, with re-
14 spect to a claim under paragraph (2) or (3) of sec-
15 tion 1603(a), a detailed description of the injury or
16 other circumstance supporting the claim involved, in-
17 cluding the level of payment sought.

18 (10) RELEASE OF RELATED CLAIMS.—Accept-
19 ance of payment under section 1603 by an individual
20 for a claim related to a compensable Guam decedent
21 or a compensable Guam victim shall be in full satis-
22 faction of all claims related to such decedent or vic-
23 tim, respectively, arising under the Guam Meri-
24 torious Claims Act of 1945 (Public Law 79-224),

1 the implementing regulations issued by the United
2 States Navy pursuant thereto, or this title.

3 (11) PENALTY FOR FALSE CLAIMS.—The provi-
4 sions of section 1001 of title 18 of the United States
5 Code (relating to criminal penalties for false state-
6 ments) apply to claims submitted under this sub-
7 section.

8 **SEC. 1605. GRANTS PROGRAM TO MEMORIALIZE THE OCCU-**
9 **PATION OF GUAM DURING WORLD WAR II.**

10 (a) ESTABLISHMENT.—Subject to section 1606(b)
11 and in accordance with this section, the Secretary of the
12 Interior shall establish a grants program under which the
13 Secretary shall award grants for research, educational,
14 and media activities that memorialize the events sur-
15 rounding the occupation of Guam during World War II,
16 honor the loyalty of the people of Guam during such occu-
17 pation, or both, for purposes of appropriately illuminating
18 and interpreting the causes and circumstances of such oc-
19 cupation and other similar occupations during a war.

20 (b) ELIGIBILITY.—The Secretary of the Interior may
21 not award to a person a grant under subsection (a) unless
22 such person submits an application to the Secretary for
23 such grant, in such time, manner, and form and con-
24 taining such information as the Secretary specifies.

1 **SEC. 1606. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) GUAM WORLD WAR II CLAIMS PAYMENTS AND
3 ADJUDICATION.—For purposes of carrying out sections
4 1603 and 1604, there are authorized to be appropriated
5 \$126,000,000, to remain available for obligation until Sep-
6 tember 30, 2013, to the Foreign Claims Settlement Com-
7 mission. Not more than 5 percent of funds made available
8 under this subsection shall be used for administrative
9 costs.

10 (b) GUAM WORLD WAR II GRANTS PROGRAM.—For
11 purposes of carrying out section 1605, there are author-
12 ized to be appropriated \$5,000,000, to remain available
13 for obligation until September 30, 2013.

14 **DIVISION B—MILITARY CON-**
15 **STRUCTION AUTHORIZA-**
16 **TIONS**

17 **SEC. 2001. SHORT TITLE.**

18 This division may be cited as the “Military Construc-
19 tion Authorization Act for Fiscal Year 2010”.

20 **SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND**
21 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
22 **LAW.**

23 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
24 YEARS.—Except as provided in subsection (b), all author-
25 izations contained in titles XXI through XXVII and title
26 XXIX for military construction projects, land acquisition,

1 family housing projects and facilities, and contributions to
2 the North Atlantic Treaty Organization Security Invest-
3 ment Program (and authorizations of appropriations
4 therefor) shall expire on the later of—

5 (1) October 1, 2012; or

6 (2) the date of the enactment of an Act author-
7 izing funds for military construction for fiscal year
8 2013.

9 (b) EXCEPTION.—Subsection (a) shall not apply to
10 authorizations for military construction projects, land ac-
11 quisition, family housing projects and facilities, and con-
12 tributions to the North Atlantic Treaty Organization Se-
13 curity Investment Program (and authorizations of appro-
14 priations therefor), for which appropriated funds have
15 been obligated before the later of—

16 (1) October 1, 2012; or

17 (2) the date of the enactment of an Act author-
18 izing funds for fiscal year 2013 for military con-
19 struction projects, land acquisition, family housing
20 projects and facilities, and contributions to the
21 North Atlantic Treaty Organization Security Invest-
22 ment Program.

23 **SEC. 2003. EFFECTIVE DATE.**

24 Titles XXI, XXII, XXIII, XXIV, XXV, XXVI,
25 XXVII, and XXIX shall take effect on the later of—

- 1 (1) October 1, 2009; or
- 2 (2) the date of the enactment of this Act.

3 **TITLE XXI—ARMY**

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Modification of authority to carry out certain fiscal year 2009 project.
- Sec. 2106. Extension of authorizations of certain fiscal year 2006 projects.

4 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 5 **ACQUISITION PROJECTS.**

6 (a) **INSIDE THE UNITED STATES.**—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2104(a)(1), the Secretary of the Army
 9 may acquire real property and carry out military construc-
 10 tion projects for the installations or locations inside the
 11 United States, and in the amounts, set forth in the fol-
 12 lowing table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Richardson	\$51,150,000
	Fort Wainwright	\$198,000,000
Alabama	Anniston Army Depot	\$3,000,000
	Redstone Arsenal	\$3,550,000
Arizona	Fort Huachuca	\$27,700,000
Arkansas	Pine Bluff Arsenal	\$25,000,000
California	Fort Irwin	\$9,500,000
Colorado	Fort Carson	\$342,950,000
Florida	Elgin Air Force Base	\$131,600,000
	Georgia	Fort Benning
Fort Gillem		\$10,800,000
Fort Stewart		\$145,400,000
Hawaii	Schofield Barracks	\$184,000,000
	Wheeler Army Air Field	\$7,500,000
Kansas	Fort Riley	\$162,400,000
Kentucky	Fort Campbell	\$14,400,000
	Fort Knox	\$70,000,000
Louisiana	Fort Polk	\$55,400,000
Maryland	Fort Detrick	\$46,400,000
	Fort Meade	\$2,350,000
Missouri	Fort Leonard Wood	\$170,800,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
New Jersey	Picatinny Arsenal	\$10,200,000
New York	Fort Drum	\$92,700,000
North Carolina	Fort Bragg	\$111,150,000
.....	Sunny Point Military Ocean Terminal	\$28,900,000
Oklahoma	Fort Sill	\$90,500,000
.....	McAlester Army Ammunition Plant	\$12,500,000
South Carolina	Charleston Naval Weapons Station,	\$21,800,000
.....	Fort Jackson	\$103,500,000
Texas	Fort Bliss	\$219,400,000
.....	Fort Hood	\$40,600,000
.....	Fort Sam Houston	\$19,800,000
Utah	Dugway Proving Ground	\$25,000,000
Virginia	Fort A.P. Hill	\$23,000,000
.....	Fort Belvoir	\$37,900,000
.....	Fort Lee	\$5,000,000
Washington	Fort Lewis	\$18,700,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2104(a)(2), the Secretary of the Army
4 may acquire real property and carry out military construc-
5 tion projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	\$87,100,000
Belgium	Brussels	\$20,000,000
Germany	Ansbach	\$31,700,000
.....	Kleber Kaserne	\$20,000,000
.....	Landstuhl	\$25,000,000
Japan	Okinawa	\$6,000,000
.....	Sagamihara	\$6,000,000
Korea	Camp Humphreys	\$50,200,000
Kuwait	Camp Arifjan	\$82,000,000

8 SEC. 2102. FAMILY HOUSING.

9 (a) CONSTRUCTION AND ACQUISITION.—Using
10 amounts appropriated pursuant to the authorization of ap-
11 propriations in section 2104(a)(5)(A), the Secretary of the

1 Army may construct or acquire family housing units (in-
 2 cluding land acquisition and supporting facilities) at the
 3 installations or locations, in the number of units, and in
 4 the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Baumholder	38	\$18,000,000

5 (b) PLANNING AND DESIGN.—Using amounts appro-
 6 priated pursuant to the authorization of appropriations in
 7 section 2104(a)(5)(A), the Secretary of the Army may
 8 carry out architectural and engineering services and con-
 9 struction design activities with respect to the construction
 10 or improvement of family housing units in an amount not
 11 to exceed \$3,936,000.

12 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 13 **UNITS.**

14 Subject to section 2825 of title 10, United States
 15 Code, and using amounts appropriated pursuant to the
 16 authorization of appropriations in section 2104(a)(5)(A),
 17 the Secretary of the Army may improve existing military
 18 family housing units in an amount not to exceed
 19 \$219,300,000.

20 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

21 (a) IN GENERAL.—Funds are hereby authorized to
 22 be appropriated for fiscal years beginning after September

1 30, 2009, for military construction, land acquisition, and
2 military family housing functions of the Department of the
3 Army in the total amount of \$4,427,076,000 as follows:

4 (1) For military construction projects inside the
5 United States authorized by section 2101(a),
6 \$2,738,150,000.

7 (2) For military construction projects outside
8 the United States authorized by section 2101(b),
9 \$328,000,000.

10 (3) For unspecified minor military construction
11 projects authorized by section 2805 of title 10,
12 United States Code, \$33,000,000.

13 (4) For host nation support and architectural
14 and engineering services and construction design
15 under section 2807 of title 10, United States Code,
16 \$187,872,000.

17 (5) For military family housing functions:

18 (A) For construction and acquisition, plan-
19 ning and design, and improvement of military
20 family housing and facilities, \$273,236,000.

21 (B) For support of military family housing
22 (including the functions described in section
23 2833 of title 10, United States Code),
24 \$523,418,000.

1 (6) For the construction of increment 4 of a
2 brigade complex at Fort Lewis, Washington, author-
3 ized by section 2101(a) of the Military Construction
4 Authorization Act for Fiscal Year 2007 (division B
5 of Public Law 109–364; 120 Stat. 2445), as amend-
6 ed by section 20814 of the Continuing Appropria-
7 tions Resolution, 2007 (division B of Public Law
8 109–289), as added by section 2 of the Revised Con-
9 tinuing Resolution, 2007 (Public Law 110–5; 121
10 Stat 41) \$102,000,000.

11 (7) For the construction of increment 2 of the
12 United States Southern Command Headquarters at
13 Miami Doral, Florida, authorized by section 2101(a)
14 of the Military Construction Authorization Act for
15 Fiscal Year 2008 (division B of Public Law 110–
16 181; 122 Stat. 504), \$55,400,000.

17 (8) For the construction of increment 3 of the
18 brigade complex operations support facility at
19 Vicenza, Italy, authorized by section 2101(b) of the
20 Military Construction Authorization Act for Fiscal
21 Year 2008 (division B of Public Law 110–181; 122
22 Stat. 505), \$23,500,000.

23 (9) For the construction of increment 3 of the
24 brigade complex barracks and community support
25 facility at Vicenza, Italy, authorized by section

1 2101(b) of the Military Construction Authorization
2 Act for Fiscal Year 2008 (division B of Public Law
3 110–181; 122 Stat. 505), \$22,500,000.

4 (10) For the construction of increment 2 of a
5 barracks and dining complex at Fort Carson, Colo-
6 rado, authorized by section 2101(a) of the Military
7 Construction Authorization Act for Fiscal Year 2009
8 (division B of Public Law 110–417 122 Stat. 4659),
9 \$60,000,000.

10 (11) For the construction of increment 2 of a
11 barracks and dining complex at Fort Stewart, Geor-
12 gia, authorized by section 2101(a) of the Military
13 Construction Authorization Act for Fiscal Year 2009
14 (division B of Public Law 110–417 122 Stat. 4659),
15 \$80,000,000.

16 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
17 PROJECTS.—Notwithstanding the cost variations author-
18 ized by section 2853 of title 10, United States Code, and
19 any other cost variation authorized by law, the total cost
20 of all projects carried out under section 2101 of this Act
21 may not exceed the sum of the following:

22 (1) The total amount authorized to be appro-
23 priated under paragraphs (1) and (2) of subsection
24 (a).

1 (2) \$95,000,000 (the balance of the amount au-
2 thorized under section 2101(a) for an aviation task
3 force complex, Phase I at Fort Wainwright, Alaska).

4 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**
5 **CERTAIN FISCAL YEAR 2009 PROJECT.**

6 In the case of the authorization contained in the table
7 in section 2101(a) of the Military Construction Authoriza-
8 tion Act of Fiscal Year 2009 (Public Law 110–417; 122
9 Stat. 4659) for Fort Bragg, North Carolina, for construc-
10 tion of a chapel at the installation, the Secretary of the
11 Army may construct up to a 22,600 square-feet (400 per-
12 son) chapel consistent with the Army’s standard square
13 footage for chapel construction guidelines.

14 **SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
15 **FISCAL YEAR 2006 PROJECTS.**

16 (a) EXTENSION.—Notwithstanding section 2701 of
17 the Military Construction Authorization Act for Fiscal
18 Year 2006 (division B of Public Law 109–163; 119 Stat.
19 3501), authorizations set forth in the table in subsection
20 (b), as provided in section 2101 of that Act (119 Stat.
21 3485) and extended by section 2107 of the Military Con-
22 struction Authorization Act for Fiscal Year 2009 (division
23 B of Public Law 110–417; 122 Stat. 4665), shall remain
24 in effect until October 1, 2010, or the date of the enact-

1 ment of an Act authorizing funds for military construction
 2 for fiscal year 2011, whichever is later:

3 (b) TABLE.—The table referred to in subsection (a)
 4 is as follows:

Army: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Hawaii	Pohakuloa	Tactical Vehicle Wash Facility.	\$9,207,000
		Battle Area Complex	\$33,660,000

5 **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.

6 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 7 **ACQUISITION PROJECTS.**

8 (a) INSIDE THE UNITED STATES.—Using amounts
 9 appropriated pursuant to the authorization of appropria-
 10 tions in section 2204(1), the Secretary of the Navy may
 11 acquire real property and carry out military construction
 12 projects for the installations or locations inside the United
 13 States, and in the amounts, set forth in the following
 14 table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	\$28,770,000
California	Mountain Warfare Training Center Bridgeport.	\$11,290,000
	Marine Corps Base, Camp Pendleton	\$775,162,000
	Edwards Air Force Base	\$3,007,000
	Naval Station Monterey	\$10,240,000
	Marine Corps Base, Twentynine Palms	\$513,680,000
	Marine Corps Air Station, Miramar	\$9,280,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
	Point Loma Annex	\$11,060,000
	Naval Station, San Diego	\$23,590,000
Connecticut	Naval Submarine Base, New London	\$6,570,000
Florida	Blount Island Command	\$3,760,000
	Eglin Air Force Base	\$26,287,000
	Naval Air Station, Jacksonville	\$5,917,000
	Naval Station, Mayport	\$56,042,000
	Naval Air Station, Pensacola	\$26,161,000
	Naval Air Station, Whiting Field	\$4,120,000
Georgia	Marine Corps Logistics Base, Albany	\$4,870,000
Hawaii	Oahu	\$5,380,000
	Naval Station, Pearl Harbor	\$35,182,000
Maine	Portsmouth Naval Shipyard	\$7,090,000
Maryland	Naval Surface Warfare Center, Carderock	\$6,520,000
	Naval Air Station, Patuxent River	\$11,043,000
North Carolina	Marine Corps Base, Camp Lejeune	\$673,570,000
	Marine Corps Air Station, Cherry Point	\$22,960,000
	Marine Corps Air Station, New River	\$107,090,000
Rhode Island	Naval Station, Newport	\$54,333,000
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
	Naval Air Station, Kingsville	\$4,470,000
Virginia	Naval Amphibious Base, Little Creek	\$13,095,000
	Naval Station Norfolk	\$18,139,000
	Naval Special Weapons Center, Dahlgren	\$3,660,000
	Norfolk Naval Shipyard, Portsmouth	\$226,969,000
	Marine Corps Base, Quantico	\$105,240,000
Washington	Naval Station, Everett	\$3,810,000
	Naval Magazine, Indian Island	\$13,130,000
	Spokane	\$12,707,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the installation or location outside the United
6 States, and in the amounts, set forth in the following
7 table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	Southwest Asia	\$41,526,000
Djibouti	Camp Lemonier	\$41,845,000
Guam	Naval Base, Guam	\$505,161,000
	Andersen Air Force Base	\$110,297,000
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(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 amount set forth in the following table:

Navy: Family Housing

Location	Installation or Lo- cation	Units	Amount
Korea	Pusan	Welcome center/ warehouse.	\$4,376,000
Mariana Islands	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(5)(A), the Secretary of the Navy may carry
 12 out architectural and engineering services and construc-
 13 tion design activities with respect to the construction or
 14 improvement of family housing units in an amount not
 15 to exceed \$2,771,000.

16 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
 17 **UNITS.**

18 Subject to section 2825 of title 10, United States
 19 Code, and using amounts appropriated pursuant to the
 20 authorization of appropriations in section 2204(5)(A), the
 21 Secretary of the Navy may improve existing military fam-

1 ily housing units in an amount not to exceed
2 \$118,692,000.

3 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

4 Funds are hereby authorized to be appropriated for
5 fiscal years beginning after September 30, 2009, for mili-
6 tary construction, land acquisition, and military family
7 housing functions of the Department of the Navy in the
8 total amount of \$4,220,719,000, as follows:

9 (1) For military construction projects inside the
10 United States authorized by section 2201(a),
11 \$2,792,210,000.

12 (2) For military construction projects outside
13 the United States authorized by section 2201(b),
14 \$483,845,000.

15 (3) For unspecified minor military construction
16 projects authorized by section 2805 of title 10,
17 United States Code, \$17,483,000.

18 (4) For architectural and engineering services
19 and construction design under section 2807 of title
20 10, United States Code, \$179,652,000.

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
3 of title 10, United States Code), \$368,540,000.

4 (6) For the construction of increment 6 of a
5 limited area production and storage complex at Ban-
6 gor, Washington, authorized by section 2201(a) of
7 the Military Construction Authorization Act for Fis-
8 cal Year 2005 (division B of Public Law 108–375;
9 118 Stat. 2106), \$87,292,000.

10 (7) For the construction of increment 2 of en-
11 clave fencing at Naval Submarine Base, Bangor,
12 Washington, authorized by section 2201(a) of the
13 Military Construction Authorization Act for Fiscal
14 Year 2006 (division B of Public Law 109–163; 119
15 Stat. 3490), as amended by section 2205 of this Act,
16 \$67,419,000.

17 (8) For the construction of increment 2 of a re-
18 placement maintenance pier at Bremerton, Wash-
19 ington, authorized by section 2201(a) of the Military
20 Construction Authorization Act for Fiscal Year 2008
21 (division B of Public Law 110–181; 122 Stat. 510),
22 \$69,064,000.

23 (9) For the construction of increment 3 of a
24 submarine drive-in magazine silencing facility at
25 Naval Base Pearl Harbor, Hawaii, authorized by

1 section 2201(a) of the Military Construction Author-
2 ization Act for Fiscal Year 2008 (division B of Pub-
3 lic Law 110–181; 122 Stat. 510), \$8,645,000.

4 **SEC. 2205. MODIFICATION AND EXTENSION OF AUTHORITY**
5 **TO CARRY OUT CERTAIN FISCAL YEAR 2006**
6 **PROJECT.**

7 (a) MODIFICATION.—The table in section 2201(a) of
8 the Military Construction Authorization Act for Fiscal
9 Year 2006 (division B of Public Law 109–163; 119 Stat.
10 3490) is amended in the item relating to Naval Submarine
11 Base, Bangor, Washington, by striking “\$60,160,000”
12 and inserting “\$127,163,000”.

13 (b) CONFORMING AMENDMENT.—Section 2204(b) of
14 that Act (119 Stat. 3492) is amended by adding at the
15 end the following new paragraph:

16 “(11) \$67,003,000 (the balance of the amount
17 authorized under section 2201(a) for construction of
18 a waterfront security enclave at Naval Submarine
19 Base, Bangor, Washington).”.

20 (c) EXTENSION.—Notwithstanding section 2701 of
21 the Military Construction Authorization Act for Fiscal
22 Year 2006 (division B of Public Law 109–163; 119 Stat.
23 3501), the authorization relating to enclave fencing/park-
24 ing at Naval Submarine Base, Bangor, Washington (for-
25 merly referred to as a project at Naval Submarine Base,

1 Bangor, Washington), as provided in section 2201 of that
 2 Act, shall remain in effect until October 1, 2012, or the
 3 date of the enactment of an Act authorizing funds for mili-
 4 tary construction for fiscal year 2013, whichever is later.

5 **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.

6 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 7 **LAND ACQUISITION PROJECTS.**

8 (a) **INSIDE THE UNITED STATES.**—Using amounts
 9 appropriated pursuant to the authorization of appropria-
 10 tions in section 2304(1), the Secretary of the Air Force
 11 may acquire real property and carry out military construc-
 12 tion projects for the installations or locations inside the
 13 United States, and in the amounts, set forth in the fol-
 14 lowing table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alaska	Clear Air Force Station	\$24,300,000
	Elmendorf Air Force Base	\$15,700,000
Arizona	Davis-Monthan Air Force Base	\$41,900,000
Arkansas	Little Rock Air Force Base	\$16,200,000
California	Los Angeles Air Force Base	\$8,000,000
	Travis Air Force Base	\$12,900,000
	Vandenberg Air Force Base	\$13,000,000
Colorado	Peterson Air Force Base	\$32,300,000
	United States Air Force Academy	\$17,500,000
Delaware	Dover Air Force Base	\$17,400,000
Florida	Eglin Air Force Base	\$84,360,000
	Hurlburt Field	\$19,900,000
	MacDill Air Force Base	\$59,300,000
	Warner Robins Air Force Base ...	\$6,200,000
Georgia	Hickam Air Force Base	\$4,000,000
Hawaii	Wheeler Air Force Base	\$15,000,000
	Mountain Home Air Force Base ..	\$20,000,000
Idaho		

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
Illinois	Scott Air Force Base	\$7,400,000
Maryland	Andrews Air Force Base	\$9,300,000
Missouri	Whiteman Air Force Base	\$12,900,000
Nevada	Creech Air Force Base	\$2,700,000
New Jersey	McGuire Air Force Base	\$7,900,000
New Mexico	Cannon Air Force Base	\$15,000,000
	Holloman Air Force Base	\$15,900,000
	Kirtland Air Force Base	\$22,500,000
North Carolina	Seymour Johnson Air Force Base	\$6,900,000
North Dakota	Minot Air Force Base	\$11,500,000
Ohio	Wright Patterson Air Force Base	\$58,600,000
Oklahoma	Altus Air Force Base	\$20,300,000
	Tinker Air Force Base	\$18,137,000
South Carolina	Shaw Air Force Base	\$21,183,000
Texas	Dyess Air Force Base	\$4,500,000
	Goodfellow Air Force Base	\$32,400,000
	Lackland Air Force Base	\$113,879,000
Utah	Hill Air Force Base	\$26,153,000
Virginia	Langley Air Force Base	\$10,000,000
Washington	Fairchild Air Force Base	\$4,150,000
Wyoming	F. E. Warren Air Force Base	\$9,100,000

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
4 may acquire real property and carry out military construc-
5 tion projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	\$22,000,000
Colombia	Palanquero Air Base	\$46,000,000
Germany	Ramstein Air Base	\$34,700,000
	Spangdahlem Air Base	\$23,500,000
Guam	Andersen Air Force Base	\$61,702,000
Italy	Naval Air Station Sigonella	\$31,300,000
Oman	Al Musannah Air Base	\$116,000,000
Qatar	Al Udeid Air Base	\$60,000,000
Turkey	Incirlik Air Base	\$9,200,000

1 **SEC. 2302. FAMILY HOUSING.**

2 Using amounts appropriated pursuant to the author-
3 ization of appropriations in section 2304(5)(A), the Sec-
4 retary of the Air Force may carry out architectural and
5 engineering services and construction design activities
6 with respect to the construction or improvement of family
7 housing units in an amount not to exceed \$4,314,000.

8 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States
11 Code, and using amounts appropriated pursuant to the
12 authorization of appropriations in section 2304(5)(A), the
13 Secretary of the Air Force may improve existing military
14 family housing units in an amount not to exceed
15 \$61,787,000.

16 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
17 **FORCE.**

18 Funds are hereby authorized to be appropriated for
19 fiscal years beginning after September 30, 2009, for mili-
20 tary construction, land acquisition, and military family
21 housing functions of the Department of the Air Force in
22 the total amount of \$1,928,208,000, as follows:

23 (1) For military construction projects inside the
24 United States authorized by section 2301(a),
25 \$838,362,000.

1 (2) For military construction projects outside
2 the United States authorized by section 2301(b),
3 \$404,402,000.

4 (3) For unspecified minor military construction
5 projects authorized by section 2805 of title 10,
6 United States Code, \$23,000,000.

7 (4) For architectural and engineering services
8 and construction design under section 2807 of title
9 10, United States Code, \$93,407,000.

10 (5) For military family housing functions:

11 (A) For construction and acquisition, plan-
12 ning and design, and improvement of military
13 family housing and facilities, \$66,101,000.

14 (B) For support of military family housing
15 (including functions described in section 2833
16 of title 10, United States Code), \$502,936,000.

17 **SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
18 **FISCAL YEAR 2007 PROJECTS.**

19 (a) EXTENSION.—Notwithstanding section 2701 of
20 the Military Construction Authorization Act for Fiscal
21 Year 2007 (division B of Public Law 109–364; 120 Stat.
22 2463), authorizations set forth in the table in subsection
23 (b), as provided in sections 2301 and 2302 of that Act,
24 shall remain in effect until October 1, 2010, or the date

1 of the enactment of an Act authorizing funds for military
 2 construction for fiscal year 2011, whichever is later.

3 (b) TABLE.—The table referred to in subsection (a)
 4 is as follows:

Air Force: Extension of 2007 Project Authorizations

State/Country	Installation or Location	Project	Amount
Delaware	Dover Air Force Base	C-17 Aircrew Life Support	\$7,400,000
Idaho	Mountain Home Air Force Base ..	Replace Family Housing (457 units)	\$107,800,000

5 **SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 6 **FISCAL YEAR 2006 PROJECTS.**

7 (a) EXTENSION.—Notwithstanding section 2701 of
 8 the Military Construction Authorization Act for Fiscal
 9 Year 2006 (division B of Public Law 109–163; 119 Stat.
 10 3501), authorizations set forth in the table in subsection
 11 (b), as provided in section 2302 of that Act (119 Stat.
 12 3495) and extended by section 2305 of the Military Con-
 13 struction Authorization Act for Fiscal Year 2009 (division
 14 B of Public Law 110–417; 122 Stat. 4684), shall remain
 15 in effect until October 1, 2010, or the date of the enact-
 16 ment of an Act authorizing funds for military construction
 17 for fiscal year 2011, whichever is later.

18 (b) TABLE.—The table referred to in subsection (a)
 19 is as follows:

Air Force: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
Alaska	Eielson Air Force Base	Replace Family Housing (92 units)	\$37,650,000
	Eielson Air Force Base	Purchase Build/Lease Housing (300 units)	\$18,144,000
North Dakota ...	Grand Forks Air Force Base	Replace Family Housing (150 units)	\$43,353,000

1 **TITLE XXIV—DEFENSE**
2 **AGENCIES**

 Subtitle A—Defense Agency Authorizations

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

Sec. 2402. Authorization of appropriations, Defense Agencies.

Sec. 2403. Modification of authority to carry out certain fiscal year 2008 project.

Sec. 2404. Modification of authority to carry out certain fiscal year 2009 project.

Sec. 2405. Extension of authorizations of certain fiscal year 2007 project.

 Subtitle B—Chemical Demilitarization Authorizations

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

3 **Subtitle A—Defense Agency**
4 **Authorizations**

5 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

7 (a) INSIDE THE UNITED STATES.—Using amounts
8 appropriated pursuant to the authorization of appropriations in section 2402(a)(1), the Secretary of Defense may
9 acquire real property and carry out military construction
10 projects for the installations or locations inside the United
11

1 States, and in the amounts, set forth in the following ta-
 2 bles:

Defense Education Activity

State	Installation or Location	Amount
Georgia	Fort Benning	\$2,330,000
	Fort Stewart/Hunter Army Air Field	\$45,003,000
North Carolina	Fort Bragg	\$3,439,000

Defense Information Systems Agency

State	Installation or Location	Amount
Hawaii	Naval Station Pearl Harbor, Ford Island ..	\$9,633,000

Defense Logistics Agency

State	Installation or Location	Amount
California	El Centro	\$11,000,000
	Travis Air Force Base	\$15,357,000
Florida	Jacksonville International Airport (Air Na- tional Guard).	\$11,500,000
Minnesota	Duluth International Airport (Air National Guard).	\$15,000,000
Oklahoma	Altus Air Force Base	\$2,700,000
Texas	Fort Hood	\$3,000,000
Washington	Fairchild Air Force Base	\$7,500,000

Missile Defense Agency

State	Installation or Location	Amount
Virginia	Naval Support Facility, Dahlgren	\$24,500,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	\$203,800,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Amphibious Base, Coronado	\$15,722,000
Colorado	Fort Carson	\$48,246,000
Florida	Eglin Air Force Base	\$3,046,000
	Hurlburt Field	\$8,156,000
Georgia	Fort Benning	\$3,046,000
Kentucky	Fort Campbell	\$32,335,000
New Mexico	Cannon Air Force Base	\$52,864,000
North Carolina	Fort Bragg	\$101,488,000
	Marine Corps Base, Camp Lejeune	\$11,791,000
Virginia	Naval Amphibious Base, Little Creek	\$18,669,000
	Naval Surface Warfare Center, Dam Neck	\$6,100,000
Washington	Fort Lewis	\$14,500,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Elmendorf Air Force Base	\$25,017,000
	Fort Richardson	\$3,518,000
Colorado	Fort Carson	\$52,773,000
Georgia	Fort Benning	\$17,200,000
	Fort Stewart/Hunter Army Field	\$26,386,000
Kentucky	Fort Campbell	\$8,600,000
Maryland	Fort Detrick	\$29,807,000
Missouri	Fort Leonard Wood	\$5,570,000
North Carolina	Fort Bragg	\$57,658,000
Oklahoma	Fort Sill	\$10,554,000
Texas	Lackland Air Force Base	\$101,928,000
	Fort Bliss	\$996,295,000
Washington	Fort Lewis	\$15,636,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	\$27,672,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2404(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations or locations outside the
6 United States, and in the amounts, set forth in the fol-
7 lowing tables:

Defense Education Activity

Country	Installation or Location	Amount
Belgium	Brussels	\$38,124,000
Germany	Kaiserslautern	\$93,545,000
	Wiesbaden Air Base	\$5,379,000
United Kingdom	Royal Air Force Lakenheath	\$4,509,000

Defense Intelligence Agency

Country	Installation or Location	Amount
Korea	K-16 Airfield	\$5,050,000

Defense Logistics Agency

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay	\$12,500,000

Defense Logistics Agency—Continued

Country	Installation or Location	Amount
Guam	Naval Air Station, Agana	\$4,900,000
Korea	Osan Air Base	\$28,000,000
United Kingdom	Royal Air Force Mildenhall	\$4,700,000

National Security Agency

Country	Installation or Location	Amount
United Kingdom	Royal Air Force Menwith Hill Station	\$37,588,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities, Guam	\$446,450,000
United Kingdom	Royal Air Force Alconbury	\$14,227,000

1 **SEC. 2402. AUTHORIZATION OF APPROPRIATIONS, DE-**
2 **FENSE AGENCIES.**

3 (a) IN GENERAL.—Funds are hereby authorized to
4 be appropriated for fiscal years beginning after September
5 30, 2009, for military construction, land acquisition, and
6 military family housing functions of the Department of
7 Defense (other than the military departments) in the total
8 amount of \$3,132,024,000, as follows:

9 (1) For military construction projects inside the
10 United States authorized by section 2401(a),
11 \$1,170,314,000.

12 (2) For military construction projects outside
13 the United States authorized by section 2401(b),
14 \$857,678,000.

1 (3) For unspecified minor military construction
2 projects under section 2805 of title 10, United
3 States Code, \$33,025,000.

4 (4) For contingency construction projects of the
5 Secretary of Defense under section 2804 of title 10,
6 United States Code, \$10,000,000.

7 (5) For architectural and engineering services
8 and construction design under section 2807 of title
9 10, United States Code, \$121,442,000.

10 (6) For energy conservation projects under
11 chapter 173 of title 10, United States Code,
12 \$90,000,000.

13 (7) For support of military family housing, in-
14 cluding functions described in section 2833 of title
15 10, United States Code, and credits to the Depart-
16 ment of Defense Family Housing Improvement
17 Fund under section 2883 of title 10, United States
18 Code, and the Homeowners Assistance Fund estab-
19 lished under section 1013 of the Demonstration Cit-
20 ies and Metropolitan Development Act of 1966 (42
21 U.S.C. 3374), \$77,898,000.

22 (8) For the construction of increment 4 of the
23 Army Medical Research Institute of Infectious Dis-
24 eases Stage 1 at Fort Detrick, Maryland, authorized
25 by section 2401(a) of the Military Construction Au-

1 thorization Act of Fiscal Year 2007 (division B of
2 Public Law 109–364; 120 Stat. 2457), \$28,000,000.

3 (9) For the construction of increment 2 of re-
4 placement fuel storage facilities at Point Loma
5 Annex, California, authorized by section 2401(a) of
6 the Military Construction Authorization Act of Fis-
7 cal Year 2008 (division B of Public Law 110–181;
8 122 Stat. 521), as amended by section 2405 of this
9 Act, \$92,300,000.

10 (10) For the construction of increment 3 of a
11 special operations facility at Dam Neck, Virginia,
12 authorized by section 2401(a) of the Military Con-
13 struction Authorization Act of Fiscal Year 2008 (di-
14 vision B of Public Law 110–181; 122 Stat. 521),
15 \$15,967,000.

16 (11) For the construction of increment 2 of the
17 United States Army Medical Research Institute of
18 Chemical Defense replacement facility at Aberdeen
19 Proving Ground, Maryland, authorized by section
20 2401(a) of the Military Construction Authorization
21 Act of Fiscal Year 2009 (division B of Public Law
22 110–417 122 Stat. 4689), \$111,400,000.

23 (12) For the construction of fuel storage tanks
24 and pipeline replacement at Souda Bay, Greece, au-
25 thorized by section 2401(b) of the Military Con-

1 construction Authorization Act of Fiscal Year 2009 (di-
2 vision B of Public Law 110–417; 122 Stat. 4691),
3 as amended by section 2406 of this Act,
4 \$24,000,000.

5 (13) For the construction of increment 2 of a
6 National Security Agency data center at Camp Wil-
7 liams, Utah, authorized as a Military Construction,
8 Defense-Wide project by the Supplemental Appro-
9 priations Act, 2009, \$500,000,000.

10 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
11 PROJECTS.—Notwithstanding the cost variations author-
12 ized by section 2853 of title 10, United States Code, and
13 any other cost variation authorized by law, the total cost
14 of all projects carried out under section 2401 of this Act
15 may not exceed the sum of the total amount authorized
16 to be appropriated under paragraphs (1) and (2) of sub-
17 section (a).

18 (c) AVAILABILITY OF FUNDS FOR ENERGY CON-
19 SERVATION PROJECTS OF RESERVE COMPONENTS.—Of
20 the amount authorized to be appropriated by subsection
21 (a)(6) for energy conservation projects under chapter 173
22 of title 10, United States Code, the Secretary of Defense
23 shall reserve a portion of the amount for energy conserva-
24 tion projects for the reserve components in an amount that
25 bears the same proportion to the total amount authorized

1 to be appropriated as the total quantity of energy con-
2 sumed by reserve facilities (as defined in section 18232(2)
3 of such title) during fiscal year 2009 bears to the total
4 quantity of energy consumed by all military installations
5 (as defined in section 2687(e)(1) of such title) during that
6 fiscal year, as determined by the Secretary.

7 **SEC. 2403. MODIFICATION OF AUTHORITY TO CARRY OUT**
8 **CERTAIN FISCAL YEAR 2008 PROJECT.**

9 (a) MODIFICATION.—The table relating to the De-
10 fense Logistics Agency in section 2401 (a) of the Military
11 Construction Authorization Act for Fiscal Year 2008 (di-
12 vision B of Public Law 110–181; 122 Stat. 521) is amend-
13 ed in the item relating to Point Loma Annex, California,
14 by striking “\$140,000,000” in the amount column and in-
15 serting “\$195,000,000”.

16 (b) CONFORMING AMENDMENT.—Section 2403(b)(2)
17 of that Act (122 Stat.524) is amended by striking
18 “\$84,300,000” and inserting “\$139,300,000”.

19 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT**
20 **CERTAIN FISCAL YEAR 2009 PROJECT.**

21 (a) MODIFICATION.—The table relating to the De-
22 fense Logistics Agency in section 2401 (b) of the Military
23 Construction Authorization Act for Fiscal Year 2009 (di-
24 vision B of Public Law 110–417; 122 Stat. 4691) is
25 amended in the item relating to Souda Bay, Greece, by

1 striking “\$8,000,000” in the amount column and insert-
 2 ing “\$32,000,000”.

3 (b) CONFORMING AMENDMENT.—Section 2403(b) of
 4 that Act (122 Stat. 4692) is amended by adding at the
 5 end the following new paragraph:

6 “(5) \$24,000,000 (the balance of the amount
 7 authorized for the Defense Logistics Agency under
 8 section 2401(b) for fuel storage tanks and pipeline
 9 replacement at Souda Bay, Greece).”.

10 **SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 11 **FISCAL YEAR 2007 PROJECT.**

12 (a) EXTENSION.—Notwithstanding section 2701 of
 13 the Military Construction Authorization Act for Fiscal
 14 Year 2007 (division B of Public Law 109–364; 120 Stat.
 15 2463), authorizations set forth in the table in subsection
 16 (b), as provided in section 2402 of that Act, shall remain
 17 in effect until October 1, 2010, or the date of the enact-
 18 ment of an Act authorizing funds for military construction
 19 for fiscal year 2011, whichever is later.

20 (b) TABLE.—The table referred to in subsection (a)
 21 is as follows:

Defense Logistics Agency: Family Housing

State	Location	Units	Amount
Virginia	Defense Supply Center, Rich- mond.	Whole House Renovation.	\$484,000

1 **Subtitle B—Chemical**
2 **Demilitarization Authorizations**

3 **SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEM-**
4 **ICAL DEMILITARIZATION CONSTRUCTION,**
5 **DEFENSE-WIDE.**

6 Funds are hereby authorized to be appropriated for
7 fiscal years beginning after September 30, 2009, for mili-
8 tary construction and land acquisition for chemical demili-
9 tarization in the total amount of \$146,541,000 as follows:

- 10 (1) For the construction of phase 11 of a chem-
11 ical munitions demilitarization facility at Pueblo
12 Chemical Activity, Colorado, authorized by section
13 2401(a) of the Military Construction Authorization
14 Act for Fiscal Year 1997 (division B of Public Law
15 104–201; 110 Stat. 2775), as amended by section
16 2406 of the Military Construction Authorization Act
17 for Fiscal Year 2000 (division B of Public Law 106–
18 65; 113 Stat. 839), section 2407 of the Military
19 Construction Authorization Act for Fiscal Year 2003
20 (division B of Public Law 107–314; 116 Stat.
21 2698), and section 2413 of the Military Construc-
22 tion Authorization Act for Fiscal Year 2009 (divi-
23 sion B of Public Law 110–417; 122 Stat. 4697),
24 \$92,500,000.

1 (2) For the construction of phase 10 of a muni-
2 tions demilitarization facility at Blue Grass Army
3 Depot, Kentucky, authorized by section 2401(a) of
4 the Military Construction Authorization Act for Fis-
5 cal Year 2000 (division B of Public Law 106–65;
6 113 Stat. 835), as amended by section 2405 of the
7 Military Construction Authorization Act for Fiscal
8 Year 2002 (division B of Public Law 107–107; 115
9 Stat. 1298), section 2405 of the Military Construc-
10 tion Authorization Act for Fiscal Year 2003 (divi-
11 sion B of Public Law 107–314; 116 Stat. 2698),
12 and section 2414 of the Military Construction Au-
13 thorization Act for Fiscal Year 2009 (division B of
14 Public Law 110–417; 122 Stat. 4697), \$54,041,000.

15 **TITLE XXV—NORTH ATLANTIC**
16 **TREATY ORGANIZATION SE-**
17 **CURITY INVESTMENT PRO-**
18 **GRAM**

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

19 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
20 **ACQUISITION PROJECTS.**

21 The Secretary of Defense may make contributions for
22 the North Atlantic Treaty Organization Security Invest-
23 ment Program as provided in section 2806 of title 10,
24 United States Code, in an amount not to exceed the sum

1 of the amount authorized to be appropriated for this pur-
 2 pose in section 2502 and the amount collected from the
 3 North Atlantic Treaty Organization as a result of con-
 4 struction previously financed by the United States.

5 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

6 Funds are hereby authorized to be appropriated for
 7 fiscal years beginning after September 30, 2009, for con-
 8 tributions by the Secretary of Defense under section 2806
 9 of title 10, United States Code, for the share of the United
 10 States of the cost of projects for the North Atlantic Treaty
 11 Organization Security Investment Program authorized by
 12 section 2501, in the amount of \$276,314,000.

13 **TITLE XXVI—GUARD AND**
 14 **RESERVE FORCES FACILITIES**

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.

Sec. 2602. Authorized Army Reserve construction and land acquisition projects.

Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.

Sec. 2604. Authorized Air National Guard construction and land acquisition projects.

Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.

Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Sec. 2607. Extension of authorizations of certain fiscal year 2007 projects.

Sec. 2608. Extension of authorizations of certain fiscal year 2006 project.

15 **SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-**
 16 **STRUCTION AND LAND ACQUISITION**
 17 **PROJECTS.**

18 (a) **INSIDE THE UNITED STATES.**—Using amounts
 19 appropriated pursuant to the authorization of appropria-

1 tions in section 2606(1)(A), the Secretary of the Army
 2 may acquire real property and carry out military construc-
 3 tion projects for the Army National Guard locations inside
 4 the United States, and in the amounts, set forth in the
 5 following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	Fort McClellan	\$3,000,000
Arizona	Camp Navajo	\$3,000,000
California	Los Alamitos Joint Forces Training Base.	\$31,000,000
Georgia	Fort Benning	\$15,500,000
	Hunter Army Air Field	\$8,967,000
Idaho	Gowen Field	\$16,100,000
Indiana	Muscatatuck Urban Training Center ...	\$10,100,000
Massachusetts	Hanscom Air Force Base	\$29,000,000
Michigan	Fort Custer	\$7,732,000
Minnesota	Arden Hills	\$6,700,000
	Camp Ripley	\$1,710,000
Mississippi	Camp Shelby	\$16,100,000
Missouri	Boonville	\$1,800,000
Nebraska	Lincoln Municipal Airport	\$23,000,000
New Mexico	Santa Fe	\$39,000,000
Nevada	North Las Vegas	\$26,000,000
North Carolina	East Flat Rock	\$2,516,000
	Fort Bragg	\$6,038,000
Oregon	Polk County	\$12,100,000
South Carolina	McEntire Joint National Guard Base ...	\$26,000,000
	Donaldson Air Force Base	\$40,000,000
Texas	Austin	\$22,200,000
Virginia	Fort Pickett	\$32,000,000

6 (b) OUTSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in section 2606(1)(B), the Secretary of the Army
 9 may acquire real property and carry out military construc-
 10 tion projects for the Army National Guard locations out-
 11 side the United States, and in the amounts, set forth in
 12 the following table:

Army National Guard: Outside the United States

Country	Location	Amount
Guam	Barrigada	\$30,000,000
Virgin Islands	St. Croix	\$20,000,000

1 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
2 **AND LAND ACQUISITION PROJECTS.**

3 (a) **INSIDE THE UNITED STATES.**—Using amounts
4 appropriated pursuant to the authorization of appropria-
5 tions in section 2606(2)(A), the Secretary of the Army
6 may acquire real property and carry out military construc-
7 tion projects for the Army Reserve locations inside the
8 United States, and in the amounts, set forth in the fol-
9 lowing table:

Army Reserve: Inside the United States

State	Location	Amount
California	Camp Pendleton	\$19,500,000
	Los Angeles	\$29,000,000
Colorado	Colorado Springs	\$13,000,000
Connecticut	Bridgeport	\$18,500,000
Florida	Panama City	\$7,300,000
	West Palm Beach	\$26,000,000
Georgia	Atlanta	\$14,000,000
Illinois	Chicago	\$23,000,000
Minnesota	Fort Snelling	\$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
Texas	Austin	\$20,000,000
	Bryan	\$12,200,000
	Fort Bliss	\$9,500,000
	Houston	\$24,000,000
	Robstown	\$10,200,000
Wisconsin	San Antonio	\$20,000,000
	Fort McCoy	\$25,000,000

10 (b) **OUTSIDE THE UNITED STATES.**—Using amounts
11 appropriated pursuant to the authorization of appropria-

1 tions in section 2606(2)(B), the Secretary of the Army
 2 may acquire real property and carry out military construc-
 3 tion projects for the Army Reserve location outside the
 4 United States, and in the amount, set forth in the fol-
 5 lowing table:

Army Reserve: Outside the United States

Country	Location	Amount
Puerto Rico	Caguas	\$12,400,000

6 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
 7 **CORPS RESERVE CONSTRUCTION AND LAND**
 8 **ACQUISITION PROJECTS.**

9 Using amounts appropriated pursuant to the author-
 10 ization of appropriations in section 2606(3), the Secretary
 11 of the Navy may acquire real property and carry out mili-
 12 tary construction projects for the Navy Reserve and Ma-
 13 rine Corps Reserve locations, and in the amounts, set forth
 14 in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Arizona	Luke Air Force Base	\$10,986,000
California	Alameda	\$5,960,000
Illinois	Joliet Army Ammunition Plant	\$7,957,000
South Carolina	Goose Creek	\$4,240,000
Texas	San Antonio	\$2,210,000
	Forth Worth Naval Air Station Joint Reserve Base.	\$6,170,000
Virginia	Oceana Naval Air Station	\$30,400,000

1 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

2
 3 Using amounts appropriated pursuant to the author-
 4 ization of appropriations in section 2606(4)(A), the Sec-
 5 retary of the Air Force may acquire real property and
 6 carry out military construction projects for the Air Na-
 7 tional Guard locations, and in the amounts, set forth in
 8 the following table:

Air National Guard

State	Location	Amount
Arizona	Davis-Monthan Air Force Base	\$5,600,000
California	South California Logistics Airport	\$8,400,000
Connecticut	Bradley International Airport	\$9,000,000
Hawaii	Hickam Air Force	\$33,000,000
Illinois	Lincoln Capital Airport	\$3,000,000
Kansas	McConnell Air Force Base	\$8,700,000
Maine	Bangor International Airport	\$28,000,000
Maryland	Andrews Air Force Base	\$14,000,000
Massachusetts	Barnes Air National Guard Base	\$8,100,000
Mississippi	Gulfport-Biloxi Regional Airport	\$6,500,000
	Wheeler Sack AAF	\$2,700,000
Nebraska	Lincoln Municipal Airport	\$1,500,000
Ohio	Mansfield Lahm Airport	\$11,400,000
Oklahoma	Will Rogers World Airport	\$7,300,000
Texas	Kelly Field Annex	\$7,900,000
Wisconsin	General Mitchell International Airport	\$5,000,000

9 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

10
 11 Using amounts appropriated pursuant to the author-
 12 ization of appropriations in section 2606(4)(B), the Sec-
 13 retary of the Air Force may acquire real property and
 14 carry out military construction projects for the Air Force
 15 Reserve locations, and in the amounts, set forth in the
 16 following table:

Air Force Reserve

State	Location	Amount
California	March Air Reserve Base	\$9,800,000
Colorado	Schriever Air Force Base	\$10,200,000
Mississippi	Keesler Air Force Base	\$9,800,000
New York	Niagara Falls Air Reserve Station	\$5,700,000
Texas	Lackland Air Force Base	\$1,500,000
Utah	Hill Air Force Base	\$3,200,000

1 **SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NA-**
2 **TIONAL GUARD AND RESERVE.**

3 Funds are hereby authorized to be appropriated for
4 fiscal years beginning after September 30, 2009, for the
5 costs of acquisition, architectural and engineering services,
6 and construction of facilities for the Guard and Reserve
7 Forces, and for contributions therefor, under chapter
8 1803 of title 10, United States Code (including the cost
9 of acquisition of land for those facilities), in the following
10 amounts:

11 (1) For the Department of the Army, for the
12 Army National Guard of the United States—

13 (A) for military construction projects in-
14 side the United States authorized by section
15 2601(a), \$509,129,000; and

16 (B) for military construction projects out-
17 side the United States authorized by section
18 2601(b), \$20,000,000.

19 (2) For the Department of the Army, for the
20 Army Reserve—

1 (A) for military construction projects in-
2 side the United States authorized by section
3 2602(a), \$420,116,000; and

4 (B) for military construction projects out-
5 side the United States authorized by section
6 2602(b), \$12,400,000.

7 (3) For the Department of the Navy, for the
8 Navy and Marine Corps Reserve, \$172,177,000.

9 (4) For the Department of the Air Force—

10 (A) for the Air National Guard of the
11 United States, \$226,126,000; and

12 (B) for the Air Force Reserve,
13 \$103,169,000.

14 **SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
15 **FISCAL YEAR 2007 PROJECTS.**

16 (a) EXTENSION.—Notwithstanding section 2701 of
17 the Military Construction Authorization Act for Fiscal
18 Year 2007 (division B of Public Law 109–364; 120 Stat.
19 2463), the authorizations set forth in the table in sub-
20 section (b), as provided in section 2601 of that Act, shall
21 remain in effect until October 1, 2010, or the date of the
22 enactment of an Act authorizing funds for military con-
23 struction for fiscal year 2011, whichever is later.

24 (b) TABLE.—The table referred to in subsection (a)
25 is as follows:

Army National Guard: Extension of 2007 Project Authorizations

State	Installation or Location	Project	Amount
California	Fresno	AVCRAD Add/Alt, PH I.	\$30,000,000
New Jersey	Lakehurst	Consolidated Logistics Training Facility, PH II.	\$20,024,000

1 **SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 2006 PROJECT.**

3 (a) EXTENSION.—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal
5 Year 2006 (division B of Public Law 109–163; 119 Stat.
6 3501), the authorization set forth in the table in sub-
7 section (b), as provided in section 2601 of that Act (119
8 Stat. 3501) and extended by section 2608 of the Military
9 Construction Authorization Act for Fiscal Year 2009 (di-
10 vision B of Public Law 110–417; 122 Stat. 4710), shall
11 remain in effect until October 1, 2010, or the date of the
12 enactment of an Act authorizing funds for military con-
13 struction for fiscal year 2011, whichever is later.

14 (b) TABLE.—The table referred to in subsection (a)
15 is as follows:

Army National Guard: Extension of 2006 Project Authorization

State	Installation or Location	Project	Amount
Montana	Townsend	Automated Qualification Training Range.	\$2,532,000

1 **TITLE XXVII—BASE CLOSURE**
 2 **AND REALIGNMENT ACTIVITIES**

Subtitle A—Authorizations

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

Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

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

Subtitle B—Amendments to Base Closure and Related Laws

Sec. 2711. Use of economic development conveyances to implement base closure and realignment property recommendations.

Subtitle C—Other Matters

Sec. 2721. Sense of Congress on ensuring joint basing recommendations do not adversely affect operational readiness.

Sec. 2722. Modification of closure instructions regarding Paul Doble Army Reserve Center, Portsmouth, New Hampshire.

3 **Subtitle A—Authorizations**

4 **SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR**
 5 **BASE CLOSURE AND REALIGNMENT ACTIVI-**
 6 **TIES FUNDED THROUGH DEPARTMENT OF**
 7 **DEFENSE BASE CLOSURE ACCOUNT 1990.**

8 Funds are hereby authorized to be appropriated for
 9 fiscal years beginning after September 30, 2009, for base
 10 closure and realignment activities, including real property
 11 acquisition and military construction projects, as author-
 12 ized by the Defense Base Closure and Realignment Act
 13 of 1990 (part A of title XXIX of Public Law 101–510;
 14 10 U.S.C. 2687 note) and funded through the Department
 15 of Defense Base Closure Account 1990 established by sec-

1 tion 2906 of such Act, in the total amount of
2 \$536,768,000, as follows:

3 (1) For the Department of the Army,
4 \$133,723,000.

5 (2) For the Department of the Navy,
6 \$228,000,000.

7 (3) For the Department of the Air Force,
8 \$172,364,000.

9 (4) For the Defense Agencies, \$2,681,000.

10 **SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN-**
11 **MENT ACTIVITIES FUNDED THROUGH DE-**
12 **PARTMENT OF DEFENSE BASE CLOSURE AC-**
13 **COUNT 2005.**

14 Using amounts appropriated pursuant to the author-
15 ization of appropriations in section 2703, the Secretary
16 of Defense may carry out base closure and realignment
17 activities, including real property acquisition and military
18 construction projects, as authorized by the Defense Base
19 Closure and Realignment Act of 1990 (part A of title
20 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and
21 funded through the Department of Defense Base Closure
22 Account 2005 established by section 2906A of such Act,
23 in the amount of \$5,934,740,000.

1 **SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR**
2 **BASE CLOSURE AND REALIGNMENT ACTIVI-**
3 **TIES FUNDED THROUGH DEPARTMENT OF**
4 **DEFENSE BASE CLOSURE ACCOUNT 2005.**

5 Funds are hereby authorized to be appropriated for
6 fiscal years beginning after September 30, 2009, for base
7 closure and realignment activities, including real property
8 acquisition and military construction projects, as author-
9 ized by the Defense Base Closure and Realignment Act
10 of 1990 (part A of title XXIX of Public Law 101-510;
11 10 U.S.C. 2687 note) and funded through the Department
12 of Defense Base Closure Account 2005 established by sec-
13 tion 2906A of such Act, in the total amount of
14 \$7,129,498,000, as follows:

15 (1) For the Department of the Army,
16 \$4,081,037,000.

17 (2) For the Department of the Navy,
18 \$591,572,000.

19 (3) For the Department of the Air Force,
20 \$418,260,000.

21 (4) For the Defense Agencies, \$2,038,629,000.

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

3 **SEC. 2711. USE OF ECONOMIC DEVELOPMENT CONVEY-**
4 **ANCES TO IMPLEMENT BASE CLOSURE AND**
5 **REALIGNMENT PROPERTY RECOMMENDA-**
6 **TIONS.**

7 (a) ECONOMIC REDEVELOPMENT CONVEYANCE AU-
8 THORITY.—Subsection (b)(4) of section 2905 of the De-
9 fense Base Closure and Realignment Act of 1990 (part
10 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687
11 note) is amended—

12 (1) in subparagraph (A), by striking “job gen-
13 eration” and inserting “economic redevelopment”;

14 (2) by striking subparagraph (B) and inserting
15 the following new subparagraph:

16 “(B) Real or personal property at a military installa-
17 tion shall be conveyed, without consideration, under sub-
18 paragraph (A) to the redevelopment authority with respect
19 to the installation if the authority—

20 “(i) agrees that the proceeds from any sale or
21 lease of the property (or any portion thereof) re-
22 ceived by the redevelopment authority during at
23 least the first seven years after the date of the initial
24 transfer of the property under subparagraph (A) or
25 the completion of the initial redevelopment of the

1 property, whichever is earlier, shall be used to sup-
2 port the economic redevelopment of, or related to,
3 the installation; and

4 “(ii) executes the agreement for transfer of the
5 property and accepts control of the property within
6 a reasonable time after the requirements associated
7 with subsection (c) are satisfied.”; and

8 (3) in subparagraph (C), by adding at the end
9 the following new clause:

10 “(xiii) Environmental restoration, waste man-
11 agement, and environmental compliance activities
12 provided pursuant to subsection (e).”.

13 (b) RECOUPMENT AUTHORITY.—Subsection
14 (b)(4)(D) of such section is amended—

15 (1) by striking “The Secretary” and inserting
16 “At the conclusion of the period specified in sub-
17 paragraph (B) applicable to an installation, the Sec-
18 retary”; and

19 (2) by striking “for the period specified in sub-
20 paragraph (B)” and inserting “before the conclusion
21 of such period”.

22 (c) REGULATIONS AND REPORT CONCERNING PROP-
23 erty CONVEYANCES.—

24 (1) REGULATIONS.—Not later than 60 days
25 after the date of the enactment of this Act, the Sec-

1 retary of Defense shall prescribe regulations to im-
2 plement the amendments made by this section to
3 support the conveyance of surplus real and personal
4 property at closed or realigned military installations
5 to local redevelopment authorities for economic de-
6 velopment purposes.

7 (2) REPORT.—Not later than 180 days after
8 the date of the enactment of this Act, the Secretary
9 of Defense shall submit to Congress a report regard-
10 ing the status of current and anticipated economic
11 development conveyances involving surplus real and
12 personal property at closed or realigned military in-
13 stallations, projected job creation as a result of the
14 conveyances, community reinvestment, and progress
15 made as a result of the implementation of the
16 amendments made by this section.

17 **Subtitle C—Other Matters**

18 **SEC. 2721. SENSE OF CONGRESS ON ENSURING JOINT BAS-**
19 **ING RECOMMENDATIONS DO NOT AD-**
20 **VERSELY AFFECT OPERATIONAL READINESS.**

21 It is the sense of Congress that, in implementing the
22 joint basing recommendations of the Defense Base Closure
23 and Realignment Commission contained in the report of
24 the Commission transmitted to Congress on September
25 15, 2005, under section 2903(e) of the Defense Base Clo-

1 sure and Realignment Act of 1990 (part A of title XXIX
2 of Public Law 101–510; 10 U.S.C. 2687 note), the Sec-
3 retary of Defense should ensure that the joint basing of
4 military installations at any of the recommended locations
5 does not adversely impact—

6 (1) the ability of commanders, and the units of
7 the Armed Forces under their command, to perform
8 their operational missions;

9 (2) the command and control of commanders at
10 each military installation that has an operational
11 mission requirement; and

12 (3) the readiness of the units of the Armed
13 Forces under their command.

14 **SEC. 2722. MODIFICATION OF CLOSURE INSTRUCTIONS RE-**
15 **GARDING PAUL DOBLE ARMY RESERVE CEN-**
16 **TER, PORTSMOUTH, NEW HAMPSHIRE.**

17 With respect to the closure of the Paul Doble Army
18 Reserve Center in Portsmouth, New Hampshire, and relo-
19 cation of units to a new reserve center and associated
20 training and maintenance facilities, the new reserve center
21 and associated training and maintenance facilities may be
22 located adjacent to or in the vicinity of Pease Air National
23 Guard Base.

1 **SEC. 2723. SENSE OF CONGRESS REGARDING TRAFFIC MITI-**
2 **GATION IN VICINITY OF NATIONAL NAVAL**
3 **MEDICAL CENTER, BETHESDA, MARYLAND, IN**
4 **RESPONSE TO INSTALLATION EXPANSION.**

5 Given the anticipated significant increases in local
6 traffic in the vicinity of the National Naval Medical Cen-
7 ter, Bethesda, Maryland, and the unusual impact that
8 such traffic increases will have on the surrounding com-
9 munity due to the planned expansion of the installation,
10 it is the sense of Congress that—

11 (1) multiple methods are available to the De-
12 partment of Defense to implement the defense ac-
13 cess roads program (section 210 of title 23, United
14 States Code) to help alleviate traffic congestion, in-
15 cluding expansion of adjacent highways, improve-
16 ments to nearby intersections, on-base queuing op-
17 tions, and multi-modal expansion, including ex-
18 panded support of buses and subways and other
19 measures; and

20 (2) all of the efforts to alleviate the significant
21 traffic impact need to be pursued to ensure readily
22 available access to health care at the installation.

1 **TITLE XXVIII—MILITARY CON-**
 2 **STRUCTION GENERAL PROVI-**
 3 **SIONS**

Subtitle A—Military Construction Program and Military Family Housing
 Changes

- Sec. 2801. Modification of unspecified minor construction authorities.
- Sec. 2802. Congressional notification of facility repair projects carried out using operation and maintenance funds.
- Sec. 2803. Authorized scope of work variations for military construction projects and military family housing projects.
- Sec. 2804. Imposition of requirement that acquisition of reserve component facilities be authorized by law.
- Sec. 2805. Report on Department of Defense contributions to States for acquisition, construction, expansion, rehabilitation, or conversion of reserve component facilities.
- Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility.
- Sec. 2807. Expansion of First Sergeants Barracks Initiative.
- Sec. 2808. Reports on privatization initiatives for military unaccompanied housing.

Subtitle B—Real Property and Facilities Administration

- Sec. 2811. Imposition of requirement that leases of real property to the United States with annual rental costs of more than \$750,000 be authorized by law.
- Sec. 2812. Consolidation of notice-and-wait requirements applicable to leases of real property owned by the United States.
- Sec. 2813. Clarification of authority of military departments to acquire low-cost interests in land and interests in land when need is urgent.
- Sec. 2814. Modification of utility systems conveyance authority.
- Sec. 2815. Decontamination and use of former bombardment area on island of Culebra.
- Sec. 2816. Disposal of excess property of Armed Forces Retirement Home.
- Sec. 2817. Acceptance of contributions to support cleanup efforts at former Almaden Air Force Station, California.
- Sec. 2818. Limitation on establishment of Navy outlying landing fields.
- Sec. 2819. Prohibition on outlying landing field at Sandbanks or Hale's Lake, North Carolina, for Oceana Naval Air Station.
- Sec. 2820. Selection of military installations to serve as locations of brigade combat teams.

Subtitle C—Provisions Related to Guam Realignment

- Sec. 2831. Role of Under Secretary of Defense for Policy in management and coordination of Department of Defense activities relating to Guam realignment.
- Sec. 2832. Clarifications regarding use of special purpose entities to assist with Guam realignment.

- Sec. 2833. Workforce issues related to military construction and certain other transactions on Guam.
- Sec. 2834. Composition of workforce for construction projects funded through the Support for United States Relocation to Guam Account.
- Sec. 2835. Interagency Coordination Group of Inspector Generals for Guam Realignment.
- Sec. 2836. Compliance with Naval Aviation Safety requirements as condition on acceptance of replacement facility for Marine Corps Air Station, Futenma, Okinawa.
- Sec. 2837. Report and sense of Congress on Marine Corps training requirements in Asia-Pacific region.

Subtitle D—Energy Security

- Sec. 2841. Adoption of unified energy monitoring and management system specification for military construction and military family housing activities.
- Sec. 2842. Department of Defense use of electric and hybrid motor vehicles.
- Sec. 2843. Department of Defense goal regarding use of renewable energy sources to meet facility energy needs.
- Sec. 2844. Comptroller General report on Department of Defense renewable energy initiatives.
- Sec. 2845. Study on development of nuclear power plants on military installations.

Subtitle E—Land Conveyances

- Sec. 2851. Transfer of administrative jurisdiction, Port Chicago Naval Magazine, California.
- Sec. 2852. Land conveyances, Naval Air Station, Barbers Point, Hawaii.
- Sec. 2853. Modification of land conveyance, former Griffiss Air Force Base, New York.
- Sec. 2854. Land conveyance, Army Reserve Center, Chambersburg, Pennsylvania.
- Sec. 2855. Land conveyance, Naval Air Station Oceana, Virginia.
- Sec. 2856. Land conveyance, Haines Tank Farm, Haines, Alaska.
- Sec. 2857. Completion of land exchange and consolidation, Fort Lewis, Washington.

Subtitle F—Other Matters

- Sec. 2871. Revised authority to establish national monument to honor United States Armed Forces working dog teams.
- Sec. 2872. Naming of child development center at Fort Leonard Wood, Missouri, in honor of Mr. S. Lee Kling.
- Sec. 2873. Conditions on establishment of Cooperative Security Location in Palanquero, Colombia.
- Sec. 2874. Military activities at United States Marine Corps Mountain Warfare Training Center.

1 **Subtitle A—Military Construction**
2 **Program and Military Family**
3 **Housing Changes**

4 **SEC. 2801. MODIFICATION OF UNSPECIFIED MINOR CON-**
5 **STRUCTION AUTHORITIES.**

6 (a) **REPEAL OF LIMITATIONS ON EXERCISE-RE-**
7 **LATED PROJECTS OVERSEAS.**—Section 2805 of title 10,
8 United States Code, is amended—

9 (1) in subsection (a)—

10 (A) by striking “(1) Except as provided in
11 paragraph (2), within” and inserting “Within”;

12 (B) by striking paragraph (2); and

13 (C) by striking “An unspecified” and in-
14 serting the following:

15 “(2) An unspecified”; and

16 (2) in subsection (c)—

17 (A) by striking “Except as provided in
18 paragraphs (2) and (3)” and inserting “Except
19 as provided in paragraph (2)”;

20 (B) by striking paragraph (2); and

21 (C) by redesignating paragraph (3) as
22 paragraph (2).

23 (b) **LABORATORY REVITALIZATION.**—

24 (1) **REVITALIZATION AUTHORIZED.**—Subsection

25 (d) of such section is amended—

1 (A) in paragraph (1)(B), by inserting “or
2 from funds authorized to be available under
3 section 219(a) of the Duncan Hunter National
4 Defense Authorization Act for Fiscal Year 2009
5 (Public Law 110–417; 10 U.S.C. 2358 note)”
6 after “authorized by law”;

7 (B) by striking paragraph (3); and

8 (C) by redesignating paragraphs (4), (5),
9 and (6) as paragraphs (3), (4), and (5), respec-
10 tively.

11 (2) MECHANISMS TO PROVIDE FUNDS FOR RE-
12 VITALIZATION.—Section 219(a)(1) of the Duncan
13 Hunter National Defense Authorization Act for Fis-
14 cal Year 2009 (Public Law 110–417; 10 U.S.C.
15 2358 note) is amended by adding at the end the fol-
16 lowing new subparagraph:

17 “(D) To fund the revitalization and recapiti-
18 talization of the laboratory pursuant to section
19 2805(d) of title 10, United States Code.”.

20 **SEC. 2802. CONGRESSIONAL NOTIFICATION OF FACILITY**
21 **REPAIR PROJECTS CARRIED OUT USING OP-**
22 **ERATION AND MAINTENANCE FUNDS.**

23 Section 2811(d) of title 10, United States Code, is
24 amended—

1 (1) in paragraph (1), by striking “and” at the
2 end; and

3 (2) by striking paragraph (2) and inserting the
4 following new paragraphs:

5 “(2) if the current estimate of the cost of the
6 repair project exceeds 50 percent of the estimated
7 cost of a military construction project to replace the
8 facility, an explanation of the reasons why replace-
9 ment of the facility is not in the best interest of the
10 Government; and

11 “(3) a description of the elements of military
12 construction, including the elements specified in sec-
13 tion 2802(b) of this title, incorporated into the re-
14 pair project.”.

15 **SEC. 2803. AUTHORIZED SCOPE OF WORK VARIATIONS FOR**
16 **MILITARY CONSTRUCTION PROJECTS AND**
17 **MILITARY FAMILY HOUSING PROJECTS.**

18 (a) AUTHORIZED PROCESS TO INCREASE SCOPE OF
19 WORK.—Section 2853 of title 10, United States Code, is
20 amended—

21 (1) in subsection (b)—

22 (A) by striking “Except” and inserting
23 “LIMITATION ON SCOPE OF WORK VARI-
24 ATIONS.—(1) Except”; and

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

3 “(2) Except as provided in subsection (c), the scope
4 of work for a military construction project or for the con-
5 struction, improvement, and acquisition of a military fam-
6 ily housing project may not be increased beyond the
7 amount approved for that project, construction, improve-
8 ment, or acquisition by Congress.”; and

9 (2) in subsection (c)—

10 (A) in the matter preceding paragraph (1),
11 by striking “scope reduction in subsection (b)
12 does not apply if the variation in cost or reduc-
13 tion” and inserting “scope of work variations in
14 subsection (b) does not apply if the variation in
15 cost or the variation”; and

16 (B) in paragraph (1), by striking “reduc-
17 tion” both places it appears and inserting “vari-
18 ation”.

19 (b) **STYLISTIC AMENDMENTS.**—Such section is fur-
20 ther amended—

21 (1) in subsection (a), by inserting “**LIMITATION**
22 **ON COST VARIATIONS.—**” before “Except”;

23 (2) in subsection (c), by inserting “**EXCEPTION;**
24 **NOTICE-AND-WAIT REQUIREMENTS.—**” after “(c)”;

25 and

1 (3) in subsection (d), by inserting “ADDITIONAL
2 EXCEPTION TO LIMITATION ON COST VARI-
3 ATIONS.—” after “(d)”.

4 **SEC. 2804. IMPOSITION OF REQUIREMENT THAT ACQUISI-**
5 **TION OF RESERVE COMPONENT FACILITIES**
6 **BE AUTHORIZED BY LAW.**

7 Section 18233(a)(1) of title 10, United States Code,
8 is amended by striking “as he determines to be necessary”
9 and inserting “as are authorized by law”.

10 **SEC. 2805. REPORT ON DEPARTMENT OF DEFENSE CON-**
11 **TRIBUTIONS TO STATES FOR ACQUISITION,**
12 **CONSTRUCTION, EXPANSION, REHABILITA-**
13 **TION, OR CONVERSION OF RESERVE COMPO-**
14 **NENT FACILITIES.**

15 (a) REPORT REQUIRED.—Not later than March 1,
16 2010, the Secretary of Defense shall submit to the con-
17 gressional defense committees a report specifying, for each
18 of fiscal years 2005 through 2009, the total amount of
19 contributions made by the Secretary to each State under
20 the authority of paragraphs (2) through (6) of section
21 18233(a) of title 10, United States Code, for reserve com-
22 ponent facilities. The amounts contributed under each of
23 such paragraphs for each State shall be specified sepa-
24 rately.

1 (b) DEFINITIONS.—In this section, the terms “State”
2 and “facility” have the meanings given those terms in sec-
3 tion 18232 of such title.

4 **SEC. 2806. AUTHORITY TO USE OPERATION AND MAINTEN-**
5 **NANCE FUNDS FOR CONSTRUCTION**
6 **PROJECTS INSIDE THE UNITED STATES CEN-**
7 **TRAL COMMAND AREA OF RESPONSIBILITY.**

8 (a) ONE-YEAR EXTENSION OF AUTHORITY.—Section
9 2808 of the Military Construction Authorization Act for
10 Fiscal Year 2004 (division B of Public Law 108–136; 117
11 Stat. 1723), as most recently amended by section 2806
12 of the Military Construction Authorization Act for Fiscal
13 Year 2009 (division B of Public Law 110–417; 112 Stat.
14 4724), is amended—

15 (1) in subsection (a), by striking “During fiscal
16 year 2004” and all that follows through “obligate”
17 and inserting “The Secretary of Defense may obli-
18 gate”; and

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

21 “(h) EXPIRATION OF AUTHORITY.—The authority to
22 obligate funds under this section expires on September 30,
23 2010.”.

24 (b) GEOGRAPHIC AREA OF AUTHORITY.—Subsection
25 (a) of such section is further amended by striking “and

1 United States Africa Command areas of responsibility”
2 and inserting “area of responsibility”.

3 (c) ANNUAL FUNDING LIMITATION ON USE OF AU-
4 THORITY; EXCEPTION.—Subsection (c) of such section is
5 amended by striking paragraph (2) and inserting the fol-
6 lowing new paragraph:

7 “(2) Notwithstanding paragraph (1), the Secretary of
8 Defense may authorize the obligation under this section
9 of not more than an additional \$10,000,000 of appro-
10 priated funds available for operation and maintenance for
11 a fiscal year if the Secretary determines that the addi-
12 tional funds are needed for costs associated with contract
13 closeouts.”.

14 (d) CLERICAL AMENDMENT TO CORRECT REF-
15ERENCE TO CONGRESSIONAL COMMITTEE.—Subsection
16 (f) of such section is amended by striking “Subcommittees
17 on Defense and Military Construction” both places it ap-
18 pears and inserting “Subcommittee on Defense and the
19 Subcommittee on Military Construction, Veterans Affairs,
20 and Related Agencies”.

21 **SEC. 2807. EXPANSION OF FIRST SERGEANTS BARRACKS**
22 **INITIATIVE.**

23 (a) EXPANSION OF INITIATIVE.—Not later than Sep-
24 tember 30, 2011, the Secretary of the Army shall expand
25 the First Sergeants Barracks Initiative (FSBI) to include

1 all Army installations in order to improve the quality of
2 life and living environments for single soldiers.

3 (b) PROGRESS REPORTS.—Not later than February
4 15, 2010, and February 15, 2011, the Secretary of the
5 Army shall submit to the congressional defense commit-
6 tees a report describing the progress made in expanding
7 the First Sergeants Barracks Initiative to all Army instal-
8 lations.

9 **SEC. 2808. REPORTS ON PRIVATIZATION INITIATIVES FOR**
10 **MILITARY UNACCOMPANIED HOUSING.**

11 (a) SECRETARY OF DEFENSE REPORT.—Not later
12 than March 31, 2010, the Secretary of Defense shall sub-
13 mit to the Committees on Armed Services of the Senate
14 and the House of Representatives a report containing—

15 (1) an evaluation of the process by which the
16 Secretary develops, implements, and oversees hous-
17 ing privatization transactions involving military un-
18 accompanied housing;

19 (2) recommendations regarding additional op-
20 portunities for members of the Armed Forces to uti-
21 lize housing privatization transactions involving mili-
22 tary unaccompanied housing; and

23 (3) an evaluation of the impact of a prohibition
24 on civilian occupancy of such housing on the ability

1 to secure private partners for such housing privat-
2 ization transactions.

3 (b) COMPTROLLER GENERAL REPORT.—Not later
4 than March 31, 2010, the Comptroller General shall sub-
5 mit to the Committees on Armed Services of the Senate
6 and the House of Representatives a report evaluating the
7 feasibility and cost of privatizing military unaccompanied
8 housing for all members of the Armed Forces.

9 (c) HOUSING PRIVATIZATION TRANSACTION DE-
10 FINED.—In this section, the term “housing privatization
11 transaction” means any contract or other transaction for
12 the construction or acquisition of military unaccompanied
13 housing entered into under the authority of subchapter IV
14 of chapter 169 of title 10, United States Code.

15 **Subtitle B—Real Property and** 16 **Facilities Administration**

17 **SEC. 2811. IMPOSITION OF REQUIREMENT THAT LEASES OF**
18 **REAL PROPERTY TO THE UNITED STATES**
19 **WITH ANNUAL RENTAL COSTS OF MORE**
20 **THAN \$750,000 BE AUTHORIZED BY LAW.**

21 (a) AUTHORIZATION REQUIRED.—Section 2661 of
22 title 10, United States Code, is amended by inserting after
23 subsection (b) the following new subsection:

24 “(c) AUTHORIZATION OF CERTAIN LEASES TO THE
25 UNITED STATES REQUIRED BY LAW.—If the estimated

1 annual rental in connection with a proposed lease of real
2 property to the United States is more than \$750,000, the
3 Secretary of a military department or, with respect to a
4 Defense Agency, the Secretary of Defense may enter into
5 the lease or utilize the General Services Administration
6 to enter into the lease on the Secretary's behalf only if
7 the lease is specifically authorized by law.”.

8 (b) REPEAL OF NOTICE AND WAIT REQUIREMENTS
9 REGARDING SUCH LEASES.—

10 (1) REPEAL.—Section 2662 of such title is
11 amended—

12 (A) in subsection (a)(1)—

13 (i) by striking subparagraph (B); and

14 (ii) by redesignating subparagraphs

15 (C) through (G) as subparagraphs (B)

16 through (F), respectively; and

17 (B) by striking subsection (e).

18 (2) CONFORMING AMENDMENTS.—Such section
19 is further amended—

20 (A) in subsection (a)(2)—

21 (i) by striking “or (B)”;

22 (ii) by striking “or leases to be
23 made”; and

24 (iii) by striking “subparagraph (E)”

25 and inserting “subparagraph (D)”;

1 (B) in subsection (g)—

2 (i) in paragraph (1), by striking “,
3 and the reporting requirement set forth in
4 subsection (e) shall not apply with respect
5 to a real property transaction otherwise
6 covered by that subsection,”; and

7 (ii) in paragraph (3), by striking “or
8 (e), as the case may be”.

9 **SEC. 2812. CONSOLIDATION OF NOTICE-AND-WAIT RE-**
10 **QUIREMENTS APPLICABLE TO LEASES OF**
11 **REAL PROPERTY OWNED BY THE UNITED**
12 **STATES.**

13 (a) NOTICE-AND-WAIT REQUIREMENTS.—Section
14 2662 of title 10, United States Code, as amended by sec-
15 tion 2811(b), is further amended by inserting after sub-
16 section (d) the following new subsection:

17 “(e) ADDITIONAL REPORTING REQUIREMENTS RE-
18 GARDING LEASES OF REAL PROPERTY OWNED BY THE
19 UNITED STATES.—(1) In the case of a proposed lease or
20 license of real property owned by the United States cov-
21 ered by paragraph (1)(B) of subsection (a), the Secretary
22 of a military department or the Secretary of Defense may
23 not issue a contract solicitation or other lease offering with
24 regard to the transaction unless the Secretary complies
25 with the notice-and wait requirements of paragraph (3)

1 of such subsection. The monthly report under such para-
2 graph shall include the following with regard to the pro-
3 posed transaction:

4 “(A) A description of the proposed transaction,
5 including the proposed duration of the lease or li-
6 cense.

7 “(B) A description of the authorities to be used
8 in entering into the transaction and the intended
9 participation of the United States in the lease or li-
10 cense, including a justification of the intended meth-
11 od of participation.

12 “(C) A statement of the scored cost of the
13 transaction, determined using the scoring criteria of
14 the Office of Management and Budget.

15 “(D) A determination that the property in-
16 volved in the transaction is not excess property, as
17 required by section 2667(a)(3) of this title, including
18 the basis for the determination.

19 “(E) A determination that the proposed trans-
20 action is directly compatible with the mission of the
21 military installation or Defense Agency at which the
22 property is located and a description of the antici-
23 pated long-term use of the property at the conclu-
24 sion of the lease or license.

1 “(F) A description of the requirements or con-
2 ditions within the contract solicitation or other lease
3 offering for the offeror to address taxation issues,
4 including payments-in-lieu-of taxes, and other devel-
5 opment issues related to local municipalities.

6 “(2) The Secretary of a military department or the
7 Secretary of Defense may not enter into the actual lease
8 or license with respect to property for which the informa-
9 tion required by paragraph (1) was submitted in a month-
10 ly report under subsection (a)(3) unless the Secretary
11 again complies with the notice-and wait requirements of
12 such subsection. The subsequent monthly report shall in-
13 clude the following with regard to the proposed trans-
14 action:

15 “(A) A cross reference to the prior monthly re-
16 port that contained the information submitted under
17 paragraph (1) with respect to the transaction.

18 “(B) A description of the differences between
19 the information submitted under paragraph (1) and
20 the information regarding the transaction being sub-
21 mitted in the subsequent report.

22 “(C) A description of the payment to be re-
23 quired in connection with the lease or license, includ-
24 ing a description of any in-kind consideration that
25 will be accepted.

1 “(D) A description of any community support
2 facility or provision of community support services
3 under the lease or license, regardless of whether the
4 facility will be operated by a covered entity (as de-
5 fined in section 2667(d) of this title) or the lessee
6 or the services will be provided by a covered entity
7 or the lessee.

8 “(E) A description of the competitive proce-
9 dures used to select the lessee or, in the case of a
10 lease involving the public benefit exception author-
11 ized by section 2667(h)(2) of this title, a description
12 of the public benefit to be served by the lease.

13 “(F) If the proposed lease or license involves a
14 project related to energy production, and the term of
15 the lease or license exceeds 20 years, a certification
16 that the project is consistent with the Department of
17 Defense performance goals and plan required by sec-
18 tion 2911 of this title.”.

19 (b) EXCEPTION FOR LEASES UNDER BASE CLOSURE
20 PROCESS.—Subsection (a)(1)(B) of such section, as redes-
21 ignated by section 2821(b), is amended by inserting after
22 “United States” the following: “(other than a lease or li-
23 cense entered into under section 2667(g) of this title)”.

1 (c) CONFORMING AMENDMENTS TO LEASE OF NON-
2 EXCESS PROPERTY AUTHORITY.—Section 2667 of such
3 title is amended—

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

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

6 and

7 (3) in subsection (h)—

8 (A) by striking paragraphs (3) and (5);

9 and

10 (B) by redesignating paragraph (4) as

11 paragraph (3).

12 **SEC. 2813. CLARIFICATION OF AUTHORITY OF MILITARY**
13 **DEPARTMENTS TO ACQUIRE LOW-COST IN-**
14 **TERESTS IN LAND AND INTERESTS IN LAND**
15 **WHEN NEED IS URGENT.**

16 Section 2664(a) of title 10, United States Code, is
17 amended—

18 (1) by inserting “(1)” before “No military”;

19 and

20 (2) by striking “The foregoing limitation shall

21 not apply to the acceptance” and inserting the fol-

22 lowing:

23 “(2) Paragraph (1) shall not apply to the following:

24 “(A) The acquisition of low-cost interests in

25 land, as authorized by section 2663(c) of this title.

1 “(B) The acquisition of interests in land when
2 the need is urgent, as authorized by section 2663(d)
3 of this title.

4 “(C) The acceptance”.

5 **SEC. 2814. MODIFICATION OF UTILITY SYSTEMS CONVEY-**
6 **ANCE AUTHORITY.**

7 (a) CLARIFICATION OF REQUIRED DETERMINATION
8 THAT CONVEYANCE REDUCE LONG-TERM COSTS.—Para-
9 graph (2)(A)(ii) of subsection (a) of section 2688 of title
10 10, United States Code, is amended by striking “system;
11 and” and inserting the following: “system—

12 “(I) by 10 percent of the long-term
13 cost for provision of those utility services
14 in the agency tender, for periods of per-
15 formance specified in subsection (d)(1); or

16 “(II) 20 percent of the long-term cost
17 for provision of those utility services in the
18 agency tender, for periods of performance
19 specified in subsection (d)(2); and”.

20 (b) LIMITATION ON REPEATED USE OF AUTHORITY
21 FOR SAME UTILITY SYSTEM.—Such subsection is further
22 amended by adding at the end the following new para-
23 graph:

24 “(3) If, as a result of the economic analysis required
25 by paragraph (2)(A), the Secretary concerned determines

1 that a utility system, or part of a utility system, is not
2 eligible for conveyance under this subsection, the Sec-
3 retary concerned may not reconsider the utility system,
4 or part of a utility system, for conveyance under this sub-
5 section or for conversion to contractor operation under
6 section 2461 of this title for a period of five years begin-
7 ning on the date of the determination. In addition, if the
8 results of a public-private competition for conversion of
9 a utility system, or part of a utility system, to operation
10 by a contractor favors continued operation by civilian em-
11 ployees of the Department of Defense, the Secretary con-
12 cerned may not reconsider the utility system, or part of
13 a utility system, for conversion under such section or for
14 conveyance under this subsection for a period of five years
15 beginning on the date of the completion of the public-pri-
16 vate competition.”.

17 **SEC. 2815. DECONTAMINATION AND USE OF FORMER BOM-**
18 **BARDMENT AREA ON ISLAND OF CULEBRA.**

19 Section 204 of the Military Construction Authoriza-
20 tion Act, 1974 (Public Law 93–166; 87 Stat. 668) is
21 amended by striking subsection (c).

22 **SEC. 2816. DISPOSAL OF EXCESS PROPERTY OF ARMED**
23 **FORCES RETIREMENT HOME.**

24 Section 1511(e)(3) of the Armed Forces Retirement
25 Home Act of 1991 (24 U.S.C. 411(e)(3)) is amended—

1 (1) by striking the first sentence and inserting
2 the following new sentence: “If the Secretary of De-
3 fense determines that any property of the Retirement
4 Home is excess to the needs of the Retirement
5 Home, the Secretary shall dispose of the property in
6 accordance with subchapter III of chapter 5 of title
7 40, United States Code (40 U.S.C. 541 et seq.)”;
8 and

9 (2) by striking the last sentence.

10 **SEC. 2817. ACCEPTANCE OF CONTRIBUTIONS TO SUPPORT**
11 **CLEANUP EFFORTS AT FORMER ALMADEN**
12 **AIR FORCE STATION, CALIFORNIA.**

13 (a) ACCEPTANCE OF CONTRIBUTIONS; PURPOSE.—
14 The Secretary of the Air Force may accept contributions
15 from other Federal entities, the State of California, and
16 other entities, both public and private, for the purposes
17 of helping to cover the costs of—

18 (1) demolition of property at former Almaden
19 Air Force Station, California; and

20 (2) environmental remediation and restoration
21 and other efforts to further the ultimate end use of
22 the property for conservation and recreation pur-
23 poses.

24 (b) AVAILABILITY.—Amounts received as contribu-
25 tions under subsection (a) may be merged with other

1 amounts available to the Secretary to carry out the pur-
2 poses described in such subsection and shall be available,
3 in such amounts as may be provided in advance in appro-
4 priation Act, for such purposes.

5 **SEC. 2818. LIMITATION ON ESTABLISHMENT OF NAVY OUT-**
6 **LYING LANDING FIELDS.**

7 (a) **LIMITATION.**—The Secretary of the Navy may
8 not establish an outlying landing field at a proposed loca-
9 tion to be used by naval aircraft if, within 90 days after
10 the issuance of the final environmental assessment or envi-
11 ronmental impact statement regarding the proposed loca-
12 tion pursuant to section 102(2) of the National Environ-
13 mental Policy Act of 1969 (42 U.S.C. 4332(2)), the Sec-
14 retary determines that the governmental body of the polit-
15 ical subdivision of a State containing the proposed location
16 is formally opposed to the establishment of the outlying
17 landing field.

18 (b) **EXCEPTION.**—Subsection (a) shall not apply if
19 Congress enacts a law authorizing the Secretary to pro-
20 ceed with the outlying landing field notwithstanding the
21 local government action.

1 **SEC. 2819. PROHIBITION ON OUTLYING LANDING FIELD AT**
2 **SANDBANKS OR HALE'S LAKE, NORTH CARO-**
3 **LINA, FOR OCEANA NAVAL AIR STATION.**

4 The Secretary of the Navy may not establish, con-
5 sider the establishment of, or purchase land, construct fa-
6 cilities, implement bird management plans, or conduct any
7 other activities that would facilitate the establishment of,
8 an outlying landing field at either of the proposed sites
9 in North Carolina, Sandbanks or Hale's Lake, to support
10 field carrier landing practice for naval aircraft operating
11 out of Oceana, Naval Air Station, Virginia.

12 **SEC. 2820. SELECTION OF MILITARY INSTALLATIONS TO**
13 **SERVE AS LOCATIONS OF BRIGADE COMBAT**
14 **TEAMS.**

15 In selecting the military installations at which bri-
16 gade combat teams will be stationed, which previously in-
17 cluded Fort Bliss, Texas, Fort Carson, Colorado, and Fort
18 Stewart, Georgia, the Secretary of the Army shall take
19 into consideration the availability and proximity of train-
20 ing spaces for the units and the capacity of the installa-
21 tions to support the units.

1 **SEC. 2821. AUTHORITY TO PROVIDE FINANCIAL ASSIST-**
2 **ANCE TO LOCAL COMMUNITIES FOR DEVEL-**
3 **OPMENT OF PUBLIC INFRASTRUCTURE DI-**
4 **RECTLY SUPPORTING EXPANSION OF MILI-**
5 **TARY INSTALLATIONS.**

6 Paragraph (3) of section 2391(d) of title 10, United
7 States Code, is amended to read as follows:

8 “(3) The terms ‘community adjustment’ and
9 ‘economic diversification’ may include—

10 “(A) the development of feasibility studies
11 and business plans for market diversification
12 within a community adversely affected by an ac-
13 tion described in subparagraph (A), (B), (C), or
14 (E) of subsection (b)(1) by adversely affected
15 businesses and labor organizations located in
16 the community; and

17 “(B) the development of public infrastruc-
18 ture that directly supports the expansion activi-
19 ties described in subparagraph (A) of sub-
20 section (b)(1).”.

21 **SEC. 2822. COMPTROLLER GENERAL REPORT ON NAVY SE-**
22 **CURITY MEASURES FOR LAURELWOOD HOUS-**
23 **ING COMPLEX, NAVAL WEAPONS STATION,**
24 **EARLE, NEW JERSEY.**

25 Not later than 180 days after the date of the enact-
26 ment of this Act, the Comptroller General shall submit

1 to the Committees on Armed Services of the Senate and
2 House of Representatives a report containing a cost anal-
3 ysis and audit of the sufficiency of the Navy's security
4 measures in advance of the proposed occupancy by the
5 general public of units of the Laurelwood Housing com-
6 plex on Naval Weapons Station, Earle. The report shall
7 include an estimate of costs to be incurred by Federal,
8 State, and local government agencies in the following
9 areas:

- 10 (1) Security and safety procedures.
- 11 (2) Land/utilities management and services.
- 12 (3) Educational assistance.
- 13 (4) Emergency services.
- 14 (5) Community services.
- 15 (6) Environmental services.

16 **Subtitle C—Provisions Related to** 17 **Guam Realignment**

18 **SEC. 2831. ROLE OF UNDER SECRETARY OF DEFENSE FOR** 19 **POLICY IN MANAGEMENT AND COORDINA-** 20 **TION OF DEPARTMENT OF DEFENSE ACTIVI-** 21 **TIES RELATING TO GUAM REALIGNMENT.**

22 Section 134 of title 10, United States Code, is
23 amended by adding at the end the following new sub-
24 section:

1 “(d)(1) Until September 30, 2019, the Under Sec-
2 retary shall have responsibility for coordinating the activi-
3 ties of the Department of Defense in connection with the
4 realignment of military installations and the relocation of
5 military personnel on Guam (in this subsection referred
6 to as the ‘Guam realignment’).

7 “(2) The Joint Guam Program Office shall report di-
8 rectly to the Under Secretary in carrying out its activities
9 in connection with the Guam realignment.

10 “(3) In carrying out the responsibilities assigned by
11 paragraph (1), the Under Secretary shall coordinate with
12 the National Security Advisor and serve as the official rep-
13 resentative of the Secretary of Defense at meetings of the
14 Interagency Group on Insular Areas, which was estab-
15 lished by Executive Order No. 13299 of May 12, 2003
16 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451), and
17 any sub-group or working group of that interagency
18 group.

19 “(4) The Under Secretary shall remain the primary
20 lead within the Department of Defense for coordination
21 with the Secretary of State on all matters concerning the
22 implementation of the agreement entitled ‘Agreement be-
23 tween the Government of the United States of America
24 and the Government of Japan concerning the Implementa-
25 tion of the Relocation of the III Marine Expeditionary

1 Force Personnel and their Dependents from Okinawa to
2 Guam’.

3 “(5) The assignment of responsibilities by paragraph
4 (1) does not confer upon the Under Secretary the author-
5 ity to control funds made available to the military depart-
6 ments for the Guam realignment. The Joint Guam Pro-
7 gram Office shall remain as the primary coordinator of
8 the resources provided by each military department in-
9 volved in the Guam realignment.”.

10 **SEC. 2832. CLARIFICATIONS REGARDING USE OF SPECIAL**
11 **PURPOSE ENTITIES TO ASSIST WITH GUAM**
12 **REALIGNMENT.**

13 (a) SPECIAL PURPOSE ENTITY DEFINED.—In this
14 section, the term “special purpose entity” means a wholly
15 independent entity established for a specific and limited
16 purpose to facilitate the realignment of military installa-
17 tions and the relocation of military personnel on Guam.

18 (b) REPORT ON IMPLEMENTATION GUIDANCE FOR
19 SPECIAL PURPOSE ENTITIES.—

20 (1) REPORT REQUIRED.—Not later than 180
21 days after the date of the enactment of this Act, the
22 Secretary of Defense shall submit to the congress-
23 sional defense committees a report containing the
24 implementation guidance developed regarding the
25 use of special purpose entities to assist with the re-

1 alignment of military installations and the relocation
2 of military personnel on Guam.

3 (2) NOTICE AND WAIT.—The Secretary of De-
4 fense may not authorize the use of the implementa-
5 tion guidance referred to in paragraph (1) until the
6 end of the 30-day period (15-day period if the report
7 is submitted electronically) beginning on the date on
8 which the report required by such paragraph is sub-
9 mitted.

10 (c) APPLICABILITY OF UNIFIED FACILITIES CRI-
11 TERIA.—

12 (1) APPLICABILITY TO SECTION 2350K CON-
13 TRIBUTIONS.—Section 2824(c)(4) of the Military
14 Construction Authorization Act for Fiscal Year 2009
15 (division B of Public Law 110–417; 10 U.S.C. 2687
16 note) is amended by adding at the end the following
17 new subparagraph:

18 “(D) APPLICABILITY OF UNIFIED FACILI-
19 TIES CRITERIA.—The unified facilities criteria
20 promulgated by the Under Secretary of Defense
21 for Acquisition, Technology, and Logistics and
22 dated May 29, 2002, or any successor to such
23 criteria shall apply to the obligation of contribu-
24 tions referred to in subsection (b)(1) for a
25 transaction authorized by paragraph (1).”.

1 (2) APPLICABILITY TO SPECIAL PURPOSE ENTI-
2 TY CONTRIBUTIONS.—The unified facilities criteria
3 promulgated by the Under Secretary of Defense for
4 Acquisition, Technology, and Logistics and dated
5 May 29, 2002, or any successor to such criteria shall
6 apply to the obligation of contributions provided by
7 a special purpose entity.

8 (3) REPORT.—Not later than 180 days after
9 the date of the enactment of this Act, the Secretary
10 of Defense shall submit to the congressional defense
11 committees a report containing an evaluation of var-
12 ious options, including a preferred option, that the
13 Secretary could utilize to comply with the unified fa-
14 cilities criteria referred to in paragraph (2) in the
15 acquisition of military housing on Guam in connec-
16 tion with the realignment of military installations
17 and the relocation of military personnel on Guam.
18 The report shall specifically consider increasing the
19 overseas housing allowance for members of the
20 Armed Forces serving on Guam and providing a di-
21 rect Federal subsidy to public-private ventures.

22 (d) SENSE OF CONGRESS ON SCOPE OF UTILITY IN-
23 FRASTRUCTURE IMPROVEMENTS.—Section 2821 of the
24 Military Construction Authorization Act for Fiscal Year

1 2009 (division B of Public Law 110–417; 122 Stat. 4729)
2 is amended—

3 (1) by redesignating subsection (c) as sub-
4 section (b); and

5 (2) in such subsection, by striking “should in-
6 corporate the civilian and military infrastructure
7 into a single grid to realize and maximize the effec-
8 tiveness of the overall utility system” and inserting
9 “should support proposed utility infrastructure im-
10 provements on Guam that incorporate the civilian
11 and military infrastructure into a single grid to real-
12 ize and maximize the effectiveness of the overall util-
13 ity system, rather than simply supporting one or
14 more military installations”.

15 **SEC. 2833. WORKFORCE ISSUES RELATED TO MILITARY**
16 **CONSTRUCTION AND CERTAIN OTHER**
17 **TRANSACTIONS ON GUAM.**

18 (a) **PREVAILING WAGE REQUIREMENTS.**—Subsection
19 (c) of section 2824 of the Military Construction Authoriza-
20 tion Act for Fiscal Year 2009 (division B of Public Law
21 110–417; 10 U.S.C. 2687 note) is amended by adding at
22 the end the following new paragraph:

23 “(5) **APPLICATION OF PREVAILING WAGE RE-**
24 **QUIREMENTS.**—

1 “(A) APPLICATION; RELATION TO WAGE
2 RATES IN HAWAII.—The requirements of sub-
3 chapter IV of chapter 31 of title 40, United
4 States Code, shall apply to any military con-
5 struction project or other transaction author-
6 ized by paragraph (1) that is carried out on
7 Guam using contributions referred to in sub-
8 section (b)(1) or appropriated funds, except
9 that the wage rates determined pursuant to
10 such subchapter for Guam may not be less than
11 the lowest wage rates determined for the appli-
12 cable class of laborer or mechanic on projects or
13 transactions of a similar character under such
14 subchapter for Hawaii.

15 “(B) SECRETARY OF LABOR AUTHORI-
16 TIES.—In order to carry out the requirements
17 of subparagraph (A) and paragraph (6) (relat-
18 ing to composition of workforce for construction
19 projects), the Secretary of Labor shall have the
20 authority and functions set forth in Reorganiza-
21 tion Plan Number 14 of 1950 and section 3145
22 of title 40, United States Code.

23 “(C) ADDITION TO WEEKLY STATEMENT
24 ON THE WAGES PAID.—In the case of projects
25 and other transactions covered by subparagraph

1 (A), the weekly statement required by section
2 3145 of title 40, United States Code, shall also
3 identify each employee working on the project
4 or transaction who holds a visa issued under
5 section 101(a)(15)(H)(ii)(b) of the Immigration
6 and Nationality Act (8 U.S.C.
7 1101(a)(15)(H)(ii)(b)).

8 “(D) DURATION OF REQUIREMENTS.—The
9 Secretary of Labor shall make and issue a wage
10 rate determination for Guam annually until 90
11 percent of the funds in the Account and other
12 funds made available for the realignment of
13 military installations and the relocation of mili-
14 tary personnel on Guam have been expended.”.

15 (b) REPORTING REQUIREMENTS REGARDING SUP-
16 PORT OF CONSTRUCTION WORKFORCE.—Subsection (e) of
17 such section is amended—

18 (1) by striking “Not later than” and inserting
19 the following:

20 “(1) MILITARY CONSTRUCTION INFORMA-
21 TION.—Not later than”; and

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

24 “(2) CONSTRUCTION WORKFORCE INFORMA-
25 TION.—The annual report shall also include an as-

1 101(a)(15)(H)(ii)(b) of the Immigration and
2 Nationality Act (8 U.S.C.
3 1101(a)(15)(H)(ii)(b)).

4 “(B) SOURCE OF FUNDS.—Subparagraph
5 (A) applies to—

6 “(i) amounts in the Account used for
7 projects associated with the realignment of
8 military installations and the relocation of
9 military personnel on Guam;

10 “(ii) funds associated with activities
11 under section 2821 of this Act; and

12 “(iii) funds for authorized military
13 construction projects.

14 “(C) SOLICITATION OF WORKERS.—In
15 order to ensure compliance with subparagraph
16 (A), as a condition of a contract covered by
17 such subparagraph, the contractor shall be re-
18 quired to advertise and solicit for construction
19 workers in the United States, including terri-
20 tories in the Pacific region, in accordance with
21 a recruitment plan created by the Secretary of
22 Labor. The contractor shall submit a copy of
23 the employment offer, including a description of
24 wages and other terms and conditions of em-
25 ployment, to the Secretary of Labor. The con-

1 tractor shall authorize the Secretary of Labor
2 to post a notice of the employment offer on a
3 website, with State and local job banks, with
4 State workforce agencies, and with unemploy-
5 ment agencies and other referral and recruit-
6 ment sources pertinent to the employment op-
7 portunity.”.

8 (b) REPORTING REQUIREMENTS.—

9 (1) SECRETARY OF DEFENSE.—Not later than
10 June 30, 2010, the Secretary of Defense shall sub-
11 mit to the congressional committees specified in
12 paragraph (3) a report containing an assessment of
13 efforts to establish a Project Labor Agreement for
14 construction projects associated with the Guam re-
15 alignment as encouraged by Executive Order 13502,
16 entitled “Use of Project Labor Agreements for Fed-
17 eral Construction Projects” (74 Fed. Reg. 6985), as
18 a means of complying with the requirements of para-
19 graph (6) of section 2824(c) of the Military Con-
20 struction Authorization Act for Fiscal Year 2009, as
21 added by subsection (a).

22 (2) SECRETARY OF LABOR.—Not later than
23 June 30, 2010, the Secretary of Labor shall submit
24 to the congressional committees specified in para-
25 graph (3) a report containing an assessment of—

1 (A) the opportunities to expand the re-
2 cruitment of construction workers in the United
3 States, including territories in the Pacific re-
4 gion, to support the realignment of military in-
5 stallations and the relocation of military per-
6 sonnel on Guam, consistent with the require-
7 ments of paragraph (6) of section 2824(c) of
8 the Military Construction Authorization Act for
9 Fiscal Year 2009, as added by subsection (a);

10 (B) the ability of labor markets to support
11 the Guam realignment; and

12 (C) the sufficiency of efforts to recruit
13 United States construction workers.

14 (3) COVERED CONGRESSIONAL COMMITTEES.—

15 The reports required by this subsection shall be sub-
16 mitted to the congressional defense committees, the
17 Committee on Education and Labor of the House of
18 Representatives, and the Committee on Health, Edu-
19 cation, Labor, and Pensions of the Senate.

20 **SEC. 2835. INTERAGENCY COORDINATION GROUP OF IN-**
21 **SPECTOR GENERALS FOR GUAM REALIGN-**
22 **MENT.**

23 (a) INTERAGENCY COORDINATION GROUP.—There is
24 hereby established the Interagency Coordination Group of

1 Inspector Generals for Guam Realignment (in this section
2 referred to as the “Interagency Coordination Group”)—

3 (1) to provide for the objective conduct and su-
4 pervision of audits and investigations relating to the
5 programs and operations funded with amounts ap-
6 propriated or otherwise made available for military
7 construction on Guam in connection with the re-
8 alignment of military installations and the relocation
9 of military personnel on Guam; and

10 (2) to provide for coordination of, and rec-
11 ommendations on, policies designed to—

12 (A) promote economic efficiency, and effec-
13 tiveness in the administration of the programs
14 and operations described in paragraph (1); and

15 (B) prevent and detect waste, fraud, and
16 abuse in such programs and operations.

17 (b) MEMBERSHIP.—

18 (1) CHAIRPERSON.—The Inspector General of
19 the Department of Defense shall serve as chair-
20 person of the Interagency Coordination Group.

21 (2) ADDITIONAL MEMBERS.—Additional mem-
22 bers of the Interagency Coordination Group shall in-
23 clude the Inspector General of the Department of
24 Interior and Inspectors General of such other Fed-
25 eral agencies as the chairperson considers appro-

1 appropriate to carry out the duties of the Interagency Co-
2 ordination Group.

3 (c) DUTIES.—

4 (1) OVERSIGHT OF GUAM CONSTRUCTION.—It
5 shall be the duty of the Interagency Coordination
6 Group to conduct, supervise, and coordinate audits
7 and investigations of the treatment, handling, and
8 expenditure of amounts appropriated or otherwise
9 made available for military construction on Guam
10 and of the programs, operations, and contracts car-
11 ried out utilizing such funds, including—

12 (A) the oversight and accounting of the ob-
13 ligation and expenditure of such funds;

14 (B) the monitoring and review of construc-
15 tion activities funded by such funds;

16 (C) the monitoring and review of contracts
17 funded by such funds;

18 (D) the monitoring and review of the
19 transfer of such funds and associated informa-
20 tion between and among departments, agencies,
21 and entities of the United States and private
22 and nongovernmental entities;

23 (E) the maintenance of records on the use
24 of such funds to facilitate future audits and in-
25 vestigations of the use of such fund; and

1 (F) the monitoring and review of the im-
2 plementation of the Defense Posture Review
3 Initiative relating to the realignment of military
4 installations and the relocation of military per-
5 sonnel on Guam.

6 (2) OTHER DUTIES RELATED TO OVERSIGHT.—
7 The Interagency Coordination Group shall establish,
8 maintain, and oversee such systems, procedures, and
9 controls as the Interagency Coordination Group con-
10 siders appropriate to discharge the duties under
11 paragraph (1).

12 (3) OVERSIGHT PLAN.—The chairperson of the
13 Interagency Coordination Group shall prepare an
14 annual oversight plan detailing planned audits and
15 reviews related to the Guam realignment.

16 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

17 (1) PROVISION OF ASSISTANCE.—Upon request
18 of the Interagency Coordination Group for informa-
19 tion or assistance from any department, agency, or
20 other entity of the Federal Government, the head of
21 such entity shall, insofar as is practicable and not in
22 contravention of any existing law, furnish such infor-
23 mation or assistance to the Interagency Coordina-
24 tion Group.

1 (2) REPORTING OF REFUSED ASSISTANCE.—

2 Whenever information or assistance requested by the
3 Interagency Coordination Group is, in the judgment
4 of the chairperson of the Interagency Coordination
5 Group, unreasonably refused or not provided, the
6 chairperson shall report the circumstances to the
7 Secretary of Defense and to the congressional de-
8 fense committees without delay.

9 (e) REPORTS.—

10 (1) ANNUAL REPORTS.—Not later than Feb-
11 ruary 1 of each year, the chairperson of the Inter-
12 agency Coordination Group shall submit to the con-
13 gressional defense committees, the Secretary of De-
14 fense, and the Secretary of the Interior a report
15 summarizing, for the preceding calendar year, the
16 activities of the Interagency Coordination Group
17 during such year and the activities under programs
18 and operations funded with amounts appropriated or
19 otherwise made available for military construction on
20 Guam. Each report shall include, for the year cov-
21 ered by the report, a detailed statement of all obliga-
22 tions, expenditures, and revenues associated with
23 such construction, including the following:

24 (A) Obligations and expenditures of appro-
25 priated funds.

1 (B) A project-by-project and program-by-
2 program accounting of the costs incurred to
3 date for military construction in connection
4 with the realignment of military installations
5 and the relocation of military personnel on
6 Guam, together with the estimate of the De-
7 partment of Defense and the Department of the
8 Interior, as applicable, of the costs to complete
9 each project and each program.

10 (C) Revenues attributable to or consisting
11 of funds contributed by the Government of
12 Japan in connection with the realignment of
13 military installations and the relocation of mili-
14 tary personnel on Guam and any obligations or
15 expenditures of such revenues.

16 (D) Operating expenses of agencies or enti-
17 ties receiving amounts appropriated or other-
18 wise made available for military construction on
19 Guam.

20 (E) In the case of any contract, grant,
21 agreement, or other funding mechanism de-
22 scribed in paragraph (2)—

23 (i) the amount of the contract, grant,
24 agreement, or other funding mechanism;

1 (ii) a brief discussion of the scope of
2 the contract, grant, agreement, or other
3 funding mechanism;

4 (iii) a discussion of how the depart-
5 ment or agency of the United States Gov-
6 ernment involved in the contract, grant,
7 agreement, or other funding mechanism
8 identified, and solicited offers from, poten-
9 tial individuals or entities to perform the
10 contract, grant, agreement, or other fund-
11 ing mechanism, together with a list of the
12 potential individuals or entities that were
13 issued solicitations for the offers; and

14 (iv) the justification and approval doc-
15 uments on which was based the determina-
16 tion to use procedures other than proce-
17 dures that provide for full and open com-
18 petition.

19 (2) COVERED CONTRACTS, GRANTS, AGREE-
20 MENTS, AND FUNDING MECHANISMS.—A contract,
21 grant, agreement, or other funding mechanism de-
22 scribed in this paragraph is any major contract,
23 grant, agreement, or other funding mechanism that
24 is entered into by any department or agency of the
25 United States Government that involves the use of

1 amounts appropriated or otherwise made available
2 for military construction on Guam with any public
3 or private sector entity.

4 (3) FORM.—Each report required under this
5 subsection shall be submitted in unclassified form,
6 but may include a classified annex if the Interagency
7 Coordination Group considers it necessary.

8 (4) RULE OF CONSTRUCTION.—Nothing in this
9 subsection shall be construed to authorize the public
10 disclosure of information that is—

11 (A) specifically prohibited from disclosure
12 by any other provision of law;

13 (B) specifically required by Executive order
14 to be protected from disclosure in the interest
15 of national defense or national security or in
16 the conduct of foreign affairs; or

17 (C) a part of an ongoing criminal inves-
18 tigation.

19 (5) SUBMISSION OF COMMENTS.—Not later
20 than 30 days after receipt of a report under para-
21 graph (1), the Secretary of Defense or the Secretary
22 of the Interior may submit to the congressional de-
23 fense committees any comments on the matters cov-
24 ered by the report as the Secretary concerned con-
25 siders appropriate. Any comments on the matters

1 covered by the report shall be submitted in unclassi-
2 fied form, but may include a classified annex if the
3 Secretary concerned considers it necessary.

4 (f) PUBLIC AVAILABILITY; WAIVER.—

5 (1) PUBLIC AVAILABILITY.—The Interagency
6 Coordination Group shall publish on a publically-
7 available Internet website each report prepared
8 under subsection (e). Any comments on the report
9 submitted under paragraph (5) of such subsection
10 shall also be published on such website.

11 (2) WAIVER AUTHORITY.—The President may
12 waive the requirement under paragraph (1) with re-
13 spect to availability to the public of any element in
14 a report under subsection (e), or any comment with
15 respect to a report, if the President determines that
16 the waiver is justified for national security reasons.

17 (3) NOTICE OF WAIVER.—The President shall
18 publish a notice of each waiver made under this sub-
19 section in the Federal Register no later than the
20 date on which a report required under subsection
21 (e), or any comment under paragraph (5) of such
22 subsection, is submitted to the congressional defense
23 committees. The report and comments shall specify
24 whether waivers under this subsection were made

1 and with respect to which elements in the report or
2 which comments, as appropriate.

3 (g) DEFINITIONS.—In this section:

4 (1) AMOUNTS APPROPRIATED OR OTHERWISE
5 MADE AVAILABLE.—The term “amounts appro-
6 priated or otherwise made available for military con-
7 struction on Guam” includes amounts derived from
8 the Support for United States Relocation to Guam
9 Account.

10 (2) GUAM.—The term “Guam” includes any is-
11 land in the Northern Mariana Islands.

12 (h) TERMINATION.—

13 (1) IN GENERAL.—The Interagency Coordina-
14 tion Group shall terminate upon the expenditure of
15 90 percent of all funds appropriated or otherwise
16 made available for Guam realignment.

17 (2) FINAL REPORT.—Before the termination of
18 the Interagency Coordination Group pursuant to
19 paragraph (1), the chairperson of the Interagency
20 Coordination Group shall prepare and submit to the
21 congressional defense committees a final report con-
22 taining—

23 (A) notice that the termination condition
24 in paragraph (1) has occurred; and

1 (B) a final forensic audit on programs and
2 operations funded with amounts appropriated
3 or otherwise made available for military con-
4 struction on Guam.

5 **SEC. 2836. COMPLIANCE WITH NAVAL AVIATION SAFETY**
6 **REQUIREMENTS AS CONDITION ON ACCEPT-**
7 **ANCE OF REPLACEMENT FACILITY FOR MA-**
8 **RINE CORPS AIR STATION, FUTENMA, OKI-**
9 **NAWA.**

10 The Secretary of Defense may not accept, or author-
11 ize any other official of the Department of Defense to ac-
12 cept, a replacement facility in Okinawa for air operations
13 conducted at Marine Corps Air Station, Futenma, Oki-
14 nawa, unless the Secretary certifies to the congressional
15 defense committees that the replacement facility satisfies
16 at least minimum Naval Aviation Safety requirements.
17 The Secretary may not waive any of these requirements.

18 **SEC. 2837. REPORT AND SENSE OF CONGRESS ON MARINE**
19 **CORPS TRAINING REQUIREMENTS IN ASIA-**
20 **PACIFIC REGION.**

21 (a) REPORT REQUIRED.—Not later than 180 days
22 after the date of the enactment of this Act, the Secretary
23 of Defense, in consultation with the Secretary of the Navy
24 and the Joint Guam Program Office, shall submit to the
25 congressional defense committees a report on the training

1 requirements necessary for Marine Forces Pacific, the
2 field command of the Marine Corps within the United
3 States Pacific Command.

4 (b) CONTENTS OF REPORT.—The report required
5 under subsection (a) shall contain each of the following:

6 (1) A description of the units of the Marine
7 Corps expected to be assigned on a permanent or
8 temporary basis to Marine Forces Pacific, including
9 the type of unit, the organizational element, the cur-
10 rent location of the unit, and proposed location for
11 the unit.

12 (2) A description of the training requirements
13 necessary to sustain the current and planned re-
14 alignment of forces according to the agreement enti-
15 tled “Agreement between the Government of the
16 United States of America and the Government of
17 Japan concerning the Implementation of the Reloca-
18 tion of the III Marine Expeditionary Force Per-
19 sonnel and their Dependents from Okinawa to
20 Guam”.

21 (3) A description of the potential effects of un-
22 dertaking a separate environmental impact study for
23 expanded training ranges in the Commonwealth of
24 the Northern Mariana Islands and for alternative

1 training range options, including locations in the
2 Philippines, Thailand, Australia, and Japan.

3 (4) The rationale for conducting the Mariana
4 Island Range Complex environmental impact state-
5 ment without including the additional training re-
6 quirements necessary to support the additional re-
7 alignment of Marine Corps units on Guam.

8 (5) A description of the strategic- and tactical-
9 lift requirements associated with Marine Forces Pa-
10 cific, including programming information regarding
11 the intent of the Department of Defense to eliminate
12 deficiencies in the strategic-lift capabilities.

13 (c) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that an evaluation of training requirements for Ma-
15 rine Forces Pacific—

16 (1) should be conducted and completed as soon
17 as possible;

18 (2) should include a training analysis that, at
19 a minimum, reviews the capabilities required to sup-
20 port a Marine Air-Ground Task Force; and

21 (3) should not impact the implementation of the
22 recently signed international agreement referred to
23 in subsection (b)(2).

1 **Subtitle D—Energy Security**

2 **SEC. 2841. ADOPTION OF UNIFIED ENERGY MONITORING**
3 **AND MANAGEMENT SYSTEM SPECIFICATION**
4 **FOR MILITARY CONSTRUCTION AND MILI-**
5 **TARY FAMILY HOUSING ACTIVITIES.**

6 (a) ADOPTION REQUIRED.—

7 (1) IN GENERAL.—Subchapter III of chapter
8 169 of title 10, United States Code, is amended by
9 inserting after section 2866 at the end the following
10 new section:

11 **“§ 2867. Energy monitoring and management system**
12 **specification for military construction**
13 **and military family housing activities**

14 “(a) ADOPTION OF DEPARTMENT-WIDE, OPEN
15 SOURCE, ENERGY MONITORING AND MANAGEMENT SYS-
16 TEM SPECIFICATION.—The Secretary of Defense shall
17 adopt an open source energy monitoring and management
18 system specification for use throughout the Department
19 of Defense in connection with a military construction
20 project, military family housing activity, or other activity
21 under this chapter for the purpose of monitoring and con-
22 trolling the following with respect to the project or activ-
23 ity:

24 “(1) Utilities and energy usage, including elec-
25 tricity, gas, steam, and water usage.

1 “(2) Indoor environments, including tempera-
2 ture and humidity levels.

3 “(3) Heating, ventilation, and cooling compo-
4 nents.

5 “(4) Central plant equipment.

6 “(5) Renewable energy generation systems.

7 “(6) Lighting systems.

8 “(7) Power distribution networks.

9 “(b) EXCLUSION.—(1) The Secretary concerned may
10 waive the application of the energy monitoring and man-
11 agement system specification adopted under subsection (a)
12 with respect to a specific military construction project,
13 military family housing activity, or other activity under
14 this chapter if the Secretary determines that the applica-
15 tion of the specification to the project or activity is not
16 life cycle cost-effective.

17 “(2) The Secretary concerned shall notify the con-
18 gressional defense committees of any waiver granted under
19 paragraph (1).”.

20 (2) CLERICAL AMENDMENT.—The table of sec-
21 tions at the beginning of subchapter III is amended
22 inserting after the item relating to section 2866 the
23 following new item:

 “2867. Energy monitoring and management system specification for military
 construction and military family housing activities.”.

1 (3) DEADLINE FOR ADOPTION.—The Secretary
2 of Defense shall adopt the open source energy moni-
3 toring and management system specification re-
4 quired by section 2867 of title 10, United States
5 Code, as added by paragraph (1), not later than 180
6 days after the date of the enactment of this Act.

7 (b) REPORTING REQUIREMENT.—Not later than 180
8 days after the date of the enactment of the Act, the Sec-
9 retary of Defense shall submit to the congressional defense
10 committees a report containing the following items:

11 (1) A contract specification that will implement
12 the open source energy monitoring and management
13 system specification required by section 2867 of title
14 10, United States Code, as added by subsection (a).

15 (2) A description of the method to ensure com-
16 pliance of the Department of Defense information
17 assurance certification and accreditation process.

18 (3) An expected timeline for integration of ex-
19 isting components with the energy monitoring and
20 management system.

21 (4) A list of the justifications and authoriza-
22 tions provided by the Department, pursuant to Fed-
23 eral Acquisition Regulations Chapter 6.3, relating to
24 Other Than Full and Open Competition, for energy

1 monitoring and management systems during fiscal
2 year 2009.

3 **SEC. 2842. DEPARTMENT OF DEFENSE USE OF ELECTRIC**
4 **AND HYBRID MOTOR VEHICLES.**

5 (a) PREFERENCE.—Subchapter II of chapter 173 of
6 title 10, United States Code, is amended by inserting after
7 section 2922g, as added by title III of this Act, the fol-
8 lowing new section:

9 **“§ 2922h. Preference for motor vehicles using electric**
10 **or hybrid propulsion systems**

11 “(a) PREFERENCE.—In leasing or procuring motor
12 vehicles for use by a military department or Defense Agen-
13 cy, the Secretary of the military department or the head
14 of the Defense Agency shall provide a preference for the
15 lease or procurement of motor vehicles using electric or
16 hybrid propulsion systems, including plug-in hybrid sys-
17 tems, if the electric or hybrid vehicles—

18 “(1) will meet the requirements or needs of the
19 Department of Defense; and

20 “(2) are commercially available at a cost rea-
21 sonably comparable, on the basis of life-cycle cost, to
22 motor vehicles containing only an internal combus-
23 tion or heat engine using combustible fuel.

1 “(b) EXCEPTION.—Subsection (a) does not apply
2 with respect to tactical vehicles designed for use in com-
3 bat.

4 “(c) HYBRID DEFINED.—In this section, the term
5 ‘hybrid’, with respect to a motor vehicle, means a motor
6 vehicle that draws propulsion energy from onboard sources
7 of stored energy that are both—

8 “(1) an internal combustion or heat engine
9 using combustible fuel; and

10 “(2) a rechargeable energy storage system.”.

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

“2922h. Preference for motor vehicles using electric or hybrid propulsion systems.”.

14 **SEC. 2843. DEPARTMENT OF DEFENSE GOAL REGARDING**
15 **USE OF RENEWABLE ENERGY SOURCES TO**
16 **MEET FACILITY ENERGY NEEDS.**

17 (a) FACILITY BASIS OF GOAL.—Subsection (e) of
18 section 2911 of title 10, United States Code, is amended—

19 (1) by redesignating paragraphs (1) and (2) as
20 subparagraphs (A) and (B), respectively;

21 (2) in subparagraph (A) (as so redesignated)—

22 (A) by striking “electric energy” and in-
23 serting “facility energy”;

24 (B) by striking “and in its activities”; and

1 (C) by striking “(as defined in section
2 203(b) of the Energy Policy Act of 2005 (42
3 U.S.C. 15852(b)))”; and
4 (3) in subparagraph (B) (as so redesignated),
5 by striking “electric energy” and inserting “facility
6 energy”.

7 (b) DEFINITION OF RENEWABLE ENERGY

8 SOURCE.—Such subsection is further amended—

9 (1) by striking “It shall be” and inserting “(1)
10 It shall be”; and

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

13 “(2) In this subsection, the term ‘renewable energy
14 source’ means energy generated from renewable sources,
15 including the following:

16 “(A) Solar.

17 “(B) Wind.

18 “(C) Biomass.

19 “(D) Landfill gas.

20 “(E) Ocean, including tidal, wave, current, and
21 thermal.

22 “(F) Geothermal, including electricity and heat
23 pumps.

24 “(G) Municipal solid waste.

1 (3) Whether those goals or targets are being
2 met or are likely to be met by the conclusion of the
3 renewable energy initiative.

4 **SEC. 2845. STUDY ON DEVELOPMENT OF NUCLEAR POWER**
5 **PLANTS ON MILITARY INSTALLATIONS.**

6 (a) **STUDY REQUIRED; ELEMENTS.**—The Secretary
7 of Defense shall conduct a study to assess the feasibility
8 of developing nuclear power plants on military installa-
9 tions. As part of the study, the Secretary shall—

10 (1) summarize options available for public-pri-
11 vate partnerships for construction and operation of
12 the power plants;

13 (2) estimate the cost per kilowatt-hour and con-
14 sider the potential for life cycle cost savings to the
15 Department of Defense, including potential environ-
16 mental liabilities;

17 (3) consider the potential energy security ad-
18 vantages to the Department of Defense of gener-
19 ating electricity on military installations through the
20 use of nuclear energy;

21 (4) assess the additional infrastructure costs
22 that would be needed to enable the power plants to
23 sell power back to the general electricity grid;

1 (5) consider impact on quality of life of mem-
2 bers stationed at an installation containing a nuclear
3 power plant;

4 (6) consider regulatory, State, and local con-
5 cerns to production of nuclear power on military in-
6 stallations;

7 (7) assess to what degree nuclear power plants
8 would adversely affect operations on military instal-
9 lations, including consideration of training and read-
10 iness requirements;

11 (8) assess potential environmental liabilities for
12 the Department of Defense;

13 (9) consider factors impacting safe co-location
14 of nuclear power plants on military installations; and

15 (10) consider any other factors that bear on the
16 feasibility of developing nuclear power plants on
17 military installations.

18 (b) SUBMISSION OF RESULTS OF STUDY.—Not later
19 than June 1, 2010, the Secretary shall submit to the Com-
20 mittees on Armed Services of the Senate and House of
21 Representatives a report containing the results of the
22 study.

1 **SEC. 2846. DEPARTMENT OF DEFENSE PARTICIPATION IN**
2 **PROGRAMS FOR MANAGEMENT OF ENERGY**
3 **DEMAND OR REDUCTION OF ENERGY USAGE**
4 **DURING PEAK PERIODS.**

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

8 **“§ 2919. Participation in programs for management of**
9 **energy demand or reduction of energy**
10 **usage during peak periods**

11 “(a) PARTICIPATION IN DEMAND RESPONSE OR
12 LOAD MANAGEMENT PROGRAMS.—The Secretary of De-
13 fense shall permit and encourage the Secretaries of the
14 military departments, heads of Defense agencies, and the
15 heads of other instrumentalities of the Department of De-
16 fense to participate in demand response programs for the
17 management of energy demand or the reduction of energy
18 usage during peak periods conducted by—

19 “(1) an electric utility;

20 “(2) independent system operator;

21 “(3) State agency; or

22 “(4) third-party entity (such as a demand re-
23 sponse aggregator or curtailment service provider)
24 implementing demand response programs on behalf
25 of an electric utility, independent system operator,
26 or State agency.

1 “(b) TREATMENT OF CERTAIN FINANCIAL INCEN-
2 TIVES.—Financial incentives received from an entity spec-
3 ified in subsection (a) shall be received in cash and depos-
4 ited into the Treasury as a miscellaneous receipt. Amounts
5 received shall be available for obligation only to the extent
6 provided in advance in an appropriations act. The Sec-
7 retary concerned or head of the Defense Agency or other
8 instrumentality shall pay for the cost of the design and
9 implementation of these services in full in the year in
10 which they are received from amounts provided in advance
11 in an appropriations Act.

12 “(c) USE OF CERTAIN FINANCIAL INCENTIVES.—Of
13 the amounts provided in advance in an appropriations Act
14 derived from subsection (b) above, 100 percent shall be
15 available to the military installation where the proceeds
16 were derived, and at least 25 percent of that appropriated
17 amount shall be designated for use in energy management
18 initiatives by the military installation where the proceeds
19 were derived.”.

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

“2919. Participation in programs for management of energy demand or reduc-
tion of energy usage during peak periods.”.

1 **Subtitle E—Land Conveyances**

2 **SEC. 2851. TRANSFER OF ADMINISTRATIVE JURISDICTION,**
3 **PORT CHICAGO NAVAL MAGAZINE, CALI-**
4 **FORNIA.**

5 (a) **TRANSFER REQUIRED; ADMINISTRATION.**—Sec-
6 tion 203 of the Port Chicago National Memorial Act of
7 1992 (Public Law 102–562; 16 U.S.C. 431; 106 Stat.
8 4235) is amended by striking subsection (c) and inserting
9 the following new subsections:

10 “(c) **ADMINISTRATION.**—The Secretary of the Inte-
11 rior shall administer the Port Chicago Naval Magazine
12 National Memorial as a unit of the National Park System
13 in accordance with this Act and laws generally applicable
14 to units of the National Park System, including the Na-
15 tional Park Service Organic Act (39 Stat. 535; 16 U.S.C.
16 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666;
17 16 U.S.C. 461 et seq.). Land transferred to the adminis-
18 trative jurisdiction of the Secretary of the Interior under
19 subsection (d) shall be administered in accordance with
20 this subsection.

21 “(d) **TRANSFER OF LAND.**—The Secretary of De-
22 fense shall transfer a parcel of land, consisting of approxi-
23 mately 5 acres, depicted within the proposed boundary on
24 the map titled ‘Port Chicago Naval Magazine National
25 Memorial, Proposed Boundary’, numbered 018/80,001,

1 and dated August 2005, to the administrative jurisdiction
2 of the Secretary of the Interior if the Secretary of Defense
3 determines that—

4 “(1) the land is excess to military needs; and

5 “(2) all environmental remediation actions nec-
6 essary to respond to environmental contamination
7 related to the land have been completed in accord-
8 ance with the Comprehensive Environmental Re-
9 sponse, Compensation, and Liability Act of 1980 (42
10 U.S.C. 9601 et seq.) and other applicable laws.

11 “(e) PUBLIC ACCESS.—The Secretary of the Interior
12 shall enter into an agreement with the Secretary of De-
13 fense to provide as much public access as possible to the
14 Port Chicago Naval Magazine National Memorial without
15 interfering with military needs. This subsection shall no
16 longer apply if, at some point in the future, the National
17 Memorial ceases to be an enclave within the Concord
18 Naval Weapons Station.

19 “(f) AGREEMENT WITH CITY OF CONCORD AND
20 EAST BAY REGIONAL PARK DISTRICT.—The Secretary of
21 the Interior is authorized to enter into an agreement with
22 the City of Concord, California, and the East Bay Re-
23 gional Park District, to establish and operate a facility
24 for visitor orientation and parking, administrative offices,
25 and curatorial storage for the National Memorial.”.

1 (b) SENSE OF CONGRESS ON REMEDIATION AND RE-
2 PAIR OF NATIONAL MEMORIAL.—

3 (1) REMEDIATION.—It is the sense of Congress
4 that, in order to facilitate the land transfer de-
5 scribed in subsection (d) of section 203 of the Port
6 Chicago National Memorial Act of 1992, as added
7 by subsection (a), the Secretary of Defense should
8 remediate remaining environmental contamination
9 related to the land.

10 (2) REPAIR.—It is the sense of Congress that,
11 in order to preserve the Port Chicago Naval Maga-
12 zine National Memorial for future generations, the
13 Secretary of Defense and the Secretary of the Inte-
14 rior should work together to develop a process by
15 which future repairs and necessary modifications to
16 the National Memorial can be achieved in as timely
17 and cost-effective a manner as possible.

18 **SEC. 2852. LAND CONVEYANCES, NAVAL AIR STATION, BAR-**

19 **BERS POINT, HAWAII.**

20 (a) CONVEYANCE AUTHORIZED.—The Secretary of
21 the Navy shall convey, without consideration, to the Ha-
22 waii Community Development Authority (in this section
23 referred to as the “Authority”), which is the local redev-
24 opment authority for former Naval Air Station, Barbers
25 Point, Oahu, Hawaii, all right, title, and interest of the

1 United States in and to the following parcels of real prop-
2 erty, including any improvements thereon and clear of all
3 liens and encumbrances, at the installation:

4 (1) An approximately 10.569-acre parcel of
5 land identified as “Parcel No. 13126 B” and further
6 identified by Oahu Tax Map Key No. 9–1–031:047.

7 (2) An approximately 145.785-acre parcel of
8 land identified as “Parcel No. 13058 D” and further
9 identified by Oahu Tax Map Key No. 9–1–013:039.

10 (3) An approximately 9.303-acre parcel of land
11 identified as “Parcel No. 13058 F” and further
12 identified by Oahu Tax Map Key No. 9–1–013:041.

13 (4) An approximately 57.937-acre parcel of
14 land identified as “Parcel No. 13058 G” and further
15 identified by Oahu Tax Map Key No. 9–1–013:042.

16 (5) An approximately 11.501-acre parcel of
17 land identified as “Parcel No. 13073 D” and further
18 identified by Oahu Tax Map Key No. 9–1–013:069.

19 (6) An approximately 65.356-acre parcel of
20 land identified as “Parcel No. 13073 B” and further
21 identified by Oahu Tax Map Key No. 9–1–013:067.

22 (b) PAYMENT OF COSTS OF CONVEYANCES.—

23 (1) PAYMENT REQUIRED.—The Secretary shall
24 require the Authority to cover costs to be incurred
25 by the Secretary, or to reimburse the Secretary for

1 costs incurred by the Secretary, to carry out the
2 conveyance under subsection (a), including survey
3 costs, costs related to environmental documentation,
4 and other administrative costs related to the convey-
5 ance. If amounts are collected from the Authority in
6 advance of the Secretary incurring the actual costs,
7 and the amount collected exceeds the costs actually
8 incurred by the Secretary to carry out the convey-
9 ance, the Secretary shall refund the excess amount
10 to the Authority.

11 (2) TREATMENT OF AMOUNTS RECEIVED.—

12 Amounts received as reimbursements under para-
13 graph (1) shall be credited to the fund or account
14 that was used to cover the costs incurred by the Sec-
15 retary in carrying out the conveyance. Amounts so
16 credited shall be merged with amounts in such fund
17 or account and shall be available for the same pur-
18 poses, and subject to the same conditions and limita-
19 tions, as amounts in such fund or account.

20 (c) SAVINGS PROVISION.—Nothing in this section
21 shall be construed to affect or limit the application of, or
22 any obligation to comply with, any environmental law, in-
23 cluding the Comprehensive Environmental Response,
24 Compensation, and Liability Act of 1980 (42 U.S.C. 9601

1 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901
2 et seq.).

3 (d) DESCRIPTION OF PROPERTY.—The exact acreage
4 and legal descriptions of the parcels of real property to
5 be conveyed under subsection (a) shall be determined by
6 a survey satisfactory to the Secretary.

7 (e) ADDITIONAL TERMS AND CONDITIONS.—The
8 Secretary may require such additional terms and condi-
9 tions in connection with the conveyances under subsection
10 (a) as the Secretary considers appropriate to protect the
11 interests of the United States.

12 **SEC. 2853. MODIFICATION OF LAND CONVEYANCE, FORMER**
13 **GRIFFISS AIR FORCE BASE, NEW YORK.**

14 (a) ADDITIONAL CONVEYANCE.—Subsection (a)(1) of
15 section 2873 of the Military Construction Authorization
16 Act for Fiscal Year 2005 (division B of Public Law 108–
17 375; 118 Stat. 2152) is amended—

18 (1) by striking “two parcels” and inserting
19 “three parcels”;

20 (2) by striking “and 1.742 acres and containing
21 the four buildings” and inserting “, 1.742 acres, and
22 4.5 acres, respectively, and containing all or a por-
23 tion of the five buildings”; and

1 (3) by inserting “and the Modification and Fab-
2 rication Facility” after “Reconnaissance Labora-
3 tory”.

4 (b) DESCRIPTION OF PROPERTY.—Subsection (a)(2)
5 of such section is amended by adding at the end the fol-
6 lowing new subparagraph:

7 “(E) Bay Number 4 in Building 101 (approxi-
8 mately 115,000 square feet).”.

9 (c) PURPOSE OF CONVEYANCE.—Subsection (a)(3) of
10 such section is amended by adding before the period at
11 the end the following: “and to provide adequate reimburse-
12 ment, real property, and replacement facilities for the Air
13 Force Research Laboratory units that are relocated as a
14 result of the conveyance”.

15 (d) CONSIDERATION.—Subsection (c) of such section
16 is amended by striking “in-kind contribution” and insert-
17 ing “in-kind consideration (including land and new facili-
18 ties)”.

19 **SEC. 2854. LAND CONVEYANCE, ARMY RESERVE CENTER,**
20 **CHAMBERSBURG, PENNSYLVANIA.**

21 (a) CONVEYANCE AUTHORIZED.—At such time as the
22 Army Reserve vacates the Army Reserve Center at 721
23 South Sixth Street, Chambersburg, Pennsylvania, the Sec-
24 retary of the Army may convey, without consideration, to
25 the Chambersburg Area School District (in this section re-

1 ferred to as the “School District”), all right, title, and in-
2 terest of the United States in and to the Reserve Center
3 for the purpose of permitting the School District to utilize
4 the property for educational, educational support, and
5 community activities.

6 (b) REVERSIONARY INTEREST.—If the Secretary de-
7 termines at any time that the real property conveyed
8 under subsection (a) is not being used in accordance with
9 the purpose of the conveyance, all right, title, and interest
10 in and to such real property, including any improvements
11 and appurtenant easements thereto, shall, at the option
12 of the Secretary, revert to and become the property of the
13 United States, and the United States shall have the right
14 of immediate entry onto such real property. A determina-
15 tion by the Secretary under this subsection shall be made
16 on the record after an opportunity for a hearing.

17 (c) DESCRIPTION OF PROPERTY.—The exact acreage
18 and legal description of the real property to be conveyed
19 under subsection (a) shall be determined by a survey satis-
20 factory to the Secretary.

21 (d) PAYMENT OF COSTS OF CONVEYANCES.—

22 (1) PAYMENT REQUIRED.—The Secretary shall
23 require the School District to cover costs to be in-
24 curred by the Secretary, or to reimburse the Sec-
25 retary for costs incurred by the Secretary, to carry

1 out the conveyance under subsection (a), including
2 survey costs, costs related to environmental docu-
3 mentation, and other administrative costs related to
4 the conveyance. If amounts are collected from the
5 School District in advance of the Secretary incurring
6 the actual costs, and the amount collected exceeds
7 the costs actually incurred by the Secretary to carry
8 out the conveyance, the Secretary shall refund the
9 excess amount to the School District.

10 (2) TREATMENT OF AMOUNTS RECEIVED.—

11 Amounts received as reimbursements under para-
12 graph (1) shall be credited to the fund or account
13 that was used to cover the costs incurred by the Sec-
14 retary in carrying out the conveyance. Amounts so
15 credited shall be merged with amounts in such fund
16 or account and shall be available for the same pur-
17 poses, and subject to the same conditions and limita-
18 tions, as amounts in such fund or account.

19 (e) ADDITIONAL TERM AND CONDITIONS.—The Sec-
20 retary may require such additional terms and conditions
21 in connection with the conveyance under subsection (a) as
22 the Secretary considers appropriate to protect the inter-
23 ests of the United States.

1 **SEC. 2855. LAND CONVEYANCE, NAVAL AIR STATION**
2 **OCEANA, VIRGINIA.**

3 (a) CONVEYANCE AUTHORIZED.—The Secretary of
4 the Navy may convey to the City of Virginia Beach, Vir-
5 ginia (in this section referred to as the “City”), all right,
6 title, and interest of the United States in and to parcels
7 of non-contiguous real property, including any improve-
8 ments thereon, consisting of a total of approximately 2.4
9 acres at Naval Air Station Oceana, Virginia, for the pur-
10 pose of permitting the City to expand services to support
11 the Marine Animal Care Center.

12 (b) CONSIDERATION.—As consideration for the con-
13 veyance under subsection (a), the City shall provide com-
14 pensation to the Secretary of the Navy in an amount equal
15 to the fair market value of the real property conveyed
16 under such subsection, as determined by appraisals ac-
17 ceptable to the Secretary.

18 (c) DESCRIPTION OF PROPERTY.—The exact acreage
19 and legal description of the real property to be exchanged
20 under this section shall be determined by surveys satisfac-
21 tory to the Secretary.

22 (d) PAYMENT OF COSTS OF CONVEYANCES.—

23 (1) PAYMENT REQUIRED.—The Secretary shall
24 require the City to cover costs to be incurred by the
25 Secretary, or to reimburse the Secretary for costs in-
26 curred by the Secretary, to carry out the conveyance

1 under this section, including survey costs related to
2 the conveyance. If amounts are collected from the
3 City in advance of the Secretary incurring the actual
4 costs, and the amount collected exceeds the costs ac-
5 tually incurred by the Secretary to carry out the
6 conveyance, the Secretary shall refund the excess
7 amount to the City.

8 (2) TREATMENT OF AMOUNTS RECEIVED.—
9 Amounts received under paragraph (1) as reim-
10 bursement for costs incurred by the Secretary to
11 carry out the conveyance under this section shall be
12 credited to the fund or account that was used to
13 cover the costs incurred by the Secretary in carrying
14 out the conveyance. Amounts so credited shall be
15 merged with amounts in such fund or account and
16 shall be available for the same purposes, and subject
17 to the same conditions and limitations, as amounts
18 in such fund or account.

19 (e) ADDITIONAL TERM AND CONDITIONS.—The Sec-
20 retary may require such additional terms and conditions
21 in connection with the conveyance under this section as
22 the Secretary considers appropriate to protect the inter-
23 ests of the United States.

1 **SEC. 2856. LAND CONVEYANCE, HAINES TANK FARM,**
2 **HAINES, ALASKA.**

3 (a) CONVEYANCE AUTHORIZED.—The Secretary of
4 the Army may convey to the Chilkoot Indian Association
5 (in this section referred to as the “Association”) all right,
6 title, and interest of the United States in and to a parcel
7 of real property, including improvements thereon, con-
8 sisting of approximately 201 acres located at the former
9 Haines Fuel Terminal (also known as the Haines Tank
10 Farm) in Haines, Alaska, for the purpose of permitting
11 the Association to develop a Deep Sea Port and for other
12 industrial and commercial development purposes. To the
13 extent practicable, the Secretary is encouraged to complete
14 the conveyance by September 30, 2013.

15 (b) CONSIDERATION.—As consideration for the con-
16 veyance of the property described in subsection (a), the
17 Association shall pay to the Secretary an amount equal
18 to the fair market value of the property, as determined
19 by the Secretary. The determination of the Secretary shall
20 be final. At the election of the Secretary, the Secretary
21 may accept in-kind consideration in lieu of all or a portion
22 of the cash payment.

23 (c) REVERSIONARY INTEREST.—If the Secretary de-
24 termines at any time that the real property conveyed
25 under subsection (a) is not being used in accordance with
26 the purpose of the conveyance, all right, title, and interest

1 in and to such real property, including any improvements
2 and appurtenant easements thereto, shall, at the option
3 of the Secretary, revert to and become the property of the
4 United States, and the United States shall have the right
5 of immediate entry onto such real property. A determina-
6 tion by the Secretary under this subsection shall be made
7 on the record after an opportunity for a hearing.

8 (d) PAYMENT OF COSTS OF CONVEYANCES.—

9 (1) PAYMENT REQUIRED.—The Secretary shall
10 require the Association to cover costs to be incurred
11 by the Secretary, or to reimburse the Secretary for
12 costs incurred by the Secretary, to carry out the
13 conveyance under subsection (a), including survey
14 costs, costs related to environmental documentation,
15 and other administrative costs related to the convey-
16 ance. If amounts are collected from the Association
17 in advance of the Secretary incurring the actual
18 costs, and the amount collected exceeds the costs ac-
19 tually incurred by the Secretary to carry out the
20 conveyance, the Secretary shall refund the excess
21 amount to the Association.

22 (2) TREATMENT OF AMOUNTS RECEIVED.—
23 Amounts received as reimbursements under para-
24 graph (1) shall be credited to the fund or account
25 that was used to cover the costs incurred by the Sec-

1 B of Public Law 107–107; 115 Stat. 1315), as amended
2 by section 2852 of the Military Construction Authoriza-
3 tion Act for Fiscal Year 2005 (division B of Public Law
4 108–375; 118 Stat. 2143), is further amended—

5 (1) in the first sentence, by striking “The Sec-
6 retary of the Army may transfer” and inserting
7 “Not later than 60 days after the date of the enact-
8 ment of the Military Construction Authorization Act
9 for Fiscal Year 2010, the Secretary of the Army
10 shall transfer”; and

11 (2) in the second sentence—

12 (A) by striking “may make the transfer”
13 and inserting “shall make the transfer”; and

14 (B) by striking “may accept” and inserting
15 “shall accept”.

16 **SEC. 2858. LAND CONVEYANCE, FERNDALE HOUSING AT**
17 **CENTERVILLE BEACH NAVAL FACILITY TO**
18 **CITY OF FERNDALE, CALIFORNIA.**

19 (a) CONVEYANCE AUTHORIZED.—At such time as the
20 Navy vacates the Ferndale Housing, which previously sup-
21 ported the now closed Centerville Beach Naval Facility in
22 the City of Ferndale, California, the Secretary of the Navy
23 may convey, at fair market value, to the City of Ferndale
24 (in this section referred to as the “City”), all right, title,
25 and interest of the United States in and to the parcels

1 of real property, including improvements thereon, for the
2 purpose of permitting the City to utilize the property for
3 low- and moderate-income housing for seniors, families, or
4 both.

5 (b) REVERSIONARY INTEREST.—If the Secretary de-
6 termines at any time that the real property conveyed
7 under subsection (a) is not being used in accordance with
8 the purpose of the conveyance, all right, title, and interest
9 in and to such real property, including any improvements
10 and appurtenant easements thereto, shall, at the option
11 of the Secretary, revert to and become the property of the
12 United States, and the United States shall have the right
13 of immediate entry onto such real property. A determina-
14 tion by the Secretary under this subsection shall be made
15 on the record after an opportunity for a hearing.

16 (c) DESCRIPTION OF PROPERTY.—The exact acreage
17 and legal description of the real property to be conveyed
18 under subsection (a) shall be determined by a survey satis-
19 factory to the Secretary.

20 (d) PAYMENT OF COSTS OF CONVEYANCES.—

21 (1) PAYMENT REQUIRED.—The Secretary shall
22 require the City to cover costs to be incurred by the
23 Secretary, or to reimburse the Secretary for costs in-
24 curred by the Secretary, to carry out the conveyance
25 under subsection (a), including survey costs, costs

1 related to environmental documentation, and other
2 administrative costs related to the conveyance. If
3 amounts are collected from the city in advance of
4 the Secretary incurring the actual costs, and the
5 amount collected exceeds the costs actually incurred
6 by the Secretary to carry out the conveyance, the
7 Secretary shall refund the excess amount to the
8 City.

9 (2) TREATMENT OF AMOUNTS RECEIVED.—
10 Amounts received as reimbursements under para-
11 graph (1) shall be credited to the fund or account
12 that was used to cover the costs incurred by the Sec-
13 retary in carrying out the conveyance. Amounts so
14 credited shall be merged with amounts in such fund
15 or account and shall be available for the same pur-
16 poses, and subject to the same conditions and limita-
17 tions, as amounts in such fund or account.

18 (e) ADDITIONAL TERM AND CONDITIONS.—The Sec-
19 retary may require such additional terms and conditions
20 in connection with the conveyance under subsection (a) as
21 the Secretary considers appropriate to protect the inter-
22 ests of the United States.

1 **Subtitle F—Other Matters**

2 **SEC. 2871. REVISED AUTHORITY TO ESTABLISH NATIONAL**
3 **MONUMENT TO HONOR UNITED STATES**
4 **ARMED FORCES WORKING DOG TEAMS.**

5 Section 2877 of the National Defense Authorization
6 Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
7 563; 16 U.S.C. 431 note) is amended by striking “Na-
8 tional War Dogs Monument, Inc.,” both places it appears
9 and inserting “John Burnam Monument Foundation,
10 Inc.”.

11 **SEC. 2872. NAMING OF CHILD DEVELOPMENT CENTER AT**
12 **FORT LEONARD WOOD, MISSOURI, IN HONOR**
13 **OF MR. S. LEE KLING.**

14 A child development center at Fort Leonard Wood,
15 Missouri, shall be known and designated as the “S. Lee
16 Kling Child Development Center”. Any reference in a law,
17 map, regulation, document, paper, or other record of the
18 United States to such child development center shall be
19 deemed to be a reference to the S. Lee Kling Child Devel-
20 opment Center.

21 **SEC. 2873. CONDITIONS ON ESTABLISHMENT OF COOPERA-**
22 **TIVE SECURITY LOCATION IN PALANQUERO,**
23 **COLOMBIA.**

24 (a) CONGRESSIONAL NOTIFICATION OF AGREE-
25 MENT.—None of the amounts authorized to be appro-

1 priated by this division or otherwise made available for
2 military construction for fiscal year 2010 may be obligated
3 to commence construction of a Cooperative Security Loca-
4 tion at the German Olano Airbase (the Palanquero AB
5 Development Project) in Palanquero, Colombia, until at
6 least 15 days after the date on which the Secretary of De-
7 fense certifies to the congressional defense committees
8 that an agreement has been entered into with the Govern-
9 ment of Colombia that permits the establishment of the
10 Cooperative Security Location at the German Olano Air-
11 base in a manner that will enable the United States South-
12 ern Command to execute its Theater Posture Strategy in
13 cooperation with the Armed Forces of Colombia.

14 (b) PROHIBITION ON PERMANENT UNITED STATES
15 MILITARY INSTALLATION.—The agreement referred to in
16 subsection (a) may not provide for or authorize the estab-
17 lishment of a United States military installation or base
18 for the permanent stationing of United States Armed
19 Forces in Colombia.

20 **SEC. 2874. MILITARY ACTIVITIES AT UNITED STATES MA-**
21 **RINE CORPS MOUNTAIN WARFARE TRAINING**
22 **CENTER.**

23 Section 1806 of the Omnibus Public Land Manage-
24 ment Act of 2009 (Public Law 111–11; 123 Stat. 1056;

1 16 U.S.C. 460vvv) is amended by adding at the end the
 2 following new subsection:

3 “(g) **MILITARY ACTIVITIES AT UNITED STATES MA-**
 4 **RINE CORPS MOUNTAIN WARFARE TRAINING CENTER.—**
 5 The designation of the Bridgeport Winter Recreation Area
 6 by this section is not intended to restrict or preclude the
 7 activities conducted by the United States Armed Forces
 8 at the United States Marine Corps Mountain Warfare
 9 Training Center.”.

10 **TITLE XXIX—OVERSEAS CONTIN-**
 11 **GENY OPERATIONS MILI-**
 12 **TARY CONSTRUCTION AU-**
 13 **THORIZATIONS**

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

Sec. 2902. Authorized Air Force construction and land acquisition projects.

Sec. 2903. Construction authorization for facilities for Office of Defense Rep-
 resentative-Pakistan.

14 **SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 15 **ACQUISITION PROJECTS.**

16 (a) **OUTSIDE THE UNITED STATES.—**Using amounts
 17 appropriated pursuant to the authorization of appropria-
 18 tions in subsection (b)(1), the Secretary of the Army may
 19 acquire real property and carry out military construction
 20 projects for the installations or locations outside the
 21 United States, and in the amounts, set forth in the fol-
 22 lowing table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Airborne	\$7,800,000
	Altimur	\$7,750,000
	Asadabad	\$5,500,000
	Bagram Air Base	\$132,850,000
	Camp Joyce	\$7,700,000
	Camp Kabul	\$137,000,000
	Camp Kandahar	\$132,500,000
	Camp Salerno	\$50,200,000
	Forward Operating Base Blessing	\$5,600,000
	Forward Operating Base Bostiek	\$5,500,000
	Forward Operating Base Dwyer	\$14,900,000
	Forward Operating Base Ghazni	\$5,500,000
	Forward Operating Base Shank	\$19,700,000
	Forward Operating Base Sharana	\$60,800,000
	Frontenac	\$2,200,000
	Jalalabad Airfield	\$41,400,000
	Maywand	\$12,200,000
	Methar-Lam	\$4,150,000
	Provincial Reconstruction Team Gardez ...	\$36,200,000
	Provincial Reconstruction Team Tarin Kowt.	\$57,950,000
Tombstone/Bastion	\$71,800,000	
Wolverine	\$14,900,000	

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds
2 are hereby authorized to be appropriated for fiscal years
3 beginning after September 30, 2009, for military con-
4 struction, land acquisition, and military family housing
5 functions of the Department of the Army in the total
6 amount of \$930,484,000 as follows:

7 (1) For military construction projects outside
8 the United States authorized by subsection (a),
9 \$834,100,000.

10 (2) For unspecified minor military construction
11 projects under section 2805 of title 10, United
12 States Code, \$20,100,000.

1 (3) For architectural and engineering services
 2 and construction design under section 2807 of title
 3 10, United States Code, \$76,284,000.

4 **SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 5 **LAND ACQUISITION PROJECTS.**

6 (a) OUTSIDE THE UNITED STATES.—Using amounts
 7 appropriated pursuant to the authorization of appropria-
 8 tions in subsection (b)(1), the Secretary of the Air Force
 9 may acquire real property and carry out military construc-
 10 tion projects for the installations or locations outside the
 11 United States, and in the amounts, set forth in the fol-
 12 lowing table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	\$29,100,000
	Camp Kandahar	\$234,600,000
	Forward Operating Base Dwyer	\$4,900,000
	Forward Operating Base Shank	\$4,900,000
	Provincial Reconstruction Team Tarin Kowt.	\$4,900,000
	Tombstone/Bastion	\$156,200,000
	Wolverine	\$4,900,000

13 (b) AUTHORIZATION OF APPROPRIATIONS.—Funds
 14 are hereby authorized to be appropriated for fiscal years
 15 beginning after September 30, 2009, for military con-
 16 struction, land acquisition, and military family housing
 17 functions of the Department of the Air Force in the total
 18 amount of \$474,500,000, as follows:

1 (1) For military construction projects outside
2 the United States authorized by subsection (a),
3 \$439,500,000.

4 (2) For architectural and engineering services
5 and construction design under section 2807 of title
6 10, United States Code, \$35,000,000.

7 **SEC. 2903. CONSTRUCTION AUTHORIZATION FOR FACILI-**
8 **TIES FOR OFFICE OF DEFENSE REPRESENTA-**
9 **TIVE-PAKISTAN.**

10 (a) **IN GENERAL.**—Notwithstanding the definition of
11 military construction in section 2801 of title 10, United
12 States Code, of the amounts authorized to be appropriated
13 by this division for military construction, the Secretary of
14 Defense may use not more than \$25,000,000 to plan, de-
15 sign, and construct facilities on the United States Em-
16 bassy Compound in Islamabad, Pakistan, in support of the
17 Office of the Defense Representative-Pakistan (in this sec-
18 tion referred to as the “ODRP”).

19 (b) **REPORT REQUIRED.**—

20 (1) **IN GENERAL.**—Not later than 90 days after
21 the date of the enactment of this Act, and every 180
22 days thereafter, the Secretary of Defense shall sub-
23 mit to the appropriate congressional committees a
24 report on the number of personnel and activities of
25 the ODRP.

1 (2) ELEMENTS.—The report under paragraph
2 (1) shall include the following:

3 (A) A detailed accounting of the number of
4 personnel permanently assigned or on tem-
5 porary duty in the ODRP.

6 (B) A description of the mission of those
7 personnel assigned on a temporary or perma-
8 nent basis to the ODRP.

9 (C) A projection of space requirements for
10 the ODRP.

11 (3) FORM.—The report under paragraph (1)
12 may be submitted in a classified form.

13 (4) APPROPRIATE COMMITTEES.—For the pur-
14 poses of this subsection, the appropriate congres-
15 sional committees are the following:

16 (A) The Committees on Armed Services
17 and Foreign Affairs of the House of Represent-
18 atives.

19 (B) The Committees on Armed Services
20 and Foreign Relations of the Senate.

21 (5) TERMINATION.—The requirement to submit
22 a report under this subsection terminates on the
23 date occurring two years after the date on which the
24 first report is submitted.

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**

Subtitle A—National Security Programs Authorizations

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

Subtitle B—Program Authorizations, Restrictions, and Limitations

- Sec. 3111. Stockpile stewardship program.
- Sec. 3112. Stockpile management program.
- Sec. 3113. Plan for execution of stockpile stewardship and stockpile management programs.
- Sec. 3114. Dual validation of annual weapons assessment and certification.
- Sec. 3115. Annual long-term plan for the modernization and refurbishment of the nuclear security complex.

Subtitle C—Reports

- Sec. 3121. Comptroller General review of management and operations contract costs for national security laboratories.
- Sec. 3122. Plan to ensure capability to monitor, analyze, and evaluate foreign nuclear weapons activities.

8 **Subtitle A—National Security**
 9 **Programs Authorizations**

10 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**
 11 **TION.**

12 (a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
 13 are hereby authorized to be appropriated to the Depart-
 14 ment of Energy for fiscal year 2010 for the activities of

1 the National Nuclear Security Administration in carrying
2 out programs necessary for national security in the
3 amount of \$10,479,627,000, to be allocated as follows:

4 (1) For weapons activities, \$6,516,431,000.

5 (2) For defense nuclear nonproliferation activi-
6 ties, \$2,539,309,000.

7 (3) For naval reactors, \$1,003,133,000.

8 (4) For the Office of the Administrator for Nu-
9 clear Security, \$420,754,000.

10 (b) AUTHORIZATION OF NEW PLANT PROJECTS.—

11 From funds referred to in subsection (a) that are available
12 for carrying out plant projects, the Secretary of Energy
13 may carry out new plant projects for the National Nuclear
14 Security Administration as follows:

15 (1) For readiness in technical base and facili-
16 ties, the following new plant project:

17 Project 10–D–501, nuclear facilities risk
18 reduction, Y–12 National Security Complex,
19 Oak Ridge, Tennessee, \$12,500,000.

20 (2) For safeguards and security, the following
21 new plant project:

22 Project 10–D–701, security improvement
23 project, Y–12 National Security Complex, Oak
24 Ridge, Tennessee, \$49,000,000.

1 (3) For naval reactors, the following new plant
2 projects:

3 Project 10–D–903, KAPL security up-
4 grades, Schenectady, New York, \$1,500,000.

5 Project 10–D–904, Naval Reactors Facility
6 infrastructure upgrades, Naval Reactors Facil-
7 ity, Idaho, \$700,000.

8 **SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

9 Funds are hereby authorized to be appropriated to
10 the Department of Energy for fiscal year 2010 for defense
11 environmental cleanup activities in carrying out programs
12 necessary for national security in the amount of
13 \$5,024,491,000.

14 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

15 Funds are hereby authorized to be appropriated to
16 the Department of Energy for fiscal year 2010 for other
17 defense activities in carrying out programs necessary for
18 national security in the amount of \$872,468,000.

19 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

20 Funds are hereby authorized to be appropriated to
21 the Department of Energy for fiscal year 2010 for defense
22 nuclear waste disposal for payment to the Nuclear Waste
23 Fund established in section 302(c) of the Nuclear Waste
24 Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount
25 of \$98,400,000.

1 **SEC. 3105. ENERGY SECURITY AND ASSURANCE.**

2 Funds are hereby authorized to be appropriated to
3 the Department of Energy for fiscal year 2010 for energy
4 security and assurance programs necessary for national
5 security in the amount of \$6,188,000.

6 **Subtitle B—Program Authoriza-**
7 **tions, Restrictions, and Limita-**
8 **tions**

9 **SEC. 3111. STOCKPILE STEWARDSHIP PROGRAM.**

10 (a) IN GENERAL.—Subsection (a) of section 4201 of
11 the Atomic Energy Defense Act (division D of Public Law
12 107–314; 50 U.S.C. 2521) is amended to read as follows:

13 “(a) ESTABLISHMENT.—The Secretary of Energy,
14 acting through the Administrator for Nuclear Security,
15 shall establish a stewardship program to ensure—

16 “(1) the preservation of the core intellectual
17 and technical competencies of the United States in
18 nuclear weapons, including weapons design, system
19 integration, manufacturing, security, use control, re-
20 liability assessment, and certification; and

21 “(2) that the nuclear weapons stockpile is safe,
22 secure, and reliable without the use of underground
23 nuclear weapons testing.”

24 (b) ELEMENTS.—Subsection (b) of such section is
25 amended—

1 (1) in paragraph (1), by inserting “and per-
2 formance over time” after “detonation”; and

3 (2) by adding at the end the following new
4 paragraphs:

5 “(4) Material support for the use of, and ex-
6 periments facilitated by, the advanced experimental
7 facilities of the United States, including—

8 “(A) the National Ignition Facility at Law-
9 rence Livermore National Laboratory;

10 “(B) the Dual Axis Radiographic Hydro-
11 dynamic Test Facility at Los Alamos National
12 Laboratory; and

13 “(C) the Z Machine at Sandia National
14 Laboratories.

15 “(5) Material support for the sustainment and
16 modernization of facilities with production and man-
17 ufacturing capabilities that are necessary to ensure
18 the safety, security, and reliability of the nuclear
19 weapons stockpile, including—

20 “(A) the Pantex Plant;

21 “(B) the Y-12 National Security Complex;

22 “(C) the Kansas City Plant; and

23 “(D) the Savannah River Site.”.

1 (c) PRIOR AUTHORIZATION OF APPROPRIATIONS FOR
2 FISCAL YEAR 1994.—Such section is further amended by
3 striking subsection (c).

4 **SEC. 3112. STOCKPILE MANAGEMENT PROGRAM.**

5 (a) IN GENERAL.—The Atomic Energy Defense Act
6 (division D of Public Law 107–314; 50 U.S.C. 2501 et
7 seq.) is amended—

8 (1) by repealing section 4204A (50 U.S.C.
9 2524a); and

10 (2) by amending section 4204 (50 U.S.C. 2524)
11 to read as follows:

12 **“SEC. 4204. STOCKPILE MANAGEMENT PROGRAM.**

13 “(a) PROGRAM REQUIRED.—The Secretary of En-
14 ergy, acting through the Administrator for Nuclear Secu-
15 rity and in consultation with the Secretary of Defense,
16 shall carry out a program, to be known as the stockpile
17 management program, to provide for the effective manage-
18 ment of the weapons in the nuclear weapons stockpile (in-
19 cluding any weapon proposed to be added to the stockpile).
20 The program shall have the following objectives:

21 “(1) To increase the reliability, safety, and se-
22 curity of the nuclear weapons stockpile of the United
23 States.

24 “(2) To further reduce the likelihood of the re-
25 sumption of underground nuclear weapons testing.

1 “(3) To achieve reductions in the future size of
2 the nuclear weapons stockpile.

3 “(4) To reduce the risk of an accidental detona-
4 tion of an element of the stockpile.

5 “(5) To reduce the risk of an element of the
6 stockpile being used by a person or entity hostile to
7 the United States, its vital interests, or its allies.

8 “(b) PROGRAM BUDGET.—For each budget sub-
9 mitted by the President to Congress under section 1105
10 of title 31, United States Code, the amounts requested
11 for the program shall be clearly identified in the budget
12 justification materials submitted to Congress in support
13 of that budget.

14 “(c) PROGRAM LIMITATIONS.—In carrying out the
15 stockpile management program under subsection (a), the
16 Secretary shall ensure that—

17 “(1) any changes made to the stockpile shall be
18 made to achieve the objectives identified in sub-
19 section (a); and

20 “(2) any such changes made to the stockpile
21 shall—

22 “(A) remain consistent with basic design
23 parameters by including, to the maximum ex-
24 tent feasible, components that are well under-
25 stood or are certifiable without the need to re-

1 sume underground nuclear weapons testing;
2 and

3 “(B) use the design, certification, and pro-
4 duction expertise resident in the nuclear com-
5 plex to fulfill current mission requirements of
6 the existing stockpile.”.

7 (b) CLERICAL AMENDMENT.—The table of contents
8 in section 4001(b) of such Act (division D of Public Law
9 107–314; 50 U.S.C. 2501 note) is amended by striking
10 the items relating to sections 4204 and 4204A and insert-
11 ing the following new item:

 “Sec. 4204. Stockpile management program.”.

12 **SEC. 3113. PLAN FOR EXECUTION OF STOCKPILE STEWARD-**
13 **SHIP AND STOCKPILE MANAGEMENT PRO-**
14 **GRAMS.**

15 (a) PLAN.—Section 4203 of the Atomic Energy De-
16 fense Act (division D of Public Law 107–314; 50 U.S.C.
17 2523) is amended to read as follows:

18 **“SEC. 4203. PLAN FOR EXECUTION OF STOCKPILE STEW-**
19 **ARDSHIP AND STOCKPILE MANAGEMENT**
20 **PROGRAMS.**

21 “(a) PLAN REQUIREMENT.—The Secretary of En-
22 ergy, acting through the Administrator for Nuclear Secu-
23 rity, shall develop and annually update a plan for main-
24 taining the nuclear weapons stockpile. The plan shall
25 cover, at a minimum, stockpile stewardship, stockpile

1 management, and program direction and shall be con-
2 sistent with the programmatic and technical requirements
3 of the most recent annual Nuclear Weapons Stockpile
4 Memorandum.

5 “(b) PLAN ELEMENTS.—The plan and each update
6 of the plan shall set forth the following:

7 “(1) The number of warheads (including active
8 and inactive warheads) for each warhead type in the
9 nuclear weapons stockpile.

10 “(2) The current age of each warhead type, and
11 any plans for stockpile lifetime extensions and modi-
12 fications or replacement of each warhead type.

13 “(3) The process by which the Secretary of En-
14 ergy is assessing the lifetime and requirements for
15 maintenance of the nuclear and nonnuclear compo-
16 nents of the warheads (including active and inactive
17 warheads) in the nuclear weapons stockpile.

18 “(4) The process used in recertifying the safety,
19 security, and reliability of each warhead type in the
20 nuclear weapons stockpile without the use of nuclear
21 testing.

22 “(5) Any concerns which would affect the abil-
23 ity of the Secretary of Energy to recertify the safety,
24 security, or reliability of warheads in the nuclear

1 weapons stockpile (including active and inactive war-
2 heads).

3 “(c) ASSESSMENT.—In addition to the elements de-
4 scribed under subsection (b), the plan and each update
5 of the plan shall include a joint assessment of the stockpile
6 stewardship program by the heads of the national security
7 laboratories. Each assessment shall set forth the following:

8 “(1) An identification and description of—

9 “(A) any key technical challenges to the
10 program; and

11 “(B) the strategies to address such chal-
12 lenges without the use of nuclear testing.

13 “(2) A strategy for using the science-based
14 tools (including advanced simulation and computing
15 capabilities) of each national security laboratory to
16 ensure that the nuclear weapons stockpile is safe, se-
17 cure, and reliable without the use of nuclear testing.

18 “(3) An assessment of the science-based tools
19 (including advanced simulation and computing capa-
20 bilities) of each national security laboratory that
21 exist at the time of the plan compared with the
22 science-based tools expected to exist during the pe-
23 riod covered by the future-years nuclear security
24 program.

1 “(4) Clear and specific criteria for judging
2 whether the science-based tools being used by the
3 Department of Energy for determining the safety
4 and reliability of the nuclear weapons stockpile are
5 performing in a manner that will provide an ade-
6 quate degree of certainty that the stockpile is safe
7 and reliable.

8 “(5) An assessment of the core scientific and
9 technical competencies required to achieve the objec-
10 tives of the stockpile stewardship program and other
11 weapons and weapons-related activities of the De-
12 partment of Energy, including—

13 “(A) the number of scientists, engineers,
14 and technicians, by discipline, required to main-
15 tain such competencies; and

16 “(B) a description of any shortage of such
17 individuals that exists at the time of the plan
18 compared with any shortage expected to exist
19 during the period covered by the future-years
20 nuclear security program.

21 “(d) REPORTS TO CONGRESS.—Not later than Feb-
22 ruary 1 of each year, beginning with February 1, 2010,
23 the Secretary of Energy shall submit to the congressional
24 defense committees a report describing the plan required
25 by subsection (a).

1 “(e) DEFINITIONS.—In this section:

2 “(1) The term ‘future-years nuclear security
3 program’ means the program required by section
4 3253 of the National Nuclear Security Administra-
5 tion Act (50 U.S.C. 2453).

6 “(2) The term ‘national security laboratory’ has
7 the meaning given such term in section 3281 of the
8 National Nuclear Security Administration Act (50
9 U.S.C. 2471).

10 “(3) The term ‘weapons activities’ means each
11 activity within the budget category of weapons ac-
12 tivities in the budget of the National Nuclear Secu-
13 rity Administration.

14 “(4) The term ‘weapons–related activities’
15 means each activity under the Department of En-
16 ergy that involves nuclear weapons, nuclear weapons
17 technology, or fissile or radioactive materials, includ-
18 ing activities related to—

19 “(A) nuclear non-proliferation;

20 “(B) nuclear forensics;

21 “(C) nuclear intelligence;

22 “(D) nuclear safety; and

23 “(E) nuclear incident response.”.

1 (b) CLERICAL AMENDMENT.—The item relating to
2 section 4203 in the table of contents for such Act is
3 amended to read as follows:

“Sec. 4203. Plan for execution of stockpile stewardship and stockpile management programs.”.

4 (c) CONFORMING REPEAL.—Section 4202 of the
5 Atomic Energy Defense Act (division D of Public Law
6 107–314; 50 U.S.C. 2522) is repealed.

7 **SEC. 3114. DUAL VALIDATION OF ANNUAL WEAPONS AS-**
8 **SESSMENT AND CERTIFICATION.**

9 (a) DUAL VALIDATION.—

10 (1) IN GENERAL.—Section 4205 of the Atomic
11 Energy Defense Act (division D of Public Law 107–
12 314; 50 U.S.C. 2525) is amended—

13 (A) by redesignating subsections (c)
14 through (h) as subsections (d) through (i), re-
15 spectively; and

16 (B) by inserting after subsection (b) the
17 following new subsection (c):

18 “(c) DUAL VALIDATION TEAMS IN SUPPORT OF AS-
19 SESSMENTS.—In support of the assessments required by
20 subsection (a), the Administrator for Nuclear Security
21 shall establish teams, known as ‘dual validation teams’,
22 to provide Lawrence Livermore National Laboratory and
23 Los Alamos National Laboratory with independent evalua-

1 tions of the condition of each warhead for which such lab-
2 oratory has lead responsibility. Each such team shall—

3 “(1) be comprised of weapons experts from the
4 laboratory that does not have lead responsibility for
5 fielding the warhead being evaluated;

6 “(2) have access to all surveillance and under-
7 ground test data for all stockpile systems for use in
8 the independent evaluations;

9 “(3) use all relevant available data to conduct
10 independent calculations; and

11 “(4) pursue independent experiments to support
12 the independent evaluations.”.

13 (2) PLAN.—Not later than March 1, 2010, the
14 Administrator for Nuclear Security shall submit to
15 the congressional defense committees a plan (includ-
16 ing a schedule) to carry out subsection (c) of section
17 4205 of such Act, as added by paragraph (1) of this
18 subsection.

19 (b) RED TEAM REVIEWS.—Subsection (d)(1) of such
20 section, as redesignated by subsection (a)(1)(A) of this
21 section, is amended—

22 (1) by inserting “both” after “review”; and

23 (2) by inserting after “that laboratory” the fol-
24 lowing: “and the independent evaluations conducted
25 by a dual validation team under subsection (c)”.

1 (c) SUMMARY.—Subsection (e)(3) of such section, as
2 redesignated by subsection (a)(1)(A) of this section, is
3 amended—

4 (1) in subparagraph (B), by striking “and” at
5 the end;

6 (2) in subparagraph (C), by striking the period
7 and inserting “; and”; and

8 (3) by adding at the end the following new sub-
9 paragraph:

10 “(D) a concise summary of the results of
11 any independent evaluation conducted by a dual
12 validation team under subsection (e).”.

13 (d) CONFORMING AMENDMENTS.—Such section is
14 further amended—

15 (1) in paragraph (3)(C) of subsection (e), as re-
16 designated by subsection (a)(1)(A) of this section, by
17 striking “subsection (e)” and inserting “subsection
18 (d)”;

19 (2) in paragraph (1)(A) of subsection (f), as re-
20 designated by subsection (a)(1)(A) of this section, by
21 striking “subsection (d)” and inserting “subsection
22 (e)”;

23 (3) in subsection (g), as redesignated by sub-
24 section (a)(1)(A) of this section, by striking “sub-
25 section (e)” and inserting “subsection (f)”;

1 (4) in subsection (i), as redesignated by sub-
2 section (a)(1)(A) of this section—

3 (A) in paragraph (1), by striking “sub-
4 section (d)” and inserting “subsection (e)”; and

5 (B) in paragraph (2), by striking “sub-
6 section (e)” and inserting “subsection (f)”.

7 **SEC. 3115. ANNUAL LONG-TERM PLAN FOR THE MOD-**
8 **ERNIZATION AND REFURBISHMENT OF THE**
9 **NUCLEAR SECURITY COMPLEX.**

10 (a) **POLICY.**—It is the policy of the United States
11 that sustainment, modernization, and refurbishment of
12 the nuclear security complex is mandatory for maintaining
13 the future viability of the United States nuclear deterrent
14 and a prerequisite for any reductions to the nuclear weap-
15 ons stockpile of the United States.

16 (b) **GENERAL REQUIREMENT.**—Subtitle D of the Na-
17 tional Nuclear Security Administration Act (50 U.S.C.
18 2451 et seq.) is amended by adding at the end the fol-
19 lowing new section:

20 **“SEC. 3255. BUDGETING FOR MODERNIZATION AND REFUR-**
21 **BISHMENT OF THE NUCLEAR SECURITY COM-**
22 **PLEX: ANNUAL PLAN AND CERTIFICATION.**

23 “(a) **ANNUAL NUCLEAR SECURITY COMPLEX MOD-**
24 **ERNIZATION AND REFURBISHMENT PLAN AND CERTIFI-**
25 **CATION.**—The Administrator for Nuclear Security shall

1 include with the nuclear security budget materials for each
2 fiscal year—

3 “(1) a plan for the modernization and refurbishment of the nuclear security complex developed
4 in accordance with this section; and

5 “(2) a certification by the Administrator that
6 both the budget for that fiscal year and the future-
7 years nuclear security program submitted to Con-
8 gress in relation to such budget under section 3253
9 provide for funding of the nuclear security complex
10 at a level that is sufficient for the modernization and
11 refurbishment of the nuclear security complex pro-
12 vided for in the plan under paragraph (1) on the
13 schedule provided in the plan.

14 “(b) ANNUAL NUCLEAR SECURITY COMPLEX MOD-
15 ERNIZATION AND REFURBISHMENT PLAN.—(1) The an-
16 nual nuclear security complex modernization and refurbishment plan developed for a fiscal year for purposes of
17 subsection (a)(1) should be designed so that the nuclear
18 security complex provided for under that plan is capable
19 of supporting—

20 “(A) the National Security Strategy of the
21 United States as set forth in the most recent
22 national security strategy report of the Presi-
23 dent under section 108 of the National Security
24 Strategy Act of 2002; and
25 “(B) the National Security Strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Strategy Act of 2002.

1 Act of 1947 (50 U.S.C. 404a), except that, if
2 at the time such plan is submitted with the nu-
3 clear security budget materials for that fiscal
4 year, a national security strategy report re-
5 quired under such section 108 has not been
6 submitted to Congress as required by para-
7 graph (2) or paragraph (3), if applicable, of
8 subsection (a) of such section, then such annual
9 plan should be designed so that the nuclear se-
10 curity complex modernization and refurbish-
11 ment provided for under that plan is capable of
12 supporting the nuclear security complex rec-
13 ommended in the report of the most recent
14 Quadrennial Defense Review; and

15 “(B) the nuclear posture of the United
16 States as set forth in the most recent Nuclear
17 Posture Review.

18 “(2) Each such nuclear security complex mod-
19 ernization and refurbishment plan shall include the
20 following:

21 “(A) A detailed program with schedule and
22 associated funding for the modernization and
23 refurbishment of the nuclear security complex
24 for the National Nuclear Security Administra-
25 tion over the next 30 fiscal years.

1 “(B) A description of the necessary mod-
2 ernization and refurbishment measures to meet
3 the requirements of the national security strat-
4 egy of the United States or the most recent
5 Quadrennial Defense Review, whichever is ap-
6 plicable under paragraph (1), and the Nuclear
7 Posture Review.

8 “(C) The estimated levels of annual fund-
9 ing necessary to carry out the program, to-
10 gether with a discussion of the implementation
11 strategies on which such estimated levels of an-
12 nual funding are based.

13 “(c) ASSESSMENT WHEN NUCLEAR SECURITY COM-
14 PLEX MODERNIZATION AND REFURBISHMENT BUDGET IS
15 INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—
16 If the budget for a fiscal year provides for funding of the
17 modernization and refurbishment of the nuclear security
18 complex at a level that is not sufficient to sustain the re-
19 quirements specified in the plan for that fiscal year under
20 subsection (a), the Administrator shall include with the
21 nuclear security budget materials for that fiscal year an
22 assessment that describes and discusses the risks and im-
23 plications associated with the ability of the nuclear secu-
24 rity complex to support the annual certification of the nu-
25 clear stockpile of the United States and maintain its long-

1 term safety, security, and reliability. Such assessment
2 shall be coordinated in advance with the Secretary of De-
3 fense and the Commander of the United States Strategic
4 Command.

5 “(d) DEFINITIONS.—In this section:

6 “(1) The term ‘nuclear security complex’ means
7 the physical facilities, technology, and human capital
8 of—

9 “(A) the national security laboratories;

10 “(B) the Pantex Plant;

11 “(C) the Y–12 National Security Complex;

12 “(D) the Kansas City Plant;

13 “(E) the Savannah River Site; and

14 “(F) the Nevada test site.

15 “(2) The term ‘budget’ with respect to a fiscal
16 year, means the budget for that fiscal year that is
17 submitted to Congress by the President under sec-
18 tion 1105(a) of title 31.

19 “(3) The term ‘nuclear security budget mate-
20 rials’, with respect to a fiscal year, means the mate-
21 rials submitted to Congress by the Administrator for
22 Nuclear Security in support of the budget for that
23 fiscal year.

24 “(4) The term ‘Quadrennial Defense Review’
25 means the review of the defense programs and poli-

1 ment and operations when performed by the
2 University of California and the cost structure
3 of the management and operations when per-
4 formed by a covered contractor; and

5 (B) an assessment of the effect of such
6 cost differences on the resources available to
7 support scientific and technical programs at the
8 covered national laboratories.

9 (2) A quantitative assessment of the ability of
10 the covered national laboratories to perform other
11 important laboratory functions, including safety, se-
12 curity, and environmental management.

13 (b) REPORT.—Not later than March 1, 2010, the
14 Comptroller General shall submit to the congressional de-
15 fense committees a report on the results of the review.

16 (c) DEFINITIONS.—In this section:

17 (1) The term “covered contractor” means—

18 (A) with respect to Los Alamos National
19 Laboratory, Los Alamos National Security,
20 LLC; and

21 (B) with respect to Lawrence Livermore
22 National Laboratory, Lawrence Livermore Na-
23 tional Security, LLC.

24 (2) The term “covered national laboratories”
25 means—

1 (A) the Los Alamos National Laboratory;
2 and
3 (B) the Lawrence Livermore National Lab-
4 oratory.

5 **SEC. 3122. PLAN TO ENSURE CAPABILITY TO MONITOR,**
6 **ANALYZE, AND EVALUATE FOREIGN NU-**
7 **CLEAR WEAPONS ACTIVITIES.**

8 (a) PLAN.—The Secretary of Energy, in consultation
9 with the Director of National Intelligence and the Sec-
10 retary of Defense, shall prepare a plan to ensure that the
11 national laboratories overseen by the Department of En-
12 ergy maintain a robust technical capability to monitor,
13 analyze, and evaluate foreign nuclear weapons activities.

14 (b) REPORT.—Not later than February 28, 2010, the
15 Secretary of Energy shall submit a report to the appro-
16 priate committees of Congress describing the plan re-
17 quired under subsection (a) and the resources necessary
18 to implement the plan. The report shall be in unclassified
19 form, but may include a classified annex.

20 (c) APPROPRIATE COMMITTEES.—For purposes of
21 this section, the appropriate committees of Congress are
22 the following:

23 (1) the Committee on Armed Services, the
24 Committee on Appropriations, and the Permanent

1 Select Committee on Intelligence of the House of
2 Representatives; and

3 (2) the Committee on Armed Services, the
4 Committee on Appropriations, and the Select Com-
5 mittee on Intelligence of the Senate.

6 **TITLE XXXII—DEFENSE NU-**
7 **CLEAR FACILITIES SAFETY**
8 **BOARD**

Sec. 3201. Authorization.

9 **SEC. 3201. AUTHORIZATION.**

10 There are authorized to be appropriated for fiscal
11 year 2010, \$26,086,000 for the operation of the Defense
12 Nuclear Facilities Safety Board under chapter 21 of the
13 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

14 **TITLE XXXIV—NAVAL**
15 **PETROLEUM RESERVES**

Sec. 3401. Authorization of appropriations.

16 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) AMOUNT.—There are hereby authorized to be ap-
18 propriated to the Secretary of Energy \$23,627,000 for fis-
19 cal year 2010 for the purpose of carrying out activities
20 under chapter 641 of title 10, United States Code, relating
21 to the naval petroleum reserves.

1 (b) PERIOD OF AVAILABILITY.—Funds appropriated
 2 pursuant to the authorization of appropriations in sub-
 3 section (a) shall remain available until expended.

4 **TITLE XXXV—MARITIME**
 5 **ADMINISTRATION**

Sec. 3501. Authorization of appropriations for fiscal year 2010.

Sec. 3502. Liquidation of unused leave balance at the United States Merchant
 Marine Academy.

Sec. 3503. Adjunct professors.

Sec. 3504. Maritime loan guarantee program.

Sec. 3505. Defense measures against unauthorized seizures of Maritime Secu-
 rity Fleet vessels.

Sec. 3506. Technical corrections to State maritime academies student incentive
 program.

Sec. 3507. Limitation on disposal of interest in certain vessels.

6 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**
 7 **CAL YEAR 2010.**

8 Funds are hereby authorized to be appropriated for
 9 fiscal year 2010, to be available without fiscal year limita-
 10 tion if so provided in appropriations Acts, for the use of
 11 the Department of Transportation for the Maritime Ad-
 12 ministration as follows:

13 (1) For expenses necessary for operations and
 14 training activities, \$152,900,000, of which—

15 (A) \$15,391,000 shall remain available
 16 until expended for capital improvements at the
 17 United States Merchant Marine Academy;

18 (B) \$11,240,000 shall remain available
 19 until expended for maintenance and repair of

1 training ships of the State Maritime Academies;
2 and

3 (C) \$53,208,000 shall be available for op-
4 erations at the United States Merchant Marine
5 Academy.

6 (2) For expenses to maintain a preserve a
7 United States-flag merchant fleet to serve the na-
8 tional security needs of the United States under
9 chapter 531 of title 46, United States Code,
10 \$174,000,000.

11 (3) For expenses to dispose of obsolete vessels
12 in the National Defense Reserve Fleet, \$15,000,000.

13 (4) For the cost (as defined in section 502(5)
14 of the Federal Credit Reform Act of 1990 (2 U.S.C.
15 661a(5)) of loan guarantees under the program au-
16 thorized by chapter 537 of title 46, United States
17 Code, \$60,000,000.

18 **SEC. 3502. LIQUIDATION OF UNUSED LEAVE BALANCE AT**
19 **THE UNITED STATES MERCHANT MARINE**
20 **ACADEMY.**

21 The Maritime Administrator may, subject to the
22 availability of appropriations, make a lump-sum payment
23 for the accumulated balance of unused leave to any former
24 employee of a United States Merchant Marine Academy
25 nonappropriated fund instrumentality who was terminated

1 from such employment in 2009 or whose position as such
2 an employee was converted to the Civil Service in 2009
3 under authority granted by section 3506 of the Duncan
4 Hunter National Defense Authorization Act for fiscal year
5 2009 (Public Law 110–417; 122 Stat. 4356).

6 **SEC. 3503. ADJUNCT PROFESSORS.**

7 Section 3506 of the Duncan Hunter National De-
8 fense Authorization Act for Fiscal Year 2009 (Public Law
9 110–417; 122 Stat. 4356) is amended—

10 (1) in subsection (a), by striking “temporary”;

11 (2) in subsection (b), by inserting “and” after
12 the semicolon at the end of paragraph (1), by strik-
13 ing “; and” at the end of paragraph (2) and insert-
14 ing a period, and by striking paragraph (3); and

15 (3) by striking subsection (d) and inserting the
16 following:

17 “(d) REPORTING REQUIREMENTS.—When the au-
18 thority granted by subsection (a) is used to hire an ad-
19 junct professor at the Academy, the Administrator shall
20 notify the Committee on Armed Services of the House of
21 Representatives and the Committee on Commerce,
22 Science, and Transportation of the Senate, including the
23 need for and the term of employment of the adjunct pro-
24 fessor.”.

1 **SEC. 3504. MARITIME LOAN GUARANTEE PROGRAM.**

2 The Congress finds that—

3 (1) it is in the national security interest of the
4 United States to foster commercial shipbuilding in
5 the United States;

6 (2) the maritime loan guarantee program au-
7 thorized by chapter 537 or title 46, United States
8 Code, has a long and successful history of facili-
9 tating construction of commercial vessels in domestic
10 shipyards;

11 (3) the Maritime Loan Guarantee Program
12 strengthens our Nation's industrial base allowing do-
13 mestic shipyards and their allied service and supply
14 industries to more effectively produce commercial
15 vessels that enhance the commercial sealift capa-
16 bility of the Department of Defense; and

17 (4) a revitalized and effective Maritime Loan
18 Guarantee Program would result in construction of
19 a more modern and more numerous fleet of commer-
20 cial vessels manned by United States citizens, there-
21 by providing a pool of trained United States citizen
22 mariners available to assist the Department of De-
23 fense in times of war or national emergency.

1 **SEC. 3505. DEFENSE MEASURES AGAINST UNAUTHORIZED**
2 **SEIZURES OF MARITIME SECURITY FLEET**
3 **VESSELS.**

4 Section 53107(b) of title 46, United States Code, is
5 amended by adding at the end the following new para-
6 graph:

7 “(3) DEFENSE MEASURES AGAINST UNAUTHOR-
8 IZED SEIZURES.—(A) The Emergency Preparedness
9 Agreement for any operating agreement that first
10 takes effect or is renewed after the date of enact-
11 ment of the National Defense Authorization Act for
12 Fiscal Year 2010 shall require that any vessel oper-
13 ating under the agreement in hazardous carriage
14 shall be equipped with appropriate non-lethal de-
15 fense measures to protect the vessel, crew, and cargo
16 from unauthorized seizure at sea.

17 “(B) In this paragraph the term ‘hazardous
18 carriage’ means the carriage of cargo for the De-
19 partment of Defense in an area that is designated
20 by the Coast Guard or the International Maritime
21 Bureau of the International Chamber Of Commerce
22 as an area of high risk of piracy.”.

23 **SEC. 3506. DEFENSE OF VESSELS AND CARGOS AGAINST PI-**
24 **RACY.**

25 (a) FINDINGS.—Congress finds the following:

1 (1) Protecting cargoes owned by the United
2 States Government and transported on United
3 States-flag vessels through an area designated by
4 the Coast Guard or the International Maritime Bu-
5 reau of the International Chamber of Commerce as
6 an area of high risk of piracy is in our national in-
7 terest.

8 (2) Protecting United States-citizen mariners
9 employed on United States-flag vessels transiting an
10 area designated by the Coast Guard or the Inter-
11 national Maritime Bureau of the international
12 Chamber of Commerce as an area of high risk of pi-
13 racy is in our national interest.

14 (3) Weapons and supplies that may be used to
15 support military operations should not fall into the
16 hands of pirates.

17 (b) EMBARKATION OF MILITARY PERSONNEL.—The
18 Secretary of Defense shall embark military personnel on
19 board a United States-flag vessel carrying Government-
20 impelled cargoes if the vessel is—

21 (1) operating in an area designated by the
22 Coast Guard or the International Maritime Bureau
23 of the International Chamber of Commerce as an
24 area of high risk of piracy; and

1 (2) determined by the Coast Guard to be at
2 risk of being boarded by pirates.

3 (c) LIMITATION ON APPLICATION.—This section shall
4 not apply with respect to an area referred to in subsection
5 (b)(1) on the earlier of—

6 (1) September 30, 2011; or

7 (2) the date on which the Secretary of Defense
8 notifies the Congress that the Secretary believes that
9 there is not a credible threat to United States-flag
10 vessels carrying Government-impelled cargoes oper-
11 ating in such area.

12 **SEC. 3507. TECHNICAL CORRECTIONS TO STATE MARITIME**
13 **ACADEMIES STUDENT INCENTIVE PROGRAM.**

14 (a) INSTALLMENT PAYMENTS.—Section 51509(b) of
15 title 46, United States Code, is amended—

16 (1) by striking “and be paid before the start of
17 each academic year, as prescribed by the Secretary,”
18 and inserting “and be paid in such installments as
19 the Secretary shall determine”;

20 (2) by striking “academy.” and inserting “acad-
21 emy, as prescribed by the Secretary.”.

22 (b) REPEAL OF REDUNDANT SECTION.—Section 177
23 of division I of Public Law 111–8 (123 Stat. 945; relating
24 to amendments previously enacted by section 3503 of divi-

1 sion C of Public Law 110–417 (122 Stat. 4762)) is re-
2 pealed and shall have no force or effect.

3 **SEC. 3508. LIMITATION ON DISPOSAL OF INTEREST IN CER-**
4 **TAIN VESSELS.**

5 (a) **LIMITATION.**—If the United States acquires any
6 financial interest in a covered vessel as a consequence of
7 a default on a loan guaranteed for the vessel under chap-
8 ter 537 of title 46, United States Code, no action to dis-
9 pose of the financial interest may be taken by the Mari-
10 time Administrator until 180 days after the date the Mari-
11 time Administrator notifies the Secretary of the Navy that
12 the United States has such financial interest.

13 (b) **COVERED VESSEL DEFINED.**—In this section the
14 term “covered vessel” means each of—

15 (1) the vessel HUAKAI (United States official
16 number 1215902); and

17 (2) the vessel ALAKAI (United States official
18 number 1182234).

19 **DIVISION D—DISABLED MILI-**
20 **TARY RETIREE RELIEF ACT**
21 **OF 2009**

22 **SEC. 1. SHORT TITLE.**

23 This division may be cited as the “Disabled Military
24 Retiree Relief Act of 2009”.

1 SEC. 2. TABLE OF CONTENTS.

2 The table of contents for this division is as follows:

DIVISION D—DISABLED MILITARY RETIREE RELIEF ACT OF 2009

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—COMPENSATION AND BENEFITS FOR MEMBERS OF THE
ARMED FORCES AND MILITARY RETIREES

Subtitle A—Bonuses and Special and Incentive Pays

Sec. 101. One-year extension of certain bonus and special pay authorities for reserve forces.

Sec. 102. One-year extension of certain bonus and special pay authorities for health care professionals.

Sec. 103. One-year extension of special pay and bonus authorities for nuclear officers.

Sec. 104. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.

Sec. 105. One-year extension of authorities relating to payment of other title 37 bonuses and special pay.

Sec. 106. One-year extension of authorities relating to payment of referral bonuses.

Sec. 107. Technical corrections and conforming amendments to reconcile conflicting amendments regarding continued payment of bonuses and similar benefits for certain members.

Subtitle B—Retired Pay Benefits

Sec. 111. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.

Sec. 112. Election to receive retired pay for non-regular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.

Subtitle C—Concurrent Receipt of Military Retired Pay and Veterans'
Disability Compensation

Sec. 121. One-year expansion of eligibility for concurrent receipt of military retired pay and veterans' disability compensation to include all chapter 61 disability retirees regardless of disability rating percentage or years of service.

TITLE II—FEDERAL EMPLOYEE BENEFITS

Subtitle A—General Provisions

Sec. 201. Credit for unused sick leave.

Sec. 202. Limited expansion of the class of individuals eligible to receive an actuarially reduced annuity under the civil service retirement system.

Sec. 203. Computation of certain annuities based on part-time service.

Sec. 204. Authority to deposit refunds under FERS.

Sec. 205. Retirement credit for service of certain employees transferred from District of Columbia service to Federal service.

Subtitle B—Non-Foreign Area Retirement Equity Assurance

- Sec. 211. Short title.
 Sec. 212. Extension of Locality Pay.
 Sec. 213. Adjustment of special rates.
 Sec. 214. Transition schedule for locality-based comparability payments.
 Sec. 215. Savings provision.
 Sec. 216. Application to other eligible employees.
 Sec. 217. Election of additional basic pay for annuity computation by employees.
 Sec. 218. Regulations.
 Sec. 219. Effective dates.

TITLE III—DEEPWATER OIL AND GAS RESEARCH AND
 DEVELOPMENT FUNDING SOURCE REPEAL

- Sec. 301. Repeal.

1 **TITLE I—COMPENSATION AND**
 2 **BENEFITS FOR MEMBERS OF**
 3 **THE ARMED FORCES AND**
 4 **MILITARY RETIREES**

5 **Subtitle A—Bonuses and Special**
 6 **and Incentive Pays**

7 **SEC. 101. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
 8 **SPECIAL PAY AUTHORITIES FOR RESERVE**
 9 **FORCES.**

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

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

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

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

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

7 (5) Section 308h(e), relating to Ready Reserve
8 enlistment and reenlistment bonus for persons with
9 prior service.

10 (6) Section 308i(f), relating to Selected Reserve
11 enlistment and reenlistment bonus for persons with
12 prior service.

13 (7) Section 910(g), relating to income replace-
14 ment payments for reserve component members ex-
15 periencing extended and frequent mobilization for
16 active duty service.

17 **SEC. 102. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**
18 **SPECIAL PAY AUTHORITIES FOR HEALTH**
19 **CARE PROFESSIONALS.**

20 (a) TITLE 10 AUTHORITIES.—The following sections
21 of title 10, United States Code, are amended by striking
22 “December 31, 2009” and inserting “December 31,
23 2010”:

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

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

4 (b) TITLE 37 AUTHORITIES.—The following sections
5 of title 37, United States Code, are amended by striking
6 “December 31, 2009” and inserting “December 31,
7 2010”:

8 (1) Section 302c-1(f), relating to accession and
9 retention bonuses for psychologists.

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

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

14 (4) Section 302g(e), relating to special pay for
15 Selected Reserve health professionals in critically
16 short wartime specialties.

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

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

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

1 (8) Section 3021(g), relating to accession bonus
2 for dental specialist officers in critically short war-
3 time specialties.

4 **SEC. 103. ONE-YEAR EXTENSION OF SPECIAL PAY AND**
5 **BONUS AUTHORITIES FOR NUCLEAR OFFI-**
6 **CERS.**

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

10 (1) Section 312(f), relating to special pay for
11 nuclear-qualified officers extending period of active
12 service.

13 (2) Section 312b(c), relating to nuclear career
14 accession bonus.

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

17 **SEC. 104. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
18 **ING TO TITLE 37 CONSOLIDATED SPECIAL**
19 **PAY, INCENTIVE PAY, AND BONUS AUTHORI-**
20 **TIES.**

21 The following sections of title 37, United States
22 Code, are amended by striking “December 31, 2009” and
23 inserting “December 31, 2010”:

24 (1) Section 331(h), relating to general bonus
25 authority for enlisted members.

1 (2) Section 332(g), relating to general bonus
2 authority for officers.

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

5 (4) Section 334(i), relating to special aviation
6 incentive pay and bonus authorities for officers.

7 (5) Section 335(k), relating to special bonus
8 and incentive pay authorities for officers in health
9 professions.

10 (6) Section 351(i), relating to hazardous duty
11 pay.

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

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

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

19 **SEC. 105. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
20 **ING TO PAYMENT OF OTHER TITLE 37 BO-**
21 **NUSES AND SPECIAL PAY.**

22 The following sections of chapter 5 of title 37, United
23 States Code, are amended by striking “December 31,
24 2009” and inserting “December 31, 2010”:

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

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

5 (3) Section 308(g), relating to reenlistment
6 bonus for active members.

7 (4) Section 309(e), relating to enlistment
8 bonus.

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

11 (6) Section 326(g), relating to incentive bonus
12 for conversion to military occupational specialty to
13 ease personnel shortage.

14 (7) Section 327(h), relating to incentive bonus
15 for transfer between armed forces.

16 (8) Section 330(f), relating to accession bonus
17 for officer candidates.

18 **SEC. 106. 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 **SEC. 107. TECHNICAL CORRECTIONS AND CONFORMING**
4 **AMENDMENTS TO RECONCILE CONFLICTING**
5 **AMENDMENTS REGARDING CONTINUED PAY-**
6 **MENT OF BONUSES AND SIMILAR BENEFITS**
7 **FOR CERTAIN MEMBERS.**

8 (a) TECHNICAL CORRECTIONS TO RECONCILE CON-
9 FLICTING AMENDMENTS.—Section 303a(e) of title 37,
10 United States Code, is amended—

11 (1) in paragraph (1)(A), by striking “paragraph
12 (2)” and inserting “paragraphs (2) and (3)”;

13 (2) by redesignating paragraphs (3) and (4) as
14 paragraphs (4) and (5), respectively;

15 (3) in paragraph (5), as so redesignated, by
16 striking “paragraph (3)(B)” and inserting “para-
17 graph (4)(B)”;

18 (4) by redesignating paragraph (2), as added by
19 section 651(b) of the Duncan Hunter National De-
20 fense Authorization Act for Fiscal Year 2009 (Pub-
21 lic Law 110–417; 122 Stat. 4495), as paragraph
22 (3); and

23 (5) by redesignating the second subparagraph
24 (B) of paragraph (1), originally added as paragraph
25 (2) by section 2(a)(3) of the Hubbard Act (Public

1 Law 110–317; 122 Stat. 3526) and erroneously des-
2 ignated as subparagraph (B) by section 651(a)(3) of
3 the Duncan Hunter National Defense Authorization
4 Act for Fiscal Year 2009 (Public Law 110–417; 122
5 Stat. 4495), as paragraph (2).

6 (b) INCLUSION OF HUBBARD ACT AMENDMENT IN
7 CONSOLIDATED SPECIAL PAY AND BONUS AUTHORI-
8 TIES.—Section 373(b) of such title is amended—

9 (1) in paragraph (2), by striking the paragraph
10 heading and inserting “SPECIAL RULE FOR DE-
11 CEASED AND DISABLED MEMBERS.—”; and

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

14 “(3) SPECIAL RULE FOR MEMBERS WHO RE-
15 CEIVE SOLE SURVIVORSHIP DISCHARGE.—(A) If a
16 member of the uniformed services receives a sole
17 survivorship discharge, the Secretary concerned—

18 “(i) shall not require repayment by the
19 member of the unearned portion of any bonus,
20 incentive pay, or similar benefit previously paid
21 to the member; and

22 “(ii) may grant an exception to the re-
23 quirement to terminate the payment of any un-
24 paid amounts of a bonus, incentive pay, or simi-
25 lar benefit if the Secretary concerned deter-

1 mines that termination of the payment of the
2 unpaid amounts would be contrary to a per-
3 sonnel policy or management objective, would
4 be against equity and good conscience, or would
5 be contrary to the best interests of the United
6 States.

7 “(B) In this paragraph, the term ‘sole survivor-
8 ship discharge’ means the separation of a member
9 from the Armed Forces, at the request of the mem-
10 ber, pursuant to the Department of Defense policy
11 permitting the early separation of a member who is
12 the only surviving child in a family in which—

13 “(i) the father or mother or one or more
14 siblings—

15 “(I) served in the Armed Forces; and

16 “(II) was killed, died as a result of
17 wounds, accident, or disease, is in a cap-
18 tured or missing in action status, or is per-
19 manently 100 percent disabled or hospital-
20 ized on a continuing basis (and is not em-
21 ployed gainfully because of the disability or
22 hospitalization); and

23 “(ii) the death, status, or disability did not
24 result from the intentional misconduct or willful
25 neglect of the parent or sibling and was not in-

1 curred during a period of unauthorized ab-
2 sence.”.

3 **Subtitle B—Retired Pay Benefits**

4 **SEC. 111. RECOMPUTATION OF RETIRED PAY AND ADJUST-** 5 **MENT OF RETIRED GRADE OF RESERVE RE-** 6 **TIREES TO REFLECT SERVICE AFTER RE-** 7 **TIREMENT.**

8 (a) RECOMPUTATION OF RETIRED PAY.—Section
9 12739 of title 10, United States Code, is amended by add-
10 ing at the end the following new subsection:

11 “(e)(1) If a member of the Retired Reserve is recalled
12 to an active status in the Selected Reserve of the Ready
13 Reserve under section 10145(d) of this title and completes
14 not less than two years of service in such active status,
15 the member is entitled to the recomputation under this
16 section of the retired pay of the member.

17 “(2) The Secretary concerned may reduce the two-
18 year service requirement specified in paragraph (1) in the
19 case of a member who—

20 “(A) is recalled to serve in a position of adju-
21 tant general required under section 314 of title 32
22 or in a position of assistant adjutant general subor-
23 dinate to such a position of adjutant general;

24 “(B) completes at least 6 months of service in
25 such position; and

1 “(C) fails to complete the minimum two years
2 of service solely because the appointment of the
3 member to such position is terminated or vacated as
4 described in section 324(b) of title 32.”.

5 (b) ADJUSTMENT OF RETIRED GRADE.—Section
6 12771 of such title is amended—

7 (1) by striking “Unless” and inserting “(a)
8 GRADE ON TRANSFER.—Unless”; and

9 (2) by adding at the end the following new sub-
10 section:

11 “(b) EFFECT OF SUBSEQUENT RECALL TO ACTIVE
12 STATUS.—(1) If a member of the Retired Reserve who
13 is a commissioned officer is recalled to an active status
14 in the Selected Reserve of the Ready Reserve under sec-
15 tion 10145(d) of this title and completes not less than two
16 years of service in such active status, the member is enti-
17 tled to an adjustment in the retired grade of the member
18 in the manner provided in section 1370(d) of this title.

19 “(2) The Secretary concerned may reduce the two-
20 year service requirement specified in paragraph (1) in the
21 case of a member who—

22 “(A) is recalled to serve in a position of adju-
23 tant general required under section 314 of title 32
24 or in a position of assistant adjutant general subor-
25 dinate to such a position of adjutant general;

1 “(B) completes at least 6 months of service in
2 such position; and

3 “(C) fails to complete the minimum two years
4 of service solely because the appointment of the
5 member to such position is terminated or vacated as
6 described in section 324(b) of title 32.”.

7 (c) **RETROACTIVE APPLICABILITY.**—The amend-
8 ments made by this section shall take effect as of January
9 1, 2008.

10 **SEC. 112. ELECTION TO RECEIVE RETIRED PAY FOR NON-**
11 **REGULAR SERVICE UPON RETIREMENT FOR**
12 **SERVICE IN AN ACTIVE RESERVE STATUS**
13 **PERFORMED AFTER ATTAINING ELIGIBILITY**
14 **FOR REGULAR RETIREMENT.**

15 (a) **ELECTION AUTHORITY; REQUIREMENTS.**—Sub-
16 section (a) of section 12741 of title 10, United States
17 Code, is amended to read as follows:

18 “(a) **AUTHORITY TO ELECT TO RECEIVE RESERVE**
19 **RETIRED PAY.**—(1) Notwithstanding the requirement in
20 paragraph (4) of section 12731(a) of this title that a per-
21 son may not receive retired pay under this chapter when
22 the person is entitled, under any other provision of law,
23 to retired pay or retainer pay, a person may elect to re-
24 ceive retired pay under this chapter, instead of receiving

1 retired or retainer pay under chapter 65, 367, 571, or 867
2 of this title, if the person—

3 “(A) satisfies the requirements specified in
4 paragraphs (1) and (2) of such section for entitle-
5 ment to retired pay under this chapter;

6 “(B) served in an active status in the Selected
7 Reserve of the Ready Reserve after becoming eligible
8 for retirement under chapter 65, 367, 571, or 867
9 of this title (without regard to whether the person
10 actually retired or received retired or retainer pay
11 under one of those chapters); and

12 “(C) completed not less than two years of satis-
13 factory service (as determined by the Secretary con-
14 cerned) in such active status (excluding any period
15 of active service).

16 “(2) The Secretary concerned may reduce the min-
17 imum two-year service requirement specified in paragraph
18 (1)(C) in the case of a person who—

19 “(A) completed at least 6 months of service in
20 a position of adjutant general required under section
21 314 of title 32 or in a position of assistant adjutant
22 general subordinate to such a position of adjutant
23 general; and

24 “(B) failed to complete the minimum years of
25 service solely because the appointment of the person

1 to such position was terminated or vacated as de-
2 scribed in section 324(b) of title 32.”.

3 (b) ACTIONS TO EFFECTUATE ELECTION.—Sub-
4 section (b) of such section is amended by striking para-
5 graph (1) and inserting the following new paragraph:

6 “(1) terminate the eligibility of the person to
7 retire under chapter 65, 367, 571, or 867 of this
8 title, if the person is not already retired under one
9 of those chapters, and terminate entitlement of the
10 person to retired or retainer pay under one of those
11 chapters, if the person was already receiving retired
12 or retainer pay under one of those chapters; and”.

13 (c) CONFORMING AMENDMENT TO REFLECT NEW
14 VARIABLE AGE REQUIREMENT FOR RETIREMENT.—Sub-
15 section (d) of such section is amended—

16 (1) in paragraph (1), by striking “attains 60
17 years of age” and inserting “attains the eligibility
18 age applicable to the person under section 12731(f)
19 of this title”; and

20 (2) in paragraph (2)(A), by striking “attains 60
21 years of age” and inserting “attains the eligibility
22 age applicable to the person under such section”.

23 (d) CLERICAL AMENDMENTS.—

1 **Subtitle C—Concurrent Receipt of**
2 **Military Retired Pay and Vet-**
3 **erans’ Disability Compensation**

4 **SEC. 121. ONE-YEAR EXPANSION OF ELIGIBILITY FOR CON-**
5 **CURRENT RECEIPT OF MILITARY RETIRED**
6 **PAY AND VETERANS’ DISABILITY COMPENSA-**
7 **TION TO INCLUDE ALL CHAPTER 61 DIS-**
8 **ABILITY RETIREES REGARDLESS OF DIS-**
9 **ABILITY RATING PERCENTAGE OR YEARS OF**
10 **SERVICE.**

11 (a) PHASED EXPANSION CONCURRENT RECEIPT.—
12 Subsection (a) of section 1414 of title 10, United States
13 Code, is amended to read as follows:

14 “(a) PAYMENT OF BOTH RETIRED PAY AND DIS-
15 ABILITY COMPENSATION.—

16 “(1) PAYMENT OF BOTH REQUIRED.—

17 “(A) IN GENERAL.—Subject to subsection
18 (b), a member or former member of the uni-
19 formed services who is entitled for any month
20 to retired pay and who is also entitled for that
21 month to veterans’ disability compensation for a
22 qualifying service-connected disability (in this
23 section referred to as a ‘qualified retiree’) is en-
24 titled to be paid both for that month without
25 regard to sections 5304 and 5305 of title 38.

1 “(B) APPLICABILITY OF FULL CONCUR-
2 RENT RECEIPT PHASE-IN REQUIREMENT.—Dur-
3 ing the period beginning on January 1, 2004,
4 and ending on December 31, 2013, payment of
5 retired pay to a qualified retiree is subject to
6 subsection (c).

7 “(C) PHASE-IN EXCEPTION FOR 100 PER-
8 CENT DISABLED RETIREES.—The payment of
9 retired pay is subject to subsection (c) only dur-
10 ing the period beginning on January 1, 2004,
11 and ending on December 31, 2004, in the case
12 of the following qualified retirees:

13 “(i) A qualified retiree receiving vet-
14 erans’ disability compensation for a dis-
15 ability rated as 100 percent.

16 “(ii) A qualified retiree receiving vet-
17 erans’ disability compensation at the rate
18 payable for a 100 percent disability by rea-
19 son of a determination of individual
20 unemployability.

21 “(D) TEMPORARY PHASE-IN EXCEPTION
22 FOR CERTAIN CHAPTER 61 DISABILITY RETIR-
23 EES; TERMINATION.—Subject to subsection (b),
24 during the period beginning on January 1,
25 2010, and ending on September 30, 2010, sub-

1 section (c) shall not apply to a qualified retiree
2 described in subparagraph (B) or (C) of para-
3 graph (2).

4 “(2) QUALIFYING SERVICE-CONNECTED DIS-
5 ABILITY DEFINED.—In this section, the term ‘quali-
6 fying service-connected disability’ means the fol-
7 lowing:

8 “(A) In the case of a member or former
9 member receiving retired pay under any provi-
10 sion of law other than chapter 61 of this title,
11 or under chapter 61 with 20 years or more of
12 service otherwise creditable under section 1405
13 or computed under section 12732 of this title,
14 a service-connected disability or combination of
15 service-connected disabilities that is rated as
16 not less than 50 percent disabling by the Sec-
17 retary of Veterans Affairs.

18 “(B) In the case of a member or former
19 member receiving retired pay under chapter 61
20 of this title with less than 20 years of service
21 otherwise creditable under section 1405 or com-
22 puted under section 12732 of this title, a serv-
23 ice-connected disability or combination of serv-
24 ice-connected disabilities that is rated by the
25 Secretary of Veterans Affairs at the disabling

1 level specified in one of the following clauses
2 (and, subject to paragraph (3), is effective on
3 or after the date specified in the applicable
4 clause):

5 “(i) January 1, 2010, rated 100 per-
6 cent, or a rate payable at 100 percent by
7 reason of individual unemployability or
8 rated 90 percent.

9 “(ii) January 1, 2011, rated 80 per-
10 cent or 70 percent.

11 “(iii) January 1, 2012, rated 60 per-
12 cent or 50 percent.

13 “(C) In the case of a member or former
14 member receiving retired pay under chapter 61
15 regardless of years of service, a service-con-
16 nected disability or combination of service-con-
17 nected disabilities that is rated by the Secretary
18 of Veterans Affairs at the disabling level speci-
19 fied in one of the following clauses (and, subject
20 to paragraph (3), is effective on or after the
21 date specified in the applicable clause):

22 “(i) January 1, 2013, rated 40 per-
23 cent or 30 percent.

24 “(ii) January 1, 2014, any rating.

1 “(3) LIMITED DURATION.—Notwithstanding
2 the effective date specified in each clause of subpara-
3 graphs (B) and (C) of paragraph (2), the clause
4 shall apply only if the termination date specified in
5 subparagraph (D) of paragraph (1) occurs during or
6 after the calendar year specified in the clause, except
7 that, eligibility may not extend beyond the termi-
8 nation date.”.

9 (b) CONFORMING AMENDMENT TO SPECIAL RULES
10 FOR CHAPTER 61 DISABILITY RETIREES.—Subsection (b)
11 of such section is amended to read as follows:

12 “(b) SPECIAL RULES FOR CHAPTER 61 DISABILITY
13 RETIREES WHEN ELIGIBILITY HAS BEEN ESTABLISHED
14 FOR SUCH RETIREES.—

15 “(1) GENERAL REDUCTION RULE.—The retired
16 pay of a member retired under chapter 61 of this
17 title is subject to reduction under sections 5304 and
18 5305 of title 38, but only to the extent that the
19 amount of the members retired pay under chapter
20 61 of this title exceeds the amount of retired pay to
21 which the member would have been entitled under
22 any other provision of law based upon the member’s
23 service in the uniformed services if the member had
24 not been retired under chapter 61 of this title.

1 “(2) RETIREES WITH FEWER THAN 20 YEARS
2 OF SERVICE.—

3 “(A) BEFORE TERMINATION DATE.—If a
4 member with a qualifying service-connected dis-
5 ability (as defined in subsection (a)(2)) is re-
6 tired under chapter 61 of this title with fewer
7 than 20 years of creditable service otherwise
8 creditable under section 1405 or computed
9 under section 12732 of this title, and the termi-
10 nation date specified in subsection (a)(1)(D)
11 has not occurred, the retired pay of the member
12 is subject to reduction under sections 5304 and
13 5305 of title 38, but only to the extent that the
14 amount of the member’s retired pay under
15 chapter 61 of this title exceeds the amount
16 equal to 2½ percent of the member’s years of
17 creditable service multiplied by the member’s
18 retired pay base under section 1406(b)(1) or
19 1407 of this title, whichever is applicable to the
20 member.

21 “(B) AFTER TERMINATION DATE.—Sub-
22 section (a) does not apply to a member retired
23 under chapter 61 of this title with less than 20
24 years of service otherwise creditable under sec-
25 tion 1405 of this title, or with less than 20

1 years of service computed under section 12732
 2 of this title, at the time of the retirement of the
 3 member if the termination date in paragraph
 4 (1)(D) of such subsection has occurred.”.

5 (c) CONFORMING AMENDMENT TO FULL CONCUR-
 6 RENT RECEIPT PHASE-IN.—Subsection (c) of such section
 7 is amended by striking “the second sentence of”.

8 (d) CLERICAL AMENDMENTS.—

9 (1) SECTION HEADING.—The heading of such
 10 section is amended to read as follows:

11 **“§ 1414. Concurrent receipt of retired pay and vet-**
 12 **erans’ disability compensation”.**

13 (2) TABLE OF SECTIONS.—The table of sections
 14 at the beginning of chapter 71 of such title is
 15 amended by striking the item related to section 1414
 16 and inserting the following new item:

“1414. Concurrent receipt of retired pay and veterans’ disability compensa-
 tion.”.

17 (e) EFFECTIVE DATE.—The amendments made by
 18 this section shall take effect on January 1, 2010.

19 **TITLE II—FEDERAL EMPLOYEE**
 20 **BENEFITS**

21 **Subtitle A—General Provisions**

22 **SEC. 201. CREDIT FOR UNUSED SICK LEAVE.**

23 (a) IN GENERAL.—Section 8415 of title 5, United
 24 States Code, is amended—

1 (1) by redesignating the second subsection (k)
2 and subsection (l) as subsections (l) and (m), respec-
3 tively; and

4 (2) in subsection (l) (as so redesignated by
5 paragraph (1))—

6 (A) by striking “(l) In computing” and in-
7 serting “(l)(1) In computing”; and

8 (B) by adding at the end the following:

9 “(2) Except as provided in paragraph (1), in com-
10 puting an annuity under this subchapter, the total service
11 of an employee who retires on an immediate annuity or
12 who dies leaving a survivor or survivors entitled to annuity
13 includes the days of unused sick leave to his credit under
14 a formal leave system and for which days the employee
15 has not received payment, except that these days will not
16 be counted in determining average pay or annuity eligi-
17 bility under this subchapter. For purposes of this sub-
18 section, in the case of any such employee who is excepted
19 from subchapter I of chapter 63 under section 6301(2)(x)
20 through (xiii), the days of unused sick leave to his credit
21 include any unused sick leave standing to his credit when
22 he was excepted from such subchapter.”.

23 (b) EXCEPTION FROM DEPOSIT REQUIREMENT.—
24 Section 8422(d)(2) of title 5, United States Code, is

1 amended by striking “section 8415(k)” and inserting
2 “paragraph (1) or (2) of section 8415(l)”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply with respect to annuities computed
5 based on separations occurring on or after the date of en-
6 actment of this Act.

7 **SEC. 202. LIMITED EXPANSION OF THE CLASS OF INDIVID-**
8 **UALS ELIGIBLE TO RECEIVE AN ACTUARI-**
9 **ALLY REDUCED ANNUITY UNDER THE CIVIL**
10 **SERVICE RETIREMENT SYSTEM.**

11 (a) IN GENERAL.—Section 8334(d)(2)(A)(i) of title
12 5, United States Code, is amended by striking “October
13 1, 1990” each place it appears and inserting “March 1,
14 1991”.

15 (b) APPLICABILITY.—The amendment made by sub-
16 section (a) shall be effective with respect to any annuity,
17 entitlement to which is based on a separation from service
18 occurring on or after the date of enactment of this Act.

19 **SEC. 203. COMPUTATION OF CERTAIN ANNUITIES BASED**
20 **ON PART-TIME SERVICE.**

21 (a) IN GENERAL.—Section 8339(p) of title 5, United
22 States Code, is amended by adding at the end the fol-
23 lowing:

24 “(3) In the administration of paragraph (1)—

1 “(A) subparagraph (A) of such paragraph shall
2 apply with respect to service performed before, on,
3 or after April 7, 1986; and

4 “(B) subparagraph (B) of such paragraph—

5 “(i) shall apply with respect to that portion
6 of any annuity which is attributable to service
7 performed on or after April 7, 1986; and

8 “(ii) shall not apply with respect to that
9 portion of any annuity which is attributable to
10 service performed before April 7, 1986.”.

11 (b) **APPLICABILITY.**—The amendment made by sub-
12 section (a) shall be effective with respect to any annuity,
13 entitlement to which is based on a separation from service
14 occurring on or after the date of enactment of this Act.

15 **SEC. 204. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.**

16 (a) **DEPOSIT AUTHORITY.**—Section 8422 of title 5,
17 United States Code, is amended by adding at the end the
18 following:

19 “(i)(1) Each employee or Member who has received
20 a refund of retirement deductions under this or any other
21 retirement system established for employees of the Gov-
22 ernment covering service for which such employee or Mem-
23 ber may be allowed credit under this chapter may deposit
24 the amount received, with interest. Credit may not be al-

1 lowed for the service covered by the refund until the de-
2 posit is made.

3 “(2) Interest under this subsection shall be computed
4 in accordance with paragraphs (2) and (3) of section
5 8334(e) and regulations prescribed by the Office. The op-
6 tion under the third sentence of section 8334(e)(2) to
7 make a deposit in one or more installments shall apply
8 to deposits under this subsection.

9 “(3) For the purpose of survivor annuities, deposits
10 authorized by this subsection may also be made by a sur-
11 vivor of an employee or Member.”.

12 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

13 (1) DEFINITIONAL AMENDMENT.—Section
14 8401(19)(C) of title 5, United States Code, is
15 amended by striking “8411(f);” and inserting
16 “8411(f) or 8422(i);”.

17 (2) CREDITING OF DEPOSITS.—Section 8422(c)
18 of title 5, United States Code, is amended by adding
19 at the end the following: “Deposits made by an em-
20 ployee, Member, or survivor also shall be credited to
21 the Fund.”.

22 (3) SECTION HEADING.—(A) The heading for
23 section 8422 of title 5, United States Code, is
24 amended to read as follows:

1 **“§ 8422. Deductions from pay; contributions for other**
2 **service; deposits”.**

3 (B) The analysis for chapter 84 of title 5,
4 United States Code, is amended by striking the item
5 relating to section 8422 and inserting the following:

“8422. Deductions from pay; contributions for other service; deposits.”.

6 (4) RESTORATION OF ANNUITY RIGHTS.—The
7 last sentence of section 8424(a) of title 5, United
8 States Code, is amended by striking “based.” and
9 inserting “based, until the employee or Member is
10 reemployed in the service subject to this chapter.”.

11 **SEC. 205. RETIREMENT CREDIT FOR SERVICE OF CERTAIN**
12 **EMPLOYEES TRANSFERRED FROM DISTRICT**
13 **OF COLUMBIA SERVICE TO FEDERAL SERV-**
14 **ICE.**

15 (a) RETIREMENT CREDIT.—

16 (1) IN GENERAL.—Any individual who is treat-
17 ed as an employee of the Federal Government for
18 purposes of chapter 83 or chapter 84 of title 5,
19 United States Code, on or after the date of enact-
20 ment of this Act who performed qualifying District
21 of Columbia service shall be entitled to have such
22 service included in calculating the individual’s cred-
23 itable service under section 8332 or 8411 of title 5,
24 United States Code, but only for purposes of the fol-
25 lowing provisions of such title:

1 (A) Sections 8333 and 8410 (relating to
2 eligibility for annuity).

3 (B) Sections 8336 (other than subsections
4 (d), (h), and (p) thereof) and 8412 (relating to
5 immediate retirement).

6 (C) Sections 8338 and 8413 (relating to
7 deferred retirement).

8 (D) Sections 8336(d), 8336(h), 8336(p),
9 and 8414 (relating to early retirement).

10 (E) Section 8341 and subchapter IV of
11 chapter 84 (relating to survivor annuities).

12 (F) Section 8337 and subchapter V of
13 chapter 84 (relating to disability benefits).

14 (2) TREATMENT OF DETENTION OFFICER SERV-
15 ICE AS LAW ENFORCEMENT OFFICER SERVICE.—Any
16 portion of an individual's qualifying District of Co-
17 lumbia service which consisted of service as a deten-
18 tion officer under section 2604(2) of the District of
19 Columbia Government Comprehensive Merit Per-
20 sonnel Act of 1978 (sec. 1–626.04(2), D.C. Official
21 Code) shall be treated as service as a law enforce-
22 ment officer under sections 8331(20) or 8401(17) of
23 title 5, United States Code, for purposes of applying
24 paragraph (1) with respect to the individual.

1 (3) SERVICE NOT INCLUDED IN COMPUTING
2 AMOUNT OF ANY ANNUITY.—Qualifying District of
3 Columbia service shall not be taken into account for
4 purposes of computing the amount of any benefit
5 payable out of the Civil Service Retirement and Dis-
6 ability Fund.

7 (b) QUALIFYING DISTRICT OF COLUMBIA SERVICE
8 DEFINED.—In this section, “qualifying District of Colum-
9 bia service” means any of the following:

10 (1) Service performed by an individual as a
11 nonjudicial employee of the District of Columbia
12 courts—

13 (A) which was performed prior to the ef-
14 fective date of the amendments made by section
15 11246(b) of the Balanced Budget Act of 1997;
16 and

17 (B) for which the individual did not ever
18 receive credit under the provisions of sub-
19 chapter III of chapter 83 or chapter 84 of title
20 5, United States Code (other than by virtue of
21 section 8331(1)(iv) of such title).

22 (2) Service performed by an individual as an
23 employee of an entity of the District of Columbia
24 government whose functions were transferred to the
25 Pretrial Services, Parole, Adult Supervision, and Of-

1 fender Supervision Trustee under section 11232 of
2 the Balanced Budget Act of 1997—

3 (A) which was performed prior to the ef-
4 fective date of the individual's coverage as an
5 employee of the Federal Government under sec-
6 tion 11232(f) of such Act; and

7 (B) for which the individual did not ever
8 receive credit under the provisions of sub-
9 chapter III of chapter 83 or chapter 84 of title
10 5, United States Code (other than by virtue of
11 section 8331(1)(iv) of such title).

12 (3) Service performed by an individual as an
13 employee of the District of Columbia Public De-
14 fender Service—

15 (A) which was performed prior to the ef-
16 fective date of the amendments made by section
17 7(e) of the District of Columbia Courts and
18 Justice Technical Corrections Act of 1998; and

19 (B) for which the individual did not ever
20 receive credit under the provisions of sub-
21 chapter III of chapter 83 or chapter 84 of title
22 5, United States Code (other than by virtue of
23 section 8331(1)(iv) of such title).

24 (4) In the case of an individual who was an em-
25 ployee of the District of Columbia Department of

1 Corrections who was separated from service as a re-
2 sult of the closing of the Lorton Correctional Com-
3 plex and who was appointed to a position with the
4 Bureau of Prisons, the District of Columbia courts,
5 the Pretrial Services, Parole, Adult Supervision, and
6 Offender Supervision Trustee, the United States Pa-
7 role Commission, or the District of Columbia Public
8 Defender Service, service performed by the indi-
9 vidual as an employee of the District of Columbia
10 Department of Corrections—

11 (A) which was performed prior to the ef-
12 fective date of the individual's coverage as an
13 employee of the Federal Government; and

14 (B) for which the individual did not ever
15 receive credit under the provisions of sub-
16 chapter III of chapter 83 or chapter 84 of title
17 5, United States Code (other than by virtue of
18 section 8331(1)(iv) of such title).

19 (c) CERTIFICATION OF SERVICE.—The Office of Per-
20 sonnel Management shall accept the certification of the
21 appropriate personnel official of the government of the
22 District of Columbia or other independent employing enti-
23 ty concerning whether an individual performed qualifying
24 District of Columbia service and the length of the period
25 of such service the individual performed.

1 **Subtitle B—Non-Foreign Area**
2 **Retirement Equity Assurance**

3 **SEC. 211. SHORT TITLE.**

4 This subtitle may be cited as the “Non-Foreign Area
5 Retirement Equity Assurance Act of 2009” or the “Non-
6 Foreign AREA Act of 2009”.

7 **SEC. 212. EXTENSION OF LOCALITY PAY.**

8 (a) LOCALITY-BASED COMPARABILITY PAYMENTS.—
9 Section 5304 of title 5, United States Code, is amended—

10 (1) in subsection (f)(1), by striking subpara-
11 graph (A) and inserting the following:

12 “(A) each General Schedule position in the
13 United States, as defined under section
14 5921(4), and its territories and possessions, in-
15 cluding the Commonwealth of Puerto Rico and
16 the Commonwealth of the Northern Mariana Is-
17 lands, shall be included within a pay locality;”;

18 (2) in subsection (g)—

19 (A) in paragraph (2)—

20 (i) in subparagraph (A), by striking
21 “and” after the semicolon;

22 (ii) in subparagraph (B) by striking
23 the period and inserting “; and”; and

24 (iii) by adding after subparagraph (B)
25 the following:

1 “(C) positions under subsection (h)(1)(C)
2 not covered by appraisal systems certified under
3 section 5382; and”;

4 (B) by adding at the end the following:

5 “(3) The applicable maximum under this sub-
6 section shall be level II of the Executive Schedule for
7 positions under subsection (h)(1)(C) covered by ap-
8 praisal systems certified under section 5307(d).”;
9 and

10 (3) in subsection (h)(1)—

11 (A) in subparagraph (B) by striking “and”
12 after the semicolon;

13 (B) by redesignating subparagraph (C) as
14 subparagraph (D);

15 (C) by inserting after subparagraph (B)
16 the following:

17 “(C) a Senior Executive Service position
18 under section 3132 or 3151 or a senior level po-
19 sition under section 5376 stationed within the
20 United States, but outside the 48 contiguous
21 States and the District of Columbia in which
22 the incumbent was an individual who on the
23 day before the date of enactment of the Non-
24 Foreign Area Retirement Equity Assurance Act

1 of 2009 was eligible to receive a cost-of-living
2 allowance under section 5941; and”;

3 (D) in clause (iv) in the matter following
4 subparagraph (D), by inserting “, except for
5 members covered by subparagraph (C)” before
6 the semicolon; and

7 (E) in clause (v) in the matter following
8 subparagraph (D), by inserting “, except for
9 members covered by subparagraph (C)” before
10 the semicolon.

11 (b) ALLOWANCES BASED ON LIVING COSTS AND
12 CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5,
13 United States Code, is amended—

14 (1) in subsection (a), by adding after the last
15 sentence “Notwithstanding any preceding provision
16 of this subsection, the cost-of-living allowance rate
17 based on paragraph (1) shall be the cost-of-living al-
18 lowance rate in effect on the date of enactment of
19 the Non-Foreign Area Retirement Equity Assurance
20 Act of 2009, except as adjusted under subsection
21 (c).”;

22 (2) by redesignating subsection (b) as sub-
23 section (d); and

24 (3) by inserting after subsection (a) the fol-
25 lowing:

1 “(b) This section shall apply only to areas that are
2 designated as cost-of-living allowance areas as in effect on
3 December 31, 2009.

4 “(c)(1) The cost-of-living allowance rate payable
5 under this section shall be adjusted on the first day of
6 the first applicable pay period beginning on or after—

7 “(A) January 1, 2010; and

8 “(B) January 1 of each calendar year in which
9 a locality-based comparability adjustment takes ef-
10 fect under section 214 (2) and (3) of the Non-For-
11 eign Area Retirement Equity Assurance Act of
12 2009.

13 “(2)(A) In this paragraph, the term ‘applicable local-
14 ity-based comparability pay percentage’ means, with re-
15 spect to calendar year 2010 and each calendar year there-
16 after, the applicable percentage under section 214 (1), (2),
17 or (3) of Non-Foreign Area Retirement Equity Assurance
18 Act of 2009.

19 “(B) Each adjusted cost-of-living allowance rate
20 under paragraph (1) shall be computed by—

21 “(i) subtracting 65 percent of the applicable lo-
22 cality-based comparability pay percentage from the
23 cost-of-living allowance percentage rate in effect on
24 December 31, 2009; and

1 “(ii) dividing the resulting percentage deter-
2 mined under clause (i) by the sum of—

3 “(I) one; and

4 “(II) the applicable locality-based com-
5 parability payment percentage expressed as a
6 numeral.

7 “(3) No allowance rate computed under paragraph
8 (2) may be less than zero.

9 “(4) Each allowance rate computed under paragraph
10 (2) shall be paid as a percentage of basic pay (including
11 any applicable locality-based comparability payment under
12 section 5304 or similar provision of law and any applicable
13 special rate of pay under section 5305 or similar provision
14 of law).”.

15 **SEC. 213. ADJUSTMENT OF SPECIAL RATES.**

16 (a) **IN GENERAL.**—Each special rate of pay estab-
17 lished under section 5305 of title 5, United States Code,
18 and payable in an area designated as a cost-of-living allow-
19 ance area under section 5941(a) of that title, shall be ad-
20 justed, on the dates prescribed by section 214 of this sub-
21 title, in accordance with regulations prescribed by the Di-
22 rector of the Office of Personnel Management under sec-
23 tion 218 of this subtitle.

24 (b) **AGENCIES WITH STATUTORY AUTHORITY.**—

1 (1) IN GENERAL.—Each special rate of pay es-
2 tablished under an authority described under para-
3 graph (2) and payable in a location designated as a
4 cost-of-living allowance area under section
5 5941(a)(1) of title 5, United States Code, shall be
6 adjusted in accordance with regulations prescribed
7 by the applicable head of the agency that are con-
8 sistent with the regulations issued by the Director of
9 the Office of Personnel Management under sub-
10 section (a).

11 (2) STATUTORY AUTHORITY.—The authority re-
12 ferred to under paragraph (1), is any statutory au-
13 thority that—

14 (A) is similar to the authority exercised
15 under section 5305 of title 5, United States
16 Code;

17 (B) is exercised by the head of an agency
18 when the head of the agency determines it to be
19 necessary in order to obtain or retain the serv-
20 ices of persons specified by statute; and

21 (C) authorizes the head of the agency to
22 increase the minimum, intermediate, or max-
23 imum rates of basic pay authorized under appli-
24 cable statutes and regulations.

1 (c) TEMPORARY ADJUSTMENT.—Regulations issued
2 under subsection (a) or (b) may provide that statutory
3 limitations on the amount of such special rates may be
4 temporarily raised to a higher level during the transition
5 period described in section 214 ending on the first day
6 of the first pay period beginning on or after January 1,
7 2012, at which time any special rate of pay in excess of
8 the applicable limitation shall be converted to a retained
9 rate under section 5363 of title 5, United States Code.

10 **SEC. 214. TRANSITION SCHEDULE FOR LOCALITY-BASED**
11 **COMPARABILITY PAYMENTS.**

12 Notwithstanding any other provision of this subtitle
13 or section 5304 or 5304a of title 5, United States Code,
14 in implementing the amendments made by this subtitle,
15 for each non-foreign area determined under section
16 5941(b) of that title, the applicable rate for the locality-
17 based comparability adjustment that is used in the com-
18 putation required under section 5941(c) of that title shall
19 be adjusted effective on the first day of the first pay period
20 beginning on or after January 1—

21 (1) in calendar year 2010, by using $\frac{1}{3}$ of the
22 locality pay percentage for the rest of United States
23 locality pay area;

1 (2) in calendar year 2011, by using $\frac{2}{3}$ of the
2 otherwise applicable comparability payment approved
3 by the President for each non-foreign area; and

4 (3) in calendar year 2012 and each subsequent
5 year, by using the full amount of the applicable com-
6 parability payment approved by the President for
7 each non-foreign area.

8 **SEC. 215. SAVINGS PROVISION.**

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

11 (1) the application of this subtitle to any em-
12 ployee should not result in a decrease in the take
13 home pay of that employee;

14 (2) in calendar year 2012 and each subsequent
15 year, no employee shall receive less than the Rest of
16 the U.S. locality pay rate;

17 (3) concurrent with the surveys next conducted
18 under the provisions of section 5304(d)(1)(A) of title
19 5, United States Code, beginning after the date of
20 the enactment of this Act, the Bureau of Labor Sta-
21 tistics should conduct separate surveys to determine
22 the extent of any pay disparity (as defined by sec-
23 tion 5302 of that title) that may exist with respect
24 to positions located in the State of Alaska, the State
25 of Hawaii, and the United States territories, includ-

1 ing American Samoa, Guam, Commonwealth of the
2 Northern Mariana Islands, Commonwealth of Puerto
3 Rico, and the United States Virgin Islands;

4 (4) if the surveys under paragraph (3) indicate
5 that the pay disparity determined for the State of
6 Alaska, the State of Hawaii, or any 1 of the United
7 States territories including American Samoa, Guam,
8 Commonwealth of the Northern Mariana Islands,
9 Commonwealth of Puerto Rico, and the United
10 States Virgin Islands exceeds the pay disparity de-
11 termined for the locality which (for purposes of sec-
12 tion 5304 of that title) is commonly known as the
13 “Rest of the United States”, the President’s Pay
14 Agent should take appropriate measures to provide
15 that each such surveyed area be treated as a sepa-
16 rate pay locality for purposes of that section; and

17 (5) the President’s Pay Agent will establish 1
18 locality area for the entire State of Hawaii and 1 lo-
19 cality area for the entire State of Alaska.

20 (b) SAVINGS PROVISIONS.—

21 (1) IN GENERAL.—During the period described
22 under section 214 of this subtitle, an employee paid
23 a special rate under 5305 of title 5, United States
24 Code, who the day before the date of enactment of
25 this Act was eligible to receive a cost-of-living allow-

1 ance under section 5941 of title 5, United States
2 Code, and who continues to be officially stationed in
3 an allowance area, shall receive an increase in the
4 employee's special rate consistent with increases in
5 the applicable special rate schedule. For employees
6 in allowance areas, the minimum step rate for any
7 grade of a special rate schedule shall be increased at
8 the time of an increase in the applicable locality rate
9 percentage for the allowance area by not less than
10 the dollar increase in the locality-based com-
11 parability payment for a non-special rate employee
12 at the same minimum step provided under section
13 214 of this subtitle, and corresponding increases
14 shall be provided for all step rates of the given pay
15 range.

16 (2) CONTINUATION OF COST OF LIVING ALLOW-
17 ANCE RATE.—If an employee, who the day before
18 the date of enactment of this Act was eligible to re-
19 ceive a cost-of-living allowance under section 5941 of
20 title 5, United States Code, would receive a rate of
21 basic pay and applicable locality-based comparability
22 payment which is in excess of the maximum rate
23 limitation set under section 5304(g) of title 5,
24 United States Code, for his position (but for that
25 maximum rate limitation) due to the operation of

1 this subtitle, the employee shall continue to receive
2 the cost-of-living allowance rate in effect on Decem-
3 ber 31, 2009 without adjustment until—

4 (A) the employee leaves the allowance area
5 or pay system; or

6 (B) the employee is entitled to receive
7 basic pay (including any applicable locality-
8 based comparability payment or similar supple-
9 ment) at a higher rate,

10 but, when any such position becomes vacant, the pay
11 of any subsequent appointee thereto shall be fixed in
12 the manner provided by applicable law and regula-
13 tion.

14 (3) LOCALITY-BASED COMPARABILITY PAY-
15 MENTS.—Any employee covered under paragraph (2)
16 shall receive any applicable locality-based com-
17 parability payment extended under section 214 of
18 this subtitle which is not in excess of the maximum
19 rate set under section 5304(g) of title 5, United
20 States Code, for his position including any future in-
21 crease to statutory pay limitations under 5318 of
22 title 5, United States Code. Notwithstanding para-
23 graph (2), to the extent that an employee covered
24 under that paragraph receives any amount of local-
25 ity-based comparability payment, the cost-of-living

1 allowance rate under that paragraph shall be re-
2 duced accordingly, as provided under section
3 5941(c)(2)(B) of title 5, United States Code.

4 **SEC. 216. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.**

5 (a) IN GENERAL.—

6 (1) DEFINITION.—In this subsection, the term
7 “covered employee” means—

8 (A) any employee who—

9 (i) on the day before the date of en-
10 actment of this Act—

11 (I) was eligible to be paid a cost-
12 of-living allowance under 5941 of title
13 5, United States Code; and

14 (II) was not eligible to be paid lo-
15 cality-based comparability payments
16 under 5304 or 5304a of that title; or

17 (ii) on or after the date of enactment
18 of this Act becomes eligible to be paid a
19 cost-of-living allowance under 5941 of title
20 5, United States Code; or

21 (B) any employee who—

22 (i) on the day before the date of en-
23 actment of this Act—

1 (I) was eligible to be paid an al-
2 lowance under section 1603(b) of title
3 10, United States Code;

4 (II) was eligible to be paid an al-
5 lowance under section 1005(b) of title
6 39, United States Code;

7 (III) was employed by the Trans-
8 portation Security Administration of
9 the Department of Homeland Security
10 and was eligible to be paid an allow-
11 ance based on section 5941 of title 5,
12 United States Code; or

13 (IV) was eligible to be paid under
14 any other authority a cost-of-living al-
15 lowance that is equivalent to the cost-
16 of-living allowance under section 5941
17 of title 5, United States Code; or

18 (ii) on or after the date of enactment
19 of this Act—

20 (I) becomes eligible to be paid an
21 allowance under section 1603(b) of
22 title 10, United States Code;

23 (II) becomes eligible to be paid
24 an allowance under section 1005(b) of
25 title 39, United States Code;

1 (III) is employed by the Trans-
2 portation Security Administration of
3 the Department of Homeland Security
4 and becomes eligible to be paid an al-
5 lowance based on section 5941 of title
6 5, United States Code; or

7 (IV) is eligible to be paid under
8 any other authority a cost-of-living al-
9 lowance that is equivalent to the cost-
10 of-living allowance under section 5941
11 of title 5, United States Code.

12 (2) APPLICATION TO COVERED EMPLOYEES.—

13 (A) IN GENERAL.—Notwithstanding any
14 other provision of law, for purposes of this sub-
15 title (including the amendments made by this
16 subtitle) any covered employee shall be treated
17 as an employee to whom section 5941 of title
18 5, United States Code (as amended by section
19 212 of this subtitle), and section 214 of this
20 subtitle apply.

21 (B) PAY FIXED BY STATUTE.—Pay to cov-
22 ered employees under section 5304 or 5304a of
23 title 5, United States Code, as a result of the
24 application of this subtitle shall be considered
25 to be fixed by statute.

1 (C) PERFORMANCE APPRAISAL SYSTEM.—

2 With respect to a covered employee who is sub-
3 ject to a performance appraisal system no part
4 of pay attributable to locality-based com-
5 parability payments as a result of the applica-
6 tion of this subtitle including section 5941 of
7 title 5, United States Code (as amended by sec-
8 tion 212 of this subtitle), may be reduced on
9 the basis of the performance of that employee.

10 (b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

11 (1) IN GENERAL.—Section 1005(b) of title 39,
12 United States Code, is amended—

13 (A) by inserting “(1)” after “(b)”;

14 (B) by striking “Section 5941,” and in-
15 sserting “Except as provided under paragraph
16 (2), section 5941”;

17 (C) by striking “For purposes of such sec-
18 tion,” and inserting “Except as provided under
19 paragraph (2), for purposes of section 5941 of
20 that title,”; and

21 (D) by adding at the end the following:

22 “(2) On and after the date of enactment of the
23 Non-Foreign Area Retirement Equity Assurance Act
24 of 2009—

1 “(A) the provisions of that Act and section
2 5941 of title 5 shall apply to officers and em-
3 ployees covered by section 1003 (b) and (c)
4 whose duty station is in a nonforeign area; and

5 “(B) with respect to officers and employees
6 of the Postal Service (other than those officers
7 and employees described under subparagraph
8 (A)) of section 216(b)(2) of that Act shall
9 apply.”.

10 (2) CONTINUATION OF COST OF LIVING ALLOW-
11 ANCE.—

12 (A) IN GENERAL.—Notwithstanding any
13 other provision of this subtitle, any employee of
14 the Postal Service (other than an employee cov-
15 ered by section 1003 (b) and (c) of title 39,
16 United States Code, whose duty station is in a
17 nonforeign area) who is paid an allowance
18 under section 1005(b) of that title shall be
19 treated for all purposes as if the provisions of
20 this subtitle (including the amendments made
21 by this subtitle) had not been enacted, except
22 that the cost-of-living allowance rate paid to
23 that employee—

1 (i) may result in the allowance exceed-
2 ing 25 percent of the rate of basic pay of
3 that employee; and

4 (ii) shall be the greater of—

5 (I) the cost-of-living allowance
6 rate in effect on December 31, 2009
7 for the applicable area; or

8 (II) the applicable locality-based
9 comparability pay percentage under
10 section 214.

11 (B) RULE OF CONSTRUCTION.—Nothing in
12 this subtitle shall be construed to—

13 (i) provide for an employee described
14 under subparagraph (A) to be a covered
15 employee as defined under subsection (a);
16 or

17 (ii) authorize an employee described
18 under subparagraph (A) to file an election
19 under section 217 of this subtitle.

20 **SEC. 217. ELECTION OF ADDITIONAL BASIC PAY FOR ANNU-**
21 **ITY COMPUTATION BY EMPLOYEES.**

22 (a) DEFINITION.—In this section the term “covered
23 employee” means any employee—

24 (1) to whom section 214 applies;

1 (2) who is separated from service by reason of
2 retirement under chapter 83 or 84 of title 5, United
3 States Code, during the period of January 1, 2010,
4 through December 31, 2012; and

5 (3) who files an election with the Office of Per-
6 sonnel Management under subsection (b).

7 (b) ELECTION.—

8 (1) IN GENERAL.—An employee described
9 under subsection (a) (1) and (2) may file an election
10 with the Office of Personnel Management to be cov-
11 ered under this section.

12 (2) DEADLINE.—An election under this sub-
13 section may be filed not later than December 31,
14 2012.

15 (c) COMPUTATION OF ANNUITY.—

16 (1) IN GENERAL.—Except as provided under
17 paragraph (2), for purposes of the computation of
18 an annuity of a covered employee any cost-of-living
19 allowance under section 5941 of title 5, United
20 States Code, paid to that employee during the first
21 applicable pay period beginning on or after January
22 1, 2010 through the first applicable pay period end-
23 ing on or after December 31, 2012, shall be consid-
24 ered basic pay as defined under section 8331(3) or
25 8401(4) of that title.

1 (2) LIMITATION.—The amount of the cost-of-
2 living allowance which may be considered basic pay
3 under paragraph (1) may not exceed the amount of
4 the locality-based comparability payments the em-
5 ployee would have received during that period for
6 the applicable pay area if the limitation under sec-
7 tion 214 of this subtitle did not apply.

8 (d) CIVIL SERVICE RETIREMENT AND DISABILITY
9 RETIREMENT FUND.—

10 (1) EMPLOYEE CONTRIBUTIONS.—A covered
11 employee shall pay into the Civil Service Retirement
12 and Disability Retirement Fund—

13 (A) an amount equal to the difference be-
14 tween—

15 (i) employee contributions that would
16 have been deducted and withheld from pay
17 under section 8334 or 8422 of title 5,
18 United States Code, during the period de-
19 scribed under subsection (c) of this section
20 if the cost-of-living allowances described
21 under that subsection had been treated as
22 basic pay under section 8331(3) or
23 8401(4) of title 5, United States Code; and

24 (ii) employee contributions that were
25 actually deducted and withheld from pay

1 under section 8334 or 8422 of title 5,
2 United States Code, during that period;
3 and

4 (B) interest as prescribed under section
5 8334(e) of title 5, United States Code, based on
6 the amount determined under subparagraph
7 (A).

8 (2) AGENCY CONTRIBUTIONS.—

9 (A) IN GENERAL.—The employing agency
10 of a covered employee shall pay into the Civil
11 Service Retirement and Disability Retirement
12 Fund an amount for applicable agency con-
13 tributions based on payments made under para-
14 graph (1).

15 (B) SOURCE.—Amounts paid under this
16 paragraph shall be contributed from the appro-
17 priation or fund used to pay the employee.

18 (3) REGULATIONS.—The Office of Personnel
19 Management may prescribe regulations to carry out
20 this section.

21 **SEC. 218. REGULATIONS.**

22 (a) IN GENERAL.—The Director of the Office of Per-
23 sonnel Management shall prescribe regulations to carry
24 out this subtitle, including—

1 (1) rules for special rate employees described
2 under section 213;

3 (2) rules for adjusting rates of basic pay for
4 employees in pay systems administered by the Office
5 of Personnel Management when such employees are
6 not entitled to locality-based comparability payments
7 under section 5304 of title 5, United States Code,
8 without regard to otherwise applicable statutory pay
9 limitations during the transition period described in
10 section 214 ending on the first day of the first pay
11 period beginning on or after January 1, 2012; and

12 (3) rules governing establishment and adjust-
13 ment of saved or retained rates for any employee
14 whose rate of pay exceeds applicable pay limitations
15 on the first day of the first pay period beginning on
16 or after January 1, 2012.

17 (b) OTHER PAY SYSTEMS.—With the concurrence of
18 the Director of the Office of Personnel Management, the
19 administrator of a pay system not administered by the Of-
20 fice of Personnel Management shall prescribe regulations
21 to carry out this subtitle with respect to employees in such
22 pay system, consistent with the regulations prescribed by
23 the Office under subsection (a). With respect to employees
24 not entitled to locality-based comparability payments
25 under section 5304 of title 5, United States Code, regula-

1 tions prescribed under this subsection may provide for spe-
2 cial payments or adjustments for employees who were eli-
3 gible to receive a cost-of-living allowance under section
4 5941 of that title on the date before the date of enactment
5 of this Act.

6 **SEC. 219. EFFECTIVE DATES.**

7 (a) IN GENERAL.—Except as provided by subsection
8 (b), this subtitle (including the amendments made by this
9 subtitle) shall take effect on the date of enactment of this
10 Act.

11 (b) LOCALITY PAY AND SCHEDULE.—The amend-
12 ments made by section 212 and the provisions of section
13 214 shall take effect on the first day of the first applicable
14 pay period beginning on or after January 1, 2010.

15 **TITLE III—DEEPWATER OIL AND**
16 **GAS RESEARCH AND DEVEL-**
17 **OPMENT FUNDING SOURCE**
18 **REPEAL**

19 **SEC. 301. REPEAL.**

20 Effective October 1, 2010, section 999H of the En-
21 ergy Policy Act of 2005 (42 U.S.C. 16378) is amended—

22 (1) by striking subsections (a), (b), (c), and (f);

23 (2) by redesignating subsections (d) and (e) as
24 subsections (a) and (b), respectively;

1 (3) in subsection (a), as so redesignated, by
2 striking “obligated from the Fund under subsection
3 (a)(1)” and inserting “available under this section”;
4 and

5 (4) in subsection (b), as so redesignated, by
6 striking “In addition to other amounts that are
7 made available to carry out this section, there” and
8 inserting “There”.

Passed the House of Representatives June 25, 2009.

Attest: LORRAINE C. MILLER,
Clerk.

Calendar No. 96

111TH CONGRESS
1ST Session
H. R. 2647

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.

JULY 6, 2009

Received; read twice and placed on the calendar