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110TH CONGRESS
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S. 3001

[Report No. 110–335]

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

IN THE SENATE OF THE UNITED STATES

MAY 12, 2008

Mr. LEVIN, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

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A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Defense Authorization Act for Fiscal Year 2009''.

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

(a) DIVISIONS.—This Act is organized into three divisions as follows:

(1) Division A—Department of Defense Authorizations.

(2) Division B—Military Construction Authorizations.

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

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

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

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.

Subtitle B—Army Programs

Sec. 111. Stryker Mobile Gun System.
Sec. 112. Procurement of small arms.

Subtitle C—Navy Programs

Sec. 131. Authority for advanced procurement and construction of components for the Virginia-class submarine program.
Sec. 132. Refueling and complex overhaul of the U.S.S. Theodore Roosevelt.

Subtitle D—Air Force Programs

Sec. 151. F–22A fighter aircraft.

Subtitle E—Joint and Multiservice Matters

Sec. 171. Annual long-term plan for the procurement of aircraft for the Navy and the Air Force.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for defense science and technology.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Requirement for plan on overhead nonimaging infrared systems.
Sec. 212. Advanced battery manufacturing and technology roadmap.
Sec. 213. Availability of funds for defense laboratories for research and development of technologies for military missions.
Sec. 214. Assured funding for certain information security and information assurance programs of the Department of Defense.
Sec. 215. Requirements for certain airborne intelligence collection systems.

Subtitle C—Missile Defense Programs

Sec. 231. Review of the ballistic missile defense policy and strategy of the United States.
Sec. 232. Limitation on availability of funds for procurement, construction, and deployment of missile defenses in Europe.
Sec. 233. Airborne Laser system.
Sec. 234. Annual Director of Operational Test and Evaluation characterization of operational effectiveness, suitability, and survivability of the ballistic missile defense system.
Sec. 235. Independent assessment of boost-phase missile defense programs.
Sec. 236. Study on space-based interceptor element of ballistic missile defense system.

Subtitle D—Other Matters

Sec. 251. Modification of systems subject to survivability testing by the Director of Operational Test and Evaluation.
Sec. 252. Biennial reports on joint and service concept development and experimentation.
Sec. 253. Repeal of annual reporting requirement relating to the Technology Transition Initiative.
Sec. 254. Executive agent for printed circuit board technology.
Sec. 255. Report on Department of Defense response to findings and recommendations of the Defense Science Board Task Force on Directed Energy Weapons.
Sec. 256. Assessment of standards for mission critical semiconductors procured by the Department of Defense.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Expansion of cooperative agreement authority for management of natural resources to include off-installation mitigation.
Sec. 312. Reimbursement of Environmental Protection Agency for certain costs in connection with Moses Lake Wellfield Superfund Site, Moses Lake, Washington.
Sec. 313. Comprehensive program for the eradication of the brown tree snake population from military facilities in Guam.

Subtitle C—Workplace and Depot Issues

Sec. 321. Authority to consider depot-level maintenance and repair using contractor furnished equipment or leased facilities as core logistics.
Sec. 322. Minimum capital investment for certain depots.

Subtitle D—Reports

Sec. 331. Additional information under annual submissions of information regarding information technology capital assets.

Subtitle E—Other Matters

Sec. 341. Mitigation of power outage risks for Department of Defense facilities and activities.
Sec. 342. Increased authority to accept financial and other incentives related to energy savings and new authority related to energy systems.
Sec. 343. Recovery of improperly disposed of Department of Defense property.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2009 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Increased end strengths for Reserves on active duty in support of the Army National Guard and Army Reserve and military technicians (dual status) of the Army National Guard.
Sec. 417. Modification of authorized strengths for Marine Corps Reserve officers on active duty in the grades of major and lieutenant colonel to meet new force structure requirements.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

Sec. 501. Modification of distribution requirements for commissioned officers on active duty in general and flag officer grades.

Sec. 502. Modification of limitations on authorized strengths of general and flag officers on active duty.
Sec. 503. Clarification of joint duty requirements for promotion to general or flag grades.
Sec. 504. Modification of authorities on length of joint duty assignments.
Sec. 505. Technical and conforming amendments relating to modification of joint specialty requirements.
Sec. 506. Eligibility of reserve officers to serve on boards of inquiry for separation of regular officers for substandard performance and other reasons.
Sec. 507. Modification of authority on Staff Judge Advocate to the Commandant of the Marine Corps.
Sec. 508. Increase in number of permanent professors at the United States Air Force Academy.
Sec. 509. Service creditable toward retirement for thirty years or more of service of regular warrant officers other than regular Army warrant officers.
Sec. 510. Modification of requirements for qualification for issuance of posthumous commissions and warrants.

Subtitle B—Enlisted Personnel Policy

Sec. 521. Increase in maximum period of reenlistment of regular members of the Armed Forces.

Subtitle C—Reserve Component Management

Sec. 531. Modification of limitations on authorized strengths of reserve general and flag officers in active status.
Sec. 532. Extension to other reserve components of Army authority for deferral of mandatory separation of military technicians (dual status) until age 60.
Sec. 533. Increase in mandatory retirement age for certain Reserve officers to age 62.
Sec. 534. Authority for vacancy promotion of National Guard and Reserve officers ordered to active duty in support of a contingency operation.
Sec. 535. Authority for retention of reserve component chaplains and medical officers until age 68.
Sec. 536. Modification of authorities on dual duty status of National Guard officers.
Sec. 537. Modification of matching fund requirements under National Guard Youth Challenge Program.
Sec. 538. Report on collection of information on civilian skills of members of the reserve components of the Armed Forces.

Subtitle D—Education and Training

Sec. 551. Authority to prescribe the authorized strength of the United States Naval Academy.
Sec. 552. Tuition for attendance of certain individuals at the United States Air Force Institute of Technology.
Sec. 553. Increase in stipend for baccalaureate students in nursing or other health professions under health professions stipend program.

Sec. 554. Clarification of discharge or release triggering delimiting period for use of educational assistance benefit for reserve component members supporting contingency operations and other operations.
Sec. 555. Payment by the service academies of certain expenses associated with participation in activities fostering international cooperation.

Subtitle E—Defense Dependents' Education Matters

Sec. 561. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 562. Impact aid for children with severe disabilities.
Sec. 563. Transition of military dependent students among local educational agencies.

Subtitle F—Military Family Readiness

Sec. 571. Authority for education and training for military spouses pursuing portable careers.

Subtitle G—Other Matters

Sec. 581. Department of Defense policy on the prevention of suicides by members of the Armed Forces.
Sec. 582. Relief for losses incurred as a result of certain injustices or errors of the Department of Defense.
Sec. 583. Paternity leave for members of the Armed Forces.
Sec. 584. Enhancement of authorities on participation of members of the Armed Forces in international sports competitions.
Sec. 585. Pilot programs on career flexibility to enhance retention of members of the Armed Forces.
Sec. 586. Prohibition on interference in independent legal advice by the Legal Counsel to the Chairman of the Joint Chiefs of Staff.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2009 increase in military basic pay.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. Extension of certain bonus and special pay authorities for Reserve forces.
Sec. 612. Extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. Extension of special pay and bonus authorities for nuclear officers.
Sec. 614. Extension of authorities relating to payment of other bonuses and special pays.
Sec. 615. Extension of authorities relating to payment of referral bonuses.
Sec. 616. Permanent extension of prohibition on charges for meals received at military treatment facilities by members receiving continuous care.
Sec. 617. Accession and retention bonuses for the recruitment and retention of psychologists for the Armed Forces.

Sec. 618. Authority for extension of maximum length of service agreements for special pay for nuclear-qualified officers extending period of active service.
Sec. 619. Incentive pay for members of precommissioning programs pursuing foreign language proficiency.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Shipment of family pets during evacuation of personnel.
Sec. 632. Special weight allowance for transportation of professional books and equipment for spouses.
Sec. 633. Travel and transportation allowances for members of the reserve components of the Armed Forces on leave for suspension of training.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Presentation of burial flag to the surviving spouse and children of members of the Armed Forces who die in service.

Subtitle E—Other Matters

Sec. 651. Separation pay, transitional health care, and transitional commissary and exchange benefits for members of the Armed Forces separated under Surviving Son or Daughter policy.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

Sec. 701. Calculation of monthly premiums for coverage under TRICARE Reserve Select after 2008.

Subtitle B—Other Health Care Authorities

Sec. 711. Enhancement of medical and dental readiness of members of the Armed Forces.
Sec. 712. Additional authority for studies and demonstration projects relating to delivery of health and medical care.
Sec. 713. Travel for anesthesia services for childbirth for dependents of members assigned to very remote locations outside the continental United States.

Subtitle C—Other Health Care Matters

Sec. 721. Repeal of prohibition on conversion of military medical and dental positions to civilian medical and dental positions.

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

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

Sec. 801. Inclusion of major subprograms to major defense acquisition programs under acquisition reporting requirements.
Sec. 802. Inclusion of certain major information technology investments in acquisition oversight authorities for major automated information system programs.

Sec. 803. Configuration Steering Boards for cost control under major defense acquisition programs.

Subtitle B—Acquisition Policy and Management

Sec. 811. Internal controls for procurements on behalf of the Department of Defense by certain non-defense agencies.
Sec. 812. Contingency Contracting Corps.
Sec. 813. Expedited review and validation of urgent requirements documents.
Sec. 814. Incorporation of energy efficiency requirements into key performance parameters for fuel consuming systems.

Subtitle C—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

Sec. 821. Multiyear procurement authority for the Department of Defense for the purchase of alternative and synthetic fuels.
Sec. 822. Modification and extension of pilot program for transition to follow-on contracts under authority to carry out certain prototype projects.
Sec. 823. Exclusion of certain factors in consideration of cost advantages of offers for certain Department of Defense contracts.

Subtitle D—Department of Defense Contractor Matters

Sec. 831. Database for Department of Defense contracting officers and suspension and debarment officials.
Sec. 832. Ethics safeguards for employees under certain contracts for the performance of acquisition functions closely associated with inherently governmental functions.
Sec. 833. Information for Department of Defense contractor employees on their whistleblower rights.

Subtitle E—Matters Relating to Iraq and Afghanistan

Sec. 841. Performance by private security contractors of inherently governmental functions in an area of combat operations.
Sec. 842. Additional contractor requirements and responsibilities relating to alleged crimes by or against contractor personnel in Iraq and Afghanistan.
Sec. 843. Clarification and modification of authorities relating to the Commission on Wartime Contracting in Iraq and Afghanistan.
Sec. 844. Comprehensive audit of spare parts purchases and depot overhaul and maintenance of equipment for operations in Iraq and Afghanistan.

Subtitle F—Other Matters

Sec. 851. Expedited hiring authority for the defense acquisition workforce.
Sec. 852. Specification of Secretary of Defense as ''Secretary concerned'' for purposes of licensing of intellectual property for the Defense Agencies and defense field activities.
Sec. 853. Repeal of requirements relating to the military system essential item breakout list.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Modification of status of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs.
Sec. 902. Participation of Deputy Chief Management Officer of the Department of Defense on Defense Business System Management Committee.
Sec. 903. Repeal of obsolete limitations on management headquarters personnel.
Sec. 904. General Counsel to the Inspector General of the Department of Defense.
Sec. 905. Assignment of forces to the United States Northern Command with primary mission of management of the consequences of an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.
Sec. 906. Business transformation initiatives for the military departments.

Subtitle B—Space Matters

Sec. 911. Space posture review.

Subtitle C—Defense Intelligence Matters

Sec. 921. Requirement for officers of the Armed Forces on active duty in certain intelligence positions.
Sec. 922. Transfer of management of Intelligence Systems Support Office.
Sec. 923. Program on advanced sensor applications.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Incorporation into Act of tables in the report of the Committee on Armed Services of the Senate.
Sec. 1003. United States contribution to NATO common-funded budgets in fiscal year 2009.

Subtitle B—Naval Vessels and Shipyards

Sec. 1011. Government rights in designs of Department of Defense vessels, boats, craft, and components developed using public funds.
Sec. 1012. Reimbursement of expenses for certain Navy mess operations.

Subtitle C—Counter-Drug Activities

Sec. 1021. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1022. Two-year extension of authority for use of funds for unified counterdrug and counterterrorism campaign in Colombia.

Subtitle D—Miscellaneous Authorities and Limitations

Sec. 1031. Procurement by State and local governments of equipment for homeland security and emergency response activities through the Department of Defense.
Sec. 1032. Enhancement of the capacity of the United States Government to conduct complex operations.

Sec. 1033. Crediting of admiralty claim receipts for damage to property funded from a Department of Defense working capital fund.
Sec. 1034. Minimum annual purchase requirements for airlift services from carriers participating in the Civil Reserve Air Fleet.
Sec. 1035. Termination date of base contract for the Navy-Marine Corps Intranet.
Sec. 1036. Prohibition on interrogation of detainees by contractor personnel.
Sec. 1037. Notification of Committees on Armed Services with respect to certain nonproliferation and proliferation activities.
Sec. 1038. Sense of Congress on nuclear weapons management.
Sec. 1039. Sense of Congress on joint Department of Defense-Federal Aviation Administration executive committee on conflict and dispute resolution.
Sec. 1040. Sense of Congress on sale of new outsize cargo, strategic lift aircraft for civilian use.

Subtitle E—Reports

Sec. 1051. Repeal of requirement to submit certain annual reports to Congress regarding allied contributions to the common defense.
Sec. 1052. Report on detention operations in Iraq.
Sec. 1053. Strategic plan to enhance the role of the National Guard and Reserves in the national defense.
Sec. 1054. Review of nonnuclear prompt global strike concept demonstrations.
Sec. 1055. Review of bandwidth capacity requirements of the Department of Defense and the intelligence community.

Subtitle F—Wounded Warrior Matters

Sec. 1061. Modification of utilization of veterans' presumption of sound condition in establishing eligibility of members of the Armed Forces for retirement for disability.
Sec. 1062. Inclusion of service members in inpatient status in wounded warrior policies and protections.
Sec. 1063. Clarification of certain information sharing between the Department of Defense and Department of Veterans Affairs for wounded warrior purposes.
Sec. 1064. Additional responsibilities for the wounded warrior resource center.
Sec. 1065. Responsibility for the Center of Excellence in the Prevention, Diagnosis, Mitigation, Treatment and Rehabilitation of Traumatic Brain Injury to conduct pilot programs on treatment approaches for traumatic brain injury.
Sec. 1066. Center of Excellence in the Mitigation, Treatment, and Rehabilitation of Traumatic Extremity Injuries and Amputations.
Sec. 1067. Three-year extension of Senior Oversight Committee with respect to wounded warrior matters.

Subtitle G—Other Matters

Sec. 1081. Military salute for the flag during the national anthem by members of the Armed Forces not in uniform and by veterans.
Sec. 1082. Modification of deadlines for standards required for entry to military installations in the United States.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Department of Defense strategic human capital plans.

Sec. 1102. Conditional increase in authorized number of Defense Intelligence Senior Executive Service personnel.
Sec. 1103. Enhancement of authorities relating to additional positions under the National Security Personnel System.
Sec. 1104. Expedited hiring authority for health care professionals of the Department of Defense.
Sec. 1105. Election of insurance coverage by Federal civilian employees deployed in support of a contingency operation.
Sec. 1106. Permanent extension of Department of Defense voluntary reduction in force authority.
Sec. 1107. Four-year extension of authority to make lump sum severance payments with respect to Department of Defense employees.
Sec. 1108. Authority to waive limitations on pay for Federal civilian employees working overseas under areas of United States Central Command.
Sec. 1109. Technical amendment relating to definition of professional accounting position for purposes of certification and credentialing standards.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Increase in amount available for costs of education and training of foreign military forces under Regional Defense Combating Terrorism Fellowship Program.
Sec. 1202. Authority for distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the Armed Forces.
Sec. 1203. Extension and expansion of authority for support of special operations to combat terrorism.
Sec. 1204. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
Sec. 1205. Extension of authority and increased funding for security and stabilization assistance.
Sec. 1206. Four-year extension of temporary authority to use acquisition and cross-servicing agreements to lend military equipment for personnel protection and survivability.
Sec. 1207. Authority for use of funds for non-conventional assisted recovery capabilities.

Subtitle B—Department of Defense Participation in Bilateral, Multilateral, and Regional Cooperation Programs

Sec. 1211. Availability across fiscal years of funds for military-to-military contacts and comparable activities.
Sec. 1212. Enhancement of authorities relating to Department of Defense regional centers for security studies.
Sec. 1213. Payment of personnel expenses for multilateral cooperation programs.
Sec. 1214. Participation of the Department of Defense in multinational military centers of excellence.

Subtitle C—Other Authorities and Limitations

Sec. 1221. Waiver of certain sanctions against North Korea.

Subtitle D—Reports

Sec. 1231. Extension and modification of updates on report on claims relating to the bombing of the Labelle Discotheque.
Sec. 1232. Report on utilization of certain global partnership authorities.

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Defense Health Program.
Sec. 1404. Chemical agents and munitions destruction, defense.
Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1406. Defense Inspector General.
Sec. 1407. Reduction in certain authorizations due to savings from lower inflation.

Subtitle B—Armed Forces Retirement Home

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

Subtitle C—Other Matters

Sec. 1431. Responsibilities for Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky.
Sec. 1432. Modification of definition of ''Department of Defense sealift vessel'' for purposes of the National Defense Sealift Fund.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN AFGHANISTAN

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1503. Navy and Marine Corps procurement.
Sec. 1504. Air Force procurement.
Sec. 1505. Joint Improvised Explosive Device Defeat Fund.
Sec. 1506. Defense-wide activities procurement.
Sec. 1507. Research, development, test, and evaluation.
Sec. 1508. Operation and maintenance.
Sec. 1509. Military personnel.
Sec. 1510. Working capital funds.
Sec. 1511. Other Department of Defense programs.
Sec. 1512. Afghanistan Security Forces Fund.
Sec. 1513. Treatment as additional authorizations.
Sec. 1514. Special transfer authority.
Sec. 1515. Limitation on use of funds.
Sec. 1516. Requirement for separate display of budget for Afghanistan.

TITLE XVI—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN IRAQ

Sec. 1601. Purpose.
Sec. 1602. Army procurement.
Sec. 1603. Navy and Marine Corps procurement.
Sec. 1604. Air Force procurement.
Sec. 1605. Joint Improvised Explosive Device Defeat Fund.
Sec. 1606. Defense-wide activities procurement.
Sec. 1607. Research, development, test, and evaluation.
Sec. 1608. Operation and maintenance.
Sec. 1609. Military personnel.
Sec. 1610. Working capital funds.
Sec. 1611. Defense Health Program.
Sec. 1612. Iraq Freedom Fund.
Sec. 1613. Iraq Security Forces Fund.
Sec. 1614. Treatment as additional authorizations.
Sec. 1615. Limitation on use of funds.
Sec. 1616. Contributions by the Government of Iraq to large-scale infrastructure projects, combined operations, and other activities in Iraq.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.
Sec. 2002. Expiration of authorizations and amounts required to be specified by law.
Sec. 2003. Effective date.

TITLE XXI—ARMY

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Extension of authorizations of certain fiscal year 2005 projects.
Sec. 2106. Extension of authorization of certain fiscal year 2006 project.

TITLE XXII—NAVY

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2005 project inside the United States.
Sec. 2206. Modification of authority to carry out certain fiscal year 2007 projects inside the United States.

TITLE XXIII—AIR FORCE

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

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Modification of authority to carry out certain fiscal year 2007 project.
Sec. 2405. Extension of authorization of certain fiscal year 2006 project.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorized chemical demilitarization program construction and land acquisition projects.
Sec. 2412. Authorization of appropriations, chemical demilitarization construction, defense-wide.
Sec. 2413. Modification of authority to carry out certain fiscal year 1997 project.
Sec. 2414. Modification of authority to carry out certain fiscal year 2000 project.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition projects.
Sec. 2606. Authorization of appropriations, Guard and Reserve.
Sec. 2607. Extension of authorizations of certain fiscal year 2006 projects.
Sec. 2608. Extension of authorization of certain fiscal year 2005 project.
Sec. 2609. Modification of authority to carry out certain fiscal year 2008 project.

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

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

Sec. 2704. Modification of annual base closure and realignment reporting requirements.
Sec. 2705. Technical corrections regarding authorized cost and scope of work variations for military construction and military family housing projects related to base closures and realignments.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Increase in threshold for unspecified minor military construction projects.
Sec. 2802. Authority to use operation and maintenance funds for construction projects outside the United States.
Sec. 2803. Improved oversight and accountability for military housing privatization initiative projects.
Sec. 2804. Leasing of military family housing to Secretary of Defense.
Sec. 2805. Cost-benefit analysis of dissolution of Patrick Family Housing LLC.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Participation in conservation banking programs.
Sec. 2812. Clarification of congressional reporting requirements for certain real property transactions.
Sec. 2813. Modification of land management restrictions applicable to Utah national defense lands.

Subtitle C—Land Conveyances

Sec. 2821. Transfer of proceeds from property conveyance, Marine Corps Logistics Base, Albany, Georgia.

Subtitle D—Energy Security

Sec. 2831. Expansion of authority of the military departments to develop energy on military lands.

Subtitle E—Other Matters

Sec. 2841. Report on application of force protection and anti-terrorism standards to gates and entry points on military installations.

TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

Subtitle A—Fiscal Year 2008 Projects

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Navy construction and land acquisition projects.
Sec. 2903. Authorized Air Force construction and land acquisition projects.
Sec. 2904. Termination of authority to carry out fiscal year 2008 Army projects.

Subtitle B—Fiscal Year 2009 Projects

Sec. 2911. Authorized Army construction and land acquisition projects.
Sec. 2912. Authorized Navy construction and land acquisition projects.

Sec. 2913. Limitation on availability of funds for certain purposes relating to Iraq.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

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

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Modification of functions of Administrator for Nuclear Security to include elimination of surplus fissile materials usable for nuclear weapons.
Sec. 3112. Report on compliance with Design Basis Threat issued by the Department of Energy in 2005.
Sec. 3113. Modification of submittal of reports on inadvertent releases of restricted data.
Sec. 3114. Nonproliferation scholarship and fellowship program.
Sec. 3115. Review of and reports on Global Initiatives for Proliferation Prevention program.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.

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.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Army as follows:

(1) For aircraft, $4,957,435,000.

(2) For missiles, $2,211,460,000.

(3) For weapons and tracked combat vehicles, $3,689,277,000.

(4) For ammunition, $2,303,791,000.

(5) For other procurement, $11,861,704,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Navy as follows:

(1) For aircraft, $14,729,274,000.

(2) For weapons, including missiles and torpedoes, $3,605,482,000.

(3) For shipbuilding and conversion, $13,037,218,000.

(4) For other procurement, $5,516,506,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Marine Corps in the amount of $1,495,665,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement of ammunition for the Navy and the Marine Corps in the amount of $1,131,712,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement for the Air Force as follows:

(1) For aircraft, $13,235,286,000.

(2) For missiles, $5,556,728,000.

(3) For ammunition, $895,478,000.

(4) For other procurement, $16,115,496,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 2009 for Defense-wide procurement as follows:

(1) For Defense-wide procurement, $3,466,928,000.

(2) For the Rapid Acquisition Fund, $102,045,000.

Subtitle B—Army Programs

SEC. 111. STRYKER MOBILE GUN SYSTEM.

(a) TESTING OF SYSTEM.—If the Secretary of the Army makes the certification described by subsection (a) of section 117 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–18; 122 Stat. 26) with respect to the Stryker Mobile Gun System, or the Secretary of Defense waives pursuant to subsection (b) of such section the limitations under subsection (a) of such section with respect to the Stryker Mobile Gun System, the Secretary of Defense shall, through the Director of Operational Test and Evaluation, ensure that the Stryker Mobile Gun System is subject to testing to confirm the efficacy of any actions necessary to mitigate operational effectiveness, suitability, and survivability deficiencies identified in Initial Operational Test and Evaluation and Live Fire Test and Evaluation.

(b) QUARTERLY REPORTS.—

(1) REPORTS REQUIRED.—The Secretary of the Army shall submit to the congressional defense committees on a quarterly basis a report setting forth the following:

(A) The status of any necessary mitigating actions taken by the Army to address deficiencies in the Stryker Mobile Gun System that

are identified by the Director of Operational Test and Evaluation.

(B) An assessment of the efficacy of the actions described by subparagraph (A).

(C) A statement of additional actions needed to be taken, if any, to mitigate operational deficiencies in the Stryker Mobile Gun System.

(D) A compilation of all hostile fire engagements resulting in damage to the vehicle, resulting in a non-mission capable status of the Stryker Mobile Gun System.

(2) CONSULTATION.—The Secretary shall submit each report required by paragraph (1) in consultation with the Director of Operational Test and Evaluation.

(3) FORM.—Each report required by paragraph (1) may be submitted in unclassified or classified form.

(c) EXPANSION OF LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT OF SYSTEM.—Section 117(a) of the National Defense Authorization Act for Fiscal Year 2008 is amended by striking ''by sections 101(3) and 1501(3)'' and inserting ''by this Act or any other Act.''.

SEC. 112. PROCUREMENT OF SMALL ARMS.

(a) REPORT ON CAPABILITIES BASED ASSESSMENT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the Capabilities Based Assessment of small arms by the Army Training and Doctrine Command.

(2) LIMITATION ON USE OF CERTAIN FUNDS PENDING REPORT.—Not more than 75 percent of the aggregate amount authorized to be appropriated for the Department of Defense for fiscal year 2009 and available for the Guardrail Common Sensor program may be obligated for that program until after the Secretary of the Army submits to the congressional defense committees a report required under paragraph (1).

(b) COMPETITION FOR NEW INDIVIDUAL WEAPON.—

(1) COMPETITION REQUIRED.—In the event the Capabilities Based Assessment identifies gaps in the current capabilities of the small arms of the Army and the Secretary of the Army determines that a new individual weapon is required to address such gaps, the Secretary shall procure the new individual weapon through one or more contracts entered into

after full and open competition described in paragraph (2).

(2) FULL AND OPEN COMPETITION.—The full and open competition described in this paragraph is full and open competition among all responsible manufacturers that—

(A) is open to all developmental item solutions and nondevelopmental item (NDI) solutions; and

(B) provides for the award of the contract or contracts concerned based on selection criteria that reflect the key performance parameters and attributes identified in an Army-approved service requirements document.

(c) REPORT ON PROCUREMENT OF CARBINE-TYPE RIFLES.—Not later than 120 days after the date of the enactment of this Act, Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability of each of the following:

(1) The certification of a carbine-type rifle requirement that does not require commonality with existing technical data.

(2) A full and open competition leading to the award of contracts for carbine-type rifles in lieu of

a developmental program intended to meet the proposed carbine-type rifle requirement.

(3) The reprogramming of funds for the procurement of small arms from the procurement of M4 Carbines to the procurement of carbine-type rifles authorized only as the result of competition.

(4) The use of rapid equipping authority to procure carbine-type rifles under $2,000 per unit that meet service-approved requirements, which weapons may be nondevelopmental items selected through full and open competition.

Subtitle C—Navy Programs

SEC. 131. AUTHORITY FOR ADVANCED PROCUREMENT AND CONSTRUCTION OF COMPONENTS FOR THE VIRGINIA-CLASS SUBMARINE PROGRAM.

Section 121 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 26) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) ADVANCE PROCUREMENT AND CONSTRUCTION OF COMPONENTS.—The Secretary may enter into one or more contracts for advance procurement and advance con-

1 struction of those components for the Virginia-class sub-
2 marine program for which authorization to enter into a
3 multiyear procurement contract is granted under sub-
4 section (a) if the Secretary determines that cost savings
5 or construction efficiencies may be achieved for Virginia-
6 class submarines through the use of such contracts.''.

7 **SEC. 132. REFUELING AND COMPLEX OVERHAUL OF THE**
8 **U.S.S. THEODORE ROOSEVELT.**

9 (a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—
10 (1) IN GENERAL.—Of the amount authorized to
11 be appropriated for fiscal year 2009 by section
12 102(a)(3) for shipbuilding and conversion, Navy,
13 $124,500,000 is available for the commencement of
14 the nuclear refueling and complex overhaul of the
15 U.S.S. Theodore Roosevelt (CVN–71) during fiscal
16 year 2009.
17 (2) FIRST INCREMENT.—The amount made
18 available under paragraph (1) is the first increment
19 of the three increments of funding planned to be
20 available for the nuclear refueling and complex over-
21 haul of the U.S.S. Theodore Roosevelt.
22 (b) CONTRACT AUTHORITY.—
23 (1) IN GENERAL.—The Secretary of the Navy
24 may enter into a contract during fiscal year 2009

for the nuclear refueling and complex overhaul of the U.S.S. Theodore Roosevelt.

(2) CONDITION ON OUT-YEAR CONTRACT PAYMENTS.—The contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2009 is subject to the availability of appropriations for that purpose for such fiscal year.

Subtitle D—Air Force Programs

SEC. 151. F–22A FIGHTER AIRCRAFT.

(a) AVAILABILITY OF FUNDS.—Subject to subsection (b), of the amount authorized to be appropriated by section 103(1) for procurement of aircraft for the Air Force, $497,000,000 shall be available, at the election of the President, for either, but not both, of the following:

(1) Advance procurement of F–22A fighter aircraft in fiscal year 2010.

(2) Winding down of the production line for F–22A fighter aircraft.

(b) CERTIFICATION.—

(1) IN GENERAL.—The amount referred to in subsection (a) shall not be available for the purpose elected by the President under that subsection until

the President certifies to the congressional defense committees the following (as applicable):

(A) That procurement of F–22A fighter aircraft is in the national interests of the United States.

(B) That the winding down of the production line for F–22A fighter aircraft is in the national interests of the United States.

(2) DATE OF SUBMITTAL.—Any certification submitted under this subsection may not be submitted before January 21, 2009.

Subtitle E—Joint and Multiservice Matters

SEC. 171. ANNUAL LONG-TERM PLAN FOR THE PROCUREMENT OF AIRCRAFT FOR THE NAVY AND THE AIR FORCE.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by inserting after section 231 the following new section:

"§ 231a. Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification

"(a) ANNUAL AIRCRAFT PROCUREMENT PLAN AND CERTIFICATION.—The Secretary of Defense shall include with the defense budget materials for each fiscal year—

"(1) a plan for the procurement of the aircraft specified in subsection (b) for the Department of the Navy and the Department of the Air Force developed in accordance with this section; and

"(2) a certification by the Secretary that both the budget for such fiscal year and the future-years defense program submitted to Congress in relation to such budget under section 221 of this title provide for funding of the procurement of aircraft at a level that is sufficient for the procurement of the aircraft provided for in the plan under paragraph (1) on the schedule provided in the plan.

"(b) COVERED AIRCRAFT.—The aircraft specified in this subsection are the aircraft as follows:

"(1) Fighter aircraft.

"(2) Attack aircraft.

"(3) Bomber aircraft.

"(4) Strategic lift aircraft.

"(5) Intratheater lift aircraft.

"(6) Intelligence, surveillance, and reconnaissance aircraft.

"(7) Tanker aircraft.

"(8) Any other major support aircraft designated by the Secretary of Defense for purposes of this section.

"(c) ANNUAL AIRCRAFT PROCUREMENT PLAN.—(1) The annual aircraft procurement plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the aviation force provided for under the plan is capable of supporting 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 Act of 1947 (50 U.S.C. 404a), except that, if at the time the plan is submitted with the defense budget materials for that fiscal year, a national security strategy report required under such section 108 has not been submitted to Congress as required by paragraph (2) or paragraph (3), if applicable, of subsection (a) of such section, then the plan should be designed so that the aviation force provided for under the plan is capable of supporting the aviation force structure recommended in the report of the most recent Quadrennial Defense Review.

"(2) Each annual aircraft procurement plan shall include the following:

"(A) A detailed program for the procurement of the aircraft specified in subsection (b) for each of the Department of the Navy and the Department of the Air Force over the next 30 fiscal years.

"(B) A description of the necessary aviation force structure to meet the requirements of the national security strategy of the United States or the most recent Quadrennial Defense Review, whichever is applicable under paragraph (1).

"(C) The estimated levels of annual funding necessary to carry out the program, together with a discussion of the procurement strategies on which such estimated levels of annual funding are based.

"(D) An assessment by the Secretary of Defense of the extent to which the combined aircraft forces of the Department of the Navy and the Department of the Air Force meet the national security requirements of the United States.

"(d) ASSESSMENT WHEN AIRCRAFT PROCUREMENT BUDGET IS INSUFFICIENT TO MEET APPLICABLE REQUIREMENTS.—If the budget for a fiscal year provides for funding of the procurement of aircraft for either the Department of the Navy or the Department of the Air Force at a level that is not sufficient to sustain the aviation force structure specified in the aircraft procurement plan for such Department for that fiscal year under subsection (a), the Secretary shall include with the defense budget materials for that fiscal year an assessment that describes and discusses the risks associated with the reduced force struc-

ture of aircraft that will result from funding aircraft procurement at such level. Such assessment shall be coordinated in advance with the commanders of the combatant commands.

"(e) DEFINITIONS.—In this section:

"(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31.

"(2) The term 'defense budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Secretary of Defense in support of the budget for that fiscal year.

"(3) The term 'Quadrennial Defense Review' means the review of the defense programs and policies of the United States that is carried out every 4 years under section 118 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 9 of such title is amended by inserting after the item relating to section 231 the following new item:

"231a. Budgeting for procurement of aircraft for the Navy and Air Force: annual plan and certification.".

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $10,855,210,000.

(2) For the Navy, $19,442,192,000.

(3) For the Air Force, $28,322,477,000.

(4) For Defense-wide activities, $21,113,501,000, of which $188,772,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNT FOR DEFENSE SCIENCE AND TECHNOLOGY.

(a) FISCAL YEAR 2009.—Of the amounts authorized to be appropriated by section 201, $11,895,180,000 shall be available for the Defense Science and Technology Program, including basic research, applied research, and advanced technology development projects.

(b) BASIC RESEARCH, APPLIED RESEARCH, AND ADVANCED TECHNOLOGY DEVELOPMENT DEFINED.—For

purposes of this section, the term ''basic research, applied research, and advanced technology development'' means work funded in programs elements for defense research and development under Department of Defense budget activity 1, 2, or 3.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. REQUIREMENT FOR PLAN ON OVERHEAD NON-IMAGING INFRARED SYSTEMS.

(a) IN GENERAL.—The Secretary of the Air Force shall develop a comprehensive plan to conduct and support research, development, and demonstration of technologies that could evolve into the next generation of overhead non-imaging infrared systems.

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

(1) The research objectives to be achieved under the plan.

(2) An estimate of the duration of the research, development, and demonstration of technologies under the plan.

(3) The cost and duration of any flight or on-orbit demonstrations of the technologies being developed.

(4) A plan for implementing an acquisition program with respect to technologies determined to be successful under the plan.

(5) An identification of the date by which a decision must be made to begin a follow-on program and a justification for the date identified.

(6) A schedule for completion of a full analysis of the on-orbit performance characteristics of the Space-Based Infrared System and the Space Tracking and Surveillance System, and an assessment of how the performance characteristics of such systems will inform the decision to proceed to a next generation overhead nonimaging infrared system.

(c) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS FOR THIRD GENERATION INFRARED SURVEILLANCE PROGRAM.—Not more than 50 percent of the amounts authorized to be appropriated for fiscal year 2009 by section 201(3) for research, development, test, and evaluation for the Air Force and available for the Third Generation Infrared Surveillance program may be obligated or expended until the date that is 30 days after the date on which the Secretary submits to the congressional defense committees the plan required by subsection (a).

SEC. 212. ADVANCED BATTERY MANUFACTURING AND TECHNOLOGY ROADMAP.

(a) ROADMAP REQUIRED.—The Secretary of Defense shall, in coordination with the Secretary of Energy, develop a multi-year roadmap to develop advanced battery technologies and sustain domestic advanced battery manufacturing capabilities and an assured supply chain necessary to ensure that the Department of Defense has assured access to advanced battery technologies to support current military requirements and emerging military needs.

(b) ELEMENTS.—The roadmap required by subsection (a) shall include, but not be limited to, the following:

(1) An identification of current and future capability gaps, performance enhancements, cost savings goals, and assured technology access goals that require advances in battery technology and manufacturing capabilities.

(2) Specific research, technology, and manufacturing goals and milestones, and timelines and estimates of funding necessary for achieving such goals and milestones.

(3) Specific mechanisms for coordinating the activities of Federal agencies, State and local gov-

ernments, coalition partners, private industry, and academia covered by the roadmap.

(4) Such other matters as the Secretary of Defense and the Secretary of Energy consider appropriate for purposes of the roadmap.

(c) COORDINATION.—

(1) IN GENERAL.—The roadmap required by subsection (a) shall be developed in coordination with the military departments, appropriate Defense Agencies and other elements and organizations of the Department of Defense, other appropriate Federal, State, and local government organizations, and appropriate representatives of private industry and academia.

(2) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary of Defense shall ensure that appropriate elements and organizations of the Department of Defense provide such information and other support as is required for the development of the roadmap.

(d) SUBMITTAL TO CONGRESS.—The Secretary of Defense shall submit to the congressional defense committees the roadmap required by subsection (a) not later than one year after the date of the enactment of this Act.

SEC. 213. AVAILABILITY OF FUNDS FOR DEFENSE LABORATORIES FOR RESEARCH AND DEVELOPMENT OF TECHNOLOGIES FOR MILITARY MISSIONS.

(a) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments, establish mechanisms under which the director of a defense laboratory may utilize an amount equal to not more than three percent of all funds available to the defense laboratory for the following purposes:

(A) To fund innovative basic and applied research at the defense laboratory in support of military missions.

(B) To fund development programs that support the transition of technologies developed by the defense laboratory into operational use.

(C) To fund workforce development activities that improve the capacity of the defense laboratory to recruit and retain personnel with scientific and engineering expertise required by the defense laboratory.

(2) CONSULTATION REQUIRED.—The mechanisms established under paragraph (1) shall provide that funding shall be utilized under paragraph (1) at the discretion of the director of a defense laboratory

in consultation with the science and technology executive of the military department concerned.

(b) ANNUAL REPORT ON USE OF AUTHORITY.—

(1) IN GENERAL.—Not later than March 1 each year, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority under subsection (a) during the preceding year.

(2) ELEMENTS.—Each report under paragraph (1) shall include, with respect to the year covered by such report, the following:

(A) A current description of the mechanisms under subsection (a).

(B) A statement of the amount of funding made available by each defense laboratory for research and development described in subsection (a)(1).

(C) A description of the investments made by each defense laboratory utilizing funds under subsection (a).

(D) A description and assessment of any improvements in the performance of the defense laboratories as a result of investments described under subparagraph (C).

(E) A description and assessment of the contributions of the research and development conducted by the defense laboratories utilizing funds under subsection (a) to the development of needed military capabilities.

(F) A description of any modification to the mechanisms under subsection (a) that are required or proposed to be taken to enhance the efficacy of the authority under subsection (a) to support military missions.

SEC. 214. ASSURED FUNDING FOR CERTAIN INFORMATION SECURITY AND INFORMATION ASSURANCE PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Of the amount authorized to be appropriated for each fiscal year after fiscal year 2008 for a program specified in subsection (b), not less than the amount equal to one percent of such amount shall be available in such fiscal year for the establishment or conduct under such program of a program or activities to—

(1) anticipate advances in information technology that will create information security challenges for the Department of Defense when fielded; and

(2) identify and develop solutions to such challenges.

(b) COVERED PROGRAMS.—The programs specified in this subsection are the programs described in the budget justification documents submitted to Congress in support of the budget of the President for fiscal year 2009 (as submitted pursuant to section 1105(a) of title 31, United States Code) as follows:

(1) The Information Systems Security Program of the Department of Defense.

(2) Each other Department of Defense information assurance program.

(3) Any program of the Department of Defense under the Comprehensive National Cybersecurity Initiative that is not funded by the National Intelligence Program.

(c) SUPPLEMENT NOT SUPPLANT.—Amounts available under subsection (a) for a fiscal year for the programs and activities described in that subsection are in addition to any other amounts available for such fiscal year for the programs specified in subsection (b) for research and development relating to new information assurance technologies.

SEC. 215. REQUIREMENTS FOR CERTAIN AIRBORNE INTELLIGENCE COLLECTION SYSTEMS.

(a) IN GENERAL.—Except as provided pursuant to subsection (b), effective as of October 1, 2012, each airborne intelligence collection system of the Department of Defense that is connected to the Distributed Common Ground/Surface System shall have the capability to operate with the Network-Centric Collaborative Targeting System.

(b) EXCEPTIONS.—The requirement in subsection (a) with respect to a particular airborne intelligence collection system may be waived by the Chairman of the Joint Requirements Oversight Council under section 181 of title 10, United States Code. Waivers under this subsection shall be made on a case-by-case basis.

Subtitle C—Missile Defense Programs

SEC. 231. REVIEW OF THE BALLISTIC MISSILE DEFENSE POLICY AND STRATEGY OF THE UNITED STATES.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review of the ballistic missile defense policy and strategy of the United States.

(b) ELEMENTS.—The matters addressed by the review required by subsection (a) shall include, but not be limited to, the following:

(1) The ballistic missile defense policy of the United States in relation to the overall national security policy of the United States.

(2) The ballistic missile defense strategy and objectives of the United States in relation to the national security strategy of the United States and the military strategy of the United States.

(3) The organization, discharge, and oversight of acquisition for the ballistic missile defense programs of the United States.

(4) The roles and responsibilities of the military departments in the ballistic missile defense programs of the United States.

(5) The process for determining requirements for missile defense capabilities under the ballistic missile defense programs of the United States, including input from the joint military requirements process.

(6) The process for determining the force structure and inventory objectives for the ballistic missile defense programs of the United States.

(7) Standards for the military utility, operational effectiveness, suitability, and survivability of the ballistic missile defense systems of the United States.

(8) The affordability and cost-effectiveness of particular capabilities under the ballistic missile defense programs of the United States.

(9) The objectives, requirements, and standards for test and evaluation with respect to the ballistic missile defense programs of the United States.

(10) Accountability, transparency, and oversight with respect to the ballistic missile defense programs of the United States.

(11) The role of international cooperation on missile defense in the ballistic missile defense policy and strategy of the United States.

(c) REPORT.—

(1) IN GENERAL.—Not later than January 31, 2010, the Secretary shall submit to Congress a report setting forth the results of the review required by subsection (a).

(2) FORM.—The report required by this subsection shall be in unclassified form, but may include a classified annex.

SEC. 232. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT, CONSTRUCTION, AND DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

(a) IN GENERAL.—No funds authorized to be appropriated by this Act may be obligated or expended for procurement, site activation, construction, preparation of equipment for, or deployment of major components of a long-range missile defense system in a European country until each of the following conditions have been met:

(1) The government of the country in which such major components of such missile defense system (including interceptors and associated radars) are proposed to be deployed has given final approval (including parliamentary ratification) to any missile defense agreements negotiated between such government and the United States Government concerning the proposed deployment of such components in such country.

(2) 45 days have elapsed following the receipt by Congress of the report required by section 226(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 42).

(b) ADDITIONAL LIMITATION.—In addition to the limitation in subsection (a), no funds authorized to be appropriated by this Act may be obligated or expended for

the acquisition (other than initial long-lead procurement) or deployment of operational missiles of a long-range missile defense system in Europe until the Secretary of Defense, after receiving the views of the Director of Operational Test and Evaluation, submits to Congress a report certifying that the proposed interceptor to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of accomplishing its mission in an operationally effective manner.

(c) CONSTRUCTION.—Nothing in this section shall be construed to limit continuing obligation and expenditure of funds for missile defense, including for research and development and for other activities not otherwise limited by subsection (a) or (b), including, but not limited to, site surveys, studies, analysis, and planning and design for the proposed missile defense deployment in Europe.

SEC. 233. AIRBORNE LASER SYSTEM.

(a) REPORT ON DIRECTOR OF OPERATIONAL TEST AND EVALUATION ASSESSMENT OF TESTING.—Not later than January 15, 2010, the Director of Operational Test and Evaluation shall—

(1) review and evaluate the testing conducted on the first Airborne Laser system aircraft, includ-

ing the planned shootdown demonstration testing; and

(2) submit to the Secretary of Defense and to Congress an assessment by the Director of the operational effectiveness, suitability, and survivability of the Airborne Laser system.

(b) LIMITATION ON AVAILABILITY OF FUNDS FOR LATER AIRBORNE LASER SYSTEM AIRCRAFT.—No funds authorized to be appropriated for the Department of Defense may be obligated or expended for the procurement of a second or subsequent aircraft for the Airborne Laser system program until the Secretary of Defense, after receiving the assessment of the Director of Operational Test and Evaluation under subsection (a)(2), submits to Congress a certification that the Airborne Laser system has demonstrated, through successful testing and operational and cost analysis, a high probability of being operationally effective, suitable, survivable, and affordable.

SEC. 234. ANNUAL DIRECTOR OF OPERATIONAL TEST AND EVALUATION CHARACTERIZATION OF OPERATIONAL EFFECTIVENESS, SUITABILITY, AND SURVIVABILITY OF THE BALLISTIC MISSILE DEFENSE SYSTEM.

(a) ANNUAL CHARACTERIZATION.—Section 232(h) of the National Defense Authorization Act for Fiscal Year 2002 (10 U.S.C. 2431 note) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Director of Operational Test and Evaluation shall also each year characterize the operational effectiveness, suitability, and survivability of the ballistic missile defense system, and its elements, that have been fielded or tested before the end of the preceding fiscal year.''; and

(3) in paragraph (3), as redesignated by paragraph (1) of this subsection, by inserting ''and the characterization under paragraph (2)'' after ''the assessment under paragraph (1)''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows: ''ANNUAL OT&E ASSESSMENT AND CHARACTERIZATION OF CERTAIN BALLISTIC MISSILE DEFENSE MATTERS.—''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 235. INDEPENDENT ASSESSMENT OF BOOST-PHASE MISSILE DEFENSE PROGRAMS.

(a) INDEPENDENT ASSESSMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with the National Academy of Sciences under which the Academy shall conduct an independent assessment of the boost-phase ballistic missile defense programs of the United States.

(b) ELEMENTS.—The assessment required by subsection (a) shall consider the following:

(1) The extent to which boost-phase missile defense is feasible, practical, and affordable.

(2) Whether any of the existing boost-phase missile defense technology demonstration efforts of the Department of Defense (particularly the Airborne Laser and the Kinetic Energy Interceptor) have a high probability of performing a boost-phase missile defense mission in an operationally effective, suitable, survivable, and affordable manner.

(c) FACTORS TO BE CONSIDERED.—In conducting the assessment required by subsection (a), the factors considered by the National Academy of Sciences shall include, but not be limited to, the following:

(1) Operational considerations, including the need and ability to be deployed in a particular operational position at a particular time to be effective.

(2) Geographic considerations, including limitations on the ability to deploy systems within operational range of potential targets.

(3) Command and control considerations, including short timelines for detection, decision-making, and engagement.

(4) Concepts of operations.

(5) Whether there is a potential for an engaged threat missile or warhead to land on an unintended target outside of the launching nation.

(6) Effectiveness against countermeasures, and mission effectiveness in destroying threat missiles and their warheads.

(7) Reliability, availability, and maintainability.

(8) Cost and cost-effectiveness.

(9) Force structure requirements.

(d) REPORT.—

(1) IN GENERAL.—Upon the completion of the assessment required by subsection (a), the National Academy of Sciences shall submit to the Secretary of Defense and the congressional defense committees a report on the results of the assessment. The report shall include such recommendations regarding the future direction of the boost-phase ballistic missile defense programs of the United States as the Academy considers appropriate.

(2) FORM.—The report under paragraph (1) shall be submitted to the congressional defense committees in unclassified form, but may include a classified annex.

(e) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2009 by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, $3,500,000 is available for the assessment required by subsection (a).

SEC. 236. STUDY ON SPACE-BASED INTERCEPTOR ELEMENT OF BALLISTIC MISSILE DEFENSE SYSTEM.

(a) IN GENERAL.—Not later than 75 days after the date of the enactment of this Act, the Secretary of Defense shall, after consultation with the chair and ranking member of the Committee on Armed Services of the Senate

and of the Committee on Armed Services of the House of Representatives, enter into a contract with one or more independent entities under which the entity or entities shall conduct an independent assessment of the feasibility and advisability of developing a space-based interceptor element to the ballistic missile defense system.

(b) ELEMENTS.—The study required under subsection (a) shall include the following:

(1) An assessment of the need for a space-based interceptor element to the ballistic missile defense system, including an assessment of—

(A) the extent to which there is a ballistic missile threat that—

(i) such a space-based interceptor element would address; and

(ii) other elements of the ballistic missile defense system would not address;

(B) whether other elements of the ballistic missile defense system could be modified to meet the threat described in subparagraph (A) and the modifications necessary for such elements to meet that threat; and

(C) any other alternatives to the development of such a space-based interceptor element.

(2) An assessment of the components and capabilities and the maturity of critical technologies necessary to make such a space-based interceptor element operational.

(3) An estimate of the total cost for the life cycle of such a space-based interceptor element, including the costs of research, development, demonstration, procurement, deployment, and launching of the element.

(4) An assessment of the effectiveness of such a space-based interceptor element in intercepting ballistic missiles and the survivability of the element in case of attack.

(5) An assessment of possible debris generated from the use or testing of such a space-based interceptor element and any effects of such use or testing on other space systems.

(6) An assessment of any treaty or policy implications of the development or deployment of such a space-based interceptor element.

(7) An assessment of any command, control, or battle management considerations of using such a space-based interceptor element, including estimated timelines for the detection of ballistic missiles, deci-

sionmaking with respect to the use of the element, and interception of the missile by the element.

(c) REPORT.—

(1) SUBMITTAL.—Upon completion of the independent assessment required under subsection (a), the entity or entities conducting the assessment shall submit contemporaneously to the Secretary of Defense, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report setting forth the results of the assessment.

(2) COMMENTS.—Not later than 60 days after the date on which the Secretary of Defense receives the report required under paragraph (1), the Secretary may submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives any comments on the report or any recommendations of the Secretary resulting from the report.

(3) FORM.—The report required under paragraph (1) and any comments and recommendations submitted under paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amount authorized to be appropriated for fiscal year 2009 by section 201(4) for research, development, test, and evaluation for Defense-wide activities and available for the Missile Defense Agency, $5,000,000 shall be available to carry out the study required under subsection (a).

Subtitle D—Other Matters

SEC. 251. MODIFICATION OF SYSTEMS SUBJECT TO SURVIVABILITY TESTING BY THE DIRECTOR OF OPERATIONAL TEST AND EVALUATION.

(a) AUTHORITY TO DESIGNATE ADDITIONAL SYSTEMS AS MAJOR SYSTEMS AND PROGRAMS SUBJECT TO TESTING.—Section 2366(e)(1) of title 10, United States Code, is amended by striking ''or conventional weapon system'' and inserting ''conventional weapon system, or other system or program designated by the Director of Operational Test and Evaluation for purposes of this section''.

(b) FORCE PROTECTION EQUIPMENT.—Section 139(b) of such title is amended—

(1) by striking paragraph (3); and

(2) by redesigning paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

SEC. 252. BIENNIAL REPORTS ON JOINT AND SERVICE CONCEPT DEVELOPMENT AND EXPERIMENTATION.

(a) IN GENERAL.—Section 485 of title 10, United States Code, is amended to read as follows:

"§ 485. Joint and service concept development and experimentation

"(a) BIENNIAL REPORTS REQUIRED.—Not later than January 1 of each even numbered-year, the Commander of the United States Joint Forces Command shall submit to the congressional defense committees a report on the conduct and outcomes of joint and service concept development and experimentation.

"(b) MATTERS TO BE INCLUDED.—Each report under subsection (a) shall include the following:

"(1) A description of any changes since the latest report submitted under this section to each of the following:

"(A) The authority and responsibilities of the Commander of the United States Joint Forces Command with respect to joint concept development and experimentation.

"(B) The organization of the Department of Defense responsible for executing the mission of joint concept development and experimentation.

"(C) The process for tasking forces (including forces designated as joint experimentation forces) to participate in joint concept development and experimentation and the specific authority of the Commander over those forces.

"(D) The resources provided for initial implementation of joint concept development and experimentation, the process for providing such resources to the Commander, the categories of funding for joint concept development and experimentation, and the authority of the Commander for budget execution for joint concept development and experimentation activities.

"(E) The process for the development and acquisition of materiel, supplies, services, and equipment necessary for the conduct of joint concept development and experimentation.

"(F) The process for designing, preparing, and conducting joint concept development and experimentation.

"(G) The assigned role of the Commander for—

"(i) integrating and testing in joint concept development and experimentation the systems that emerge from warfighting

experimentation by the armed forces and the Defense Agencies;

"(ii) assessing the effectiveness of organizational structures, operational concepts, and technologies relating to joint concept development and experimentation; and

"(iii) assisting the Secretary of Defense and the Chairman of the Joint Chiefs of Staff in setting priorities for requirements or acquisition programs in light of joint concept development and experimentation.

"(2) A description of the conduct of joint concept development and experimentation activities during the two-year period ending on the date of such report, including—

"(A) the funding involved;

"(B) the number of activities engaged in;

"(C) the forces involved;

"(D) the national and homeland security challenges addressed;

"(E) the operational concepts assessed;

"(F) the technologies assessed;

"(G) the scenarios and measures of effectiveness utilized; and

"(H) specific interactions under such activities with commanders of other combatant commands and with other organizations and entities inside and outside the Department.

"(3) A description of the conduct of concept development and experimentation activities of the military departments during the two-year period ending on the date of such report, including—

"(A) the funding involved;

"(B) the number of activities engaged in;

"(C) the forces involved;

"(D) the national and homeland security challenges addressed;

"(E) the operational concepts assessed;

"(F) the technologies assessed;

"(G) the scenarios and measures of effectiveness utilized; and

"(H) specific interactions under such activities with commanders of the combatant commands and with other organizations and entities inside and outside the Department.

"(4) A description of the conduct of joint concept development and experimentation, and of con-

cept development and experimentation of the military departments, during the two-year period ending on the date of such report with respect to the development of warfighting concepts for operational scenarios more than 10 years in the future, including—

"(A) the funding involved;

"(B) the number of activities engaged in;

"(C) the forces involved;

"(D) the challenges addressed;

"(E) the operational concepts assessed;

"(F) the technologies assessed;

"(G) the scenarios and measures of effectiveness utilized; and

"(H) specific interactions with commanders of other combatant commands and with other organizations and entities inside and outside the Department.

"(5) A description of the mechanisms used to coordinate joint, service, interagency, Coalition, and other appropriate concept development and experimentation activities.

"(6) An assessment of the return on investment in concept development and experimentation activities, including a description of the following:

"(A) Specific outcomes and impacts within the Department of the results of past joint and service concept development and experimentation in terms of new doctrine, operational concepts, organization, training, materiel, leadership, personnel, or the allocation of resources, or in activities that terminated support for legacy concepts, programs, or systems.

"(B) Specific actions taken by the Secretary of Defense to implement the recommendations of the Commander based on concept development and experimentation activities.

"(7) Such recommendations (based primarily based on the results of joint and service concept development and experimentation) as the Commander considers appropriate for enhancing the development of joint warfighting capabilities by modifying activities throughout the Department relating to—

"(A) the development or acquisition of specific advanced technologies, systems, or weapons or systems platforms;

"(B) key systems attributes and key performance parameters for the development or acquisition of advanced technologies and systems;

"(C) joint or service doctrine, organization, training, materiel, leadership development, personnel, or facilities;

"(D) the reduction or elimination of redundant equipment and forces, including the synchronization of the development and fielding of advanced technologies among the armed forces to enable the development and execution of joint operational concepts; and

"(E) the development or modification of initial capabilities documents, operational requirements, and relative priorities for acquisition programs to meet joint requirements.

"(8) With respect to improving the effectiveness of joint concept development and experimentation capabilities, such recommendations (based primarily on the results of joint warfighting experimentation) as the Commander considers appropriate regarding—

"(A) the conduct of, adequacy of resources for, or development of technologies to support such capabilities; and

"(B) changes in authority for acquisition of materiel, supplies, services, equipment, and support from other elements of the Department

of Defense for concept development and experimentation by joint or service organizations.

"(9) The coordination of the concept development and experimentation activities of the Commander of the United States Joint Forces Command with the activities of the Commander of the North Atlantic Treaty Organization Supreme Allied Command Transformation.

"(10) Any other matters that the Commander consider appropriate.

"(c) COORDINATION AND SUPPORT.—The Secretary of Defense shall ensure that the Secretaries of the military departments and the heads of other appropriate elements of the Department of Defense provide the Commander of the United States Joint Forces Command such information and support as is required to enable the Commander to prepare the reports required by subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by striking the item relating to section 485 and inserting the following new item:

"485. Joint and service concept development and experimentation.".

SEC. 253. REPEAL OF ANNUAL REPORTING REQUIREMENT RELATING TO THE TECHNOLOGY TRANSITION INITIATIVE.

Section 2359a of title 10, United States Code, is amended—

(1) by striking subsection (h); and

(2) by redesignating subsection (i) as subsection (h).

SEC. 254. EXECUTIVE AGENT FOR PRINTED CIRCUIT BOARD TECHNOLOGY.

(a) EXECUTIVE AGENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall designate a senior official of the Department of Defense to act as the Executive Agent of the Department of Defense for printed circuit board technology.

(b) SPECIFICATION OF ROLES, RESPONSIBILITIES, AND AUTHORITIES.—The roles, responsibilities, and authorities of the Executive Agent designated under subsection (a) shall be as described in a directive issued by the Secretary of Defense for purposes of this section not later than one year after the date of the enactment of this Act.

(c) PARTICULAR ROLES AND RESPONSIBILITIES.—The roles and responsibilities described under subsection (b) for the Executive Agent designated under subsection (a) shall include the following:

(1) To develop and maintain a printed circuit board and interconnect technology roadmap that assures that the Department of Defense has access to manufacturing capabilities and expertise and technological capabilities necessary to meet future military requirements.

(2) To develop and recommend to the Secretary of Defense funding strategies that meet the recapitalization and investment requirements of the Department for printed circuit board and interconnect technology, which strategies shall be consistent with the roadmap developed under paragraph (1).

(3) To assure that continuing expertise in printed circuit board technical is available to the Department.

(4) To assess the vulnerabilities, trustworthiness, and diversity of the printed circuit board supply chain, including the development of trustworthiness requirements for printed circuit boards used in defense systems, and to develop strategies to address matters in that supply chain that are identified as a result of such assessment.

(5) To support technical assessments and analyses, especially with respect to acquisition decisions and planning, relating to printed circuit boards

(6) Such other roles and responsibilities as the Secretary considers appropriate.

(d) RESOURCES AND AUTHORITIES.—The Secretary of Defense shall ensure that the Executive Agent designated under subsection (a) has the appropriate resources and authorities to perform the roles and responsibilities of the Executive Agent under this section.

(e) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—The Secretary of Defense shall ensure that the Executive Agent designated under subsection (a) has such support from the military departments, Defense Agencies, and other components of the Department of Defense as is required for the Executive Agent to perform the roles and responsibilities of the Executive Agent under this section.

SEC. 255. REPORT ON DEPARTMENT OF DEFENSE RESPONSE TO FINDINGS AND RECOMMENDATIONS OF THE DEFENSE SCIENCE BOARD TASK FORCE ON DIRECTED ENERGY WEAPONS.

(a) REPORT REQUIRED.—Not later than January 1, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the implementation of the recommendations

of the Defense Science Board Task Force on Directed Energy Weapons.

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

(1) An analysis of each of the findings and recommendations of the Defense Science Board Task Force on Directed Energy Weapons.

(2) A detailed description of the response of the Department of Defense to each finding and recommendation of the Task Force, including—

(A) for each recommendation that is being implemented or that the Secretary plans to implement—

(i) a summary of actions that have been taken to implement such recommendation; and

(ii) a schedule, with specific milestones, for completing the implementation of such recommendation; and

(B) for each recommendation that the Secretary does not plan to implement—

(i) the reasons for the decision not to implement such recommendation; and

(ii) a summary of the alternative actions, if any, the Secretary plans to take to

address the purposes underlying such recommendation, if any.

(3) A summary of any additional actions, if any, the Secretary plans to take to address concerns raised by the Task Force, if any.

SEC. 256. ASSESSMENT OF STANDARDS FOR MISSION CRITICAL SEMICONDUCTORS PROCURED BY THE DEPARTMENT OF DEFENSE.

(a) ASSESSMENT OF METHODS FOR VERIFICATION OF TRUST OF SEMICONDUCTORS PROCURED FROM COMMERCIAL SOURCES.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct an assessment of various methods for verification of trust of the semiconductors procured by the Department of Defense from commercial sources for utilization in mission critical components of potentially vulnerable defense systems.

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

(1) An identification of various existing methods for verification of trust of semiconductors that are suitable for Department of Defense purposes as described in subsection (a).

(2) An identification of various methods for verification of trust of semiconductors that are cur-

rently under development and have promise for suitability for Department of Defense purposes as described in subsection (a), including methods under development at the Defense Agencies, the national laboratories, and institutions of higher education, and in the private sector.

(3) A determination of the most suitable methods identified under paragraphs (1) and (2) for Department of Defense purposes as described in subsection (a).

(4) An assessment of additional research and technology development efforts necessary to develop methods for verification of trust of semiconductors to meet the needs of the Department of Defense.

(5) Any other matters that the Under Secretary considers appropriate for the verification of trust of semiconductors from commercial sources for utilization in mission critical components of any category or categories of vulnerable defense systems.

(c) CONSULTATION.—The Under Secretary shall conduct the assessment required by subsection (a) in consultation with appropriate elements of the Department of Defense, the intelligence community, private industry, and academia.

(d) EFFECTIVE DATE.—The assessment required by subsection (a) shall be completed not later than December 31, 2009.

(e) UPDATE.—The Under Secretary shall from time to time update the assessment required by subsection (a) to take into account advances in technology.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $31,282,460,000.

(2) For the Navy, $34,811,598,000.

(3) For the Marine Corps, $5,607,354,000.

(4) For the Air Force, $35,244,587,000.

(5) For Defense-wide activities, $25,926,564,000.

(6) For the Army Reserve, $2,642,641,000.

(7) For the Navy Reserve, $1,311,085,000.

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

(9) For the Air Force Reserve, $3,142,892,000.

(10) For the Army National Guard, $5,909,846,000.

(11) For the Air National Guard, $5,883,926,000.

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

(13) For Environmental Restoration, Army, $447,776,000.

(14) For Environmental Restoration, Navy, $290,819,000.

(15) For Environmental Restoration, Air Force, $496,277,000.

(16) For Environmental Restoration, Defense-wide, $13,175,000.

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

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

(19) For Cooperative Threat Reduction programs, $434,135,000.

(20) For Overseas Contingency Operations Transfer Fund, $9,101,000.

Subtitle B—Environmental Provisions

SEC. 311. EXPANSION OF COOPERATIVE AGREEMENT AUTHORITY FOR MANAGEMENT OF NATURAL RESOURCES TO INCLUDE OFF-INSTALLATION MITIGATION.

Section 103a(a) of the Sikes Act (16 U.S.C. 670c–1(a)) is amended by striking ''to provide for the maintenance and improvement'' and all that follows through the period at the end and inserting the following: ''to provide for one or both of the following:

''(1) The maintenance and improvement of natural resources on, or to benefit natural and historic research on, Department of Defense installations.

''(2) The maintenance and improvement of natural resources outside of Department of Defense installations if the purpose of the cooperative agreement is to relieve or eliminate current or anticipated challenges that could restrict, impede, or otherwise interfere, whether directly or indirectly, with current or anticipated military activities.''.

SEC. 312. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH MOSES LAKE WELLFIELD SUPERFUND SITE, MOSES LAKE, WASHINGTON.

(a) AUTHORITY TO REIMBURSE.—

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

(2) PURPOSE OF REIMBURSEMENT.—The payment under paragraph (1) is to reimburse the Environmental Protection Agency for its costs incurred in overseeing a remedial investigation/feasibility study performed by the Department of the Army under the Defense Environmental Restoration Program at the former Larson Air Force Base, Moses Lake Superfund Site, Moses Lake, Washington.

(3) INTERAGENCY AGREEMENT.—The reimbursement described in paragraph (2) is provided for in the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Moses Lake Wellfield Superfund Site in March 1999.

(b) SOURCE OF FUNDS.—Any payment under subsection (a) shall be made using funds authorized to be appropriated by section 301(17) for operation and maintenance for Environmental Restoration, Formerly Used Defense Sites.

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

SEC. 313. COMPREHENSIVE PROGRAM FOR THE ERADICATION OF THE BROWN TREE SNAKE POPULATION FROM MILITARY FACILITIES IN GUAM.

The Secretary of Defense shall establish a comprehensive program to control and, to the extent practicable, eradicate the brown tree snake population from military facilities in Guam and to ensure that military activities, including the transport of civilian and military personnel and equipment to and from Guam, do not contribute to the spread of brown tree snakes.

Subtitle C—Workplace and Depot Issues

SEC. 321. AUTHORITY TO CONSIDER DEPOT-LEVEL MAINTENANCE AND REPAIR USING CONTRACTOR FURNISHED EQUIPMENT OR LEASED FACILITIES AS CORE LOGISTICS.

Section 2474 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(h) CONSIDERATION OF DEPOT LEVEL MAINTENANCE AND REPAIR USING CONTRACTOR FURNISHED EQUIPMENT OR LEASED FACILITIES AS CORE LOGISTICS.—Depot-level maintenance and repair work performed at a Center of Industrial and Technical Excellence by Federal Government employees using equipment furnished by contractors or by Federal Government employees utilizing facilities leased by the Government may be considered as workload necessary to maintain core logistics capability for purposes of section 2464 of this title if the depot-level maintenance and repair workload is the subject of a public-private partnership entered into pursuant to subsection (b).''.

SEC. 322. MINIMUM CAPITAL INVESTMENT FOR CERTAIN DEPOTS.

(a) ADDITIONAL ARMY DEPOTS.—Subsection (e)(1) of section 2476 of title 10, United States Code, is amended by adding at the end the following new subparagraphs:

"(F) Watervliet Arsenal, New York.

"(G) Rock Island Arsenal, Illinois.

"(H) Pine Bluff Arsenal, Arkansas.".

(b) SEPARATE CONSIDERATION AND REPORTING OF NAVY DEPOTS AND MARINE CORPS DEPOTS.—Such section is further amended—

(1) in subsection (d)(2), by adding at the end the following new subparagraph:

"(D) Separate consideration and reporting of Navy Depots and Marine Corps depots."; and

(2) in subsection (e)(2)—

(A) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively, and indenting the margins of such clauses, as so redesignated, 6 ems from the left margin;

(B) by inserting after "Department of the Navy:" the following:

"(A) The following Navy depots:";

(C) by inserting after clause (vii), as redesignated by subparagraph (A), the following:

"(B) The following Marine Corps depots:"; and

(D) by redesignating subparagraphs (H) and (I) as clauses (i) and (ii), respectively, and indenting the margins of such clauses, as so redesignated, 6 ems from the left margin.

Subtitle D—Reports

SEC. 331. ADDITIONAL INFORMATION UNDER ANNUAL SUBMISSIONS OF INFORMATION REGARDING INFORMATION TECHNOLOGY CAPITAL ASSETS.

Section 351 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2516; 10 U.S.C. 221 note) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "$30,000,000 and an estimated total life cycle cost" and inserting "$30,000,000 or an estimated total life cycle cost"; and

(B) by adding at the end the following new paragraph:

"(3) Information technology capital assets not covered by paragraphs (1) and (2) that have been determined by the Chief Information Officer of the Department of Defense to be significant investments.";

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection (d):

"(d) REQUIRED INFORMATION FOR SIGNIFICANT INVESTMENTS.—With respect to each information technology capital asset not covered by paragraph (1) or (2) of subsection (a), but covered by paragraph (3) of that subsection, the Secretary of Defense shall include such information in a format that is appropriate to the current status of such asset.".

Subtitle E—Other Matters

SEC. 341. MITIGATION OF POWER OUTAGE RISKS FOR DEPARTMENT OF DEFENSE FACILITIES AND ACTIVITIES.

(a) RISK ASSESSMENT.—The Secretary of Defense shall conduct a comprehensive technical and operational risk assessment of the risks posed to mission critical installations, facilities, and activities of the Department of Defense by extended power outages resulting from failure of the commercial electricity grid and related infrastructure.

(b) RISK MITIGATION PLANS.—

(1) IN GENERAL.—The Secretary of Defense shall develop integrated prioritized plans to elimi-

nate, reduce, or mitigate significant risks identified in the risk assessment under subsection (a).

(2) MITIGATION GOALS.—In developing the risk mitigation plans under paragraph (1), the Secretary of Defense shall prioritize the mission critical installations, facilities, and activities that are subject to the greatest and most urgent risks.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—The Secretary of Defense shall submit a report on the efforts of the Department of Defense to mitigate the risks described in subsection (a) as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2010 and each fiscal year thereafter (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

(2) CONTENT.—Each report submitted under paragraph (1) shall describe the integrated prioritized plans developed under subsection (b) and the progress made toward achieving the goals established under such subsection.

SEC. 342. INCREASED AUTHORITY TO ACCEPT FINANCIAL AND OTHER INCENTIVES RELATED TO ENERGY SAVINGS AND NEW AUTHORITY RELATED TO ENERGY SYSTEMS.

(a) ENERGY SAVINGS.—Section 2913(c) of title 10, United States Code, is amended by inserting ''or a State or local government'' after ''gas or electric utility''.

(b) ENERGY SYSTEMS.—Section 2915 of such title is amended by adding at the end the following new subsection:

''(f) ACCEPTANCE OF FINANCIAL INCENTIVES, FINANCIAL ASSISTANCE, AND SERVICES.—The Secretary of Defense may authorize any military installation to accept any financial incentive, financial assistance, or services generally available from a gas or electric utility or State or local government to use or construct an energy system using solar energy or other renewable form of energy if the use or construction of the system is consistent with the energy performance goals and energy performance plan for the Department of Defense developed under section 2911 of this title.''.

SEC. 343. RECOVERY OF IMPROPERLY DISPOSED OF DEPARTMENT OF DEFENSE PROPERTY.

(a) IN GENERAL.—Chapter 165 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2790. Recovery of improperly disposed of Department of Defense property

"(a) PROHIBITION.—No member of the armed forces, civilian employee of the United States Government, contractor personnel, or other person may sell, lend, pledge, barter, or give any clothing, arms, articles, equipment, or other military or Department of Defense property except in accordance with the statutes and regulations governing Government property.

"(b) TRANSFER OF TITLE OR INTEREST INEFFECTIVE.—If property has been disposed of in violation of subsection (a), the person holding the property has no right or title to, or interest in, the property.

"(c) AUTHORITY FOR SEIZURE OF IMPROPERLY DISPOSED OF PROPERTY.—If any person is in the possession of military or Department of Defense property without right or title to, or interest in, the property because it has been disposed of in violation of subsection (a), any Federal, State, or local law enforcement official may seize the property wherever found.

"(d) INAPPLICABILITY TO CERTAIN PROPERTY.—Subsections (b) and (c) shall not apply to property on public display by public or private collectors or museums in secured exhibits.

"(e) DETERMINATIONS OF VIOLATIONS.—(1) The appropriate district court of the United States shall have

jurisdiction, regardless of the current approximated or estimated value of the property, to determine whether property was disposed of in violation of subsection (a). Any such determination shall be by a preponderance of the evidence.

"(2) In the case of property, the possession of which could undermine national security or create a hazard to public health or safety, the determination under paragraph (1) may be made after the seizure of the property. If the person from whom the property is seized is found to have been lawfully in possession of the property and the return of the property could undermine national security or create a hazard to public health or safety, the Secretary of Defense shall reimburse the person for the fair value for the property.

"(f) DELIVERY OF SEIZED PROPERTY.—Any law enforcement official who seizes property under subsection (c) and is not authorized to retain it for the United States shall deliver the property to an authorized member of the armed forces or other authorized official of the Department of Defense or the Department of Justice.

"(g) RETROACTIVE ENFORCEMENT AUTHORIZED.—This section shall apply to any military or Department of Defense property that is disposed of on or after January 1, 2002, in a manner that is not in accordance with stat-

utes and regulations governing Government property in effect at the time of the disposal of the property.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 165 of such title is amended by inserting the following new item:

''2790. Recovery of improperly disposed of Department of Defense property.''.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2009, as follows:

(1) The Army, 532,400.

(2) The Navy, 325,300.

(3) The Marine Corps, 194,000.

(4) The Air Force, 316,771.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2009, as follows:

(1) The Army National Guard of the United States, 352,600.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 66,700.

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

(5) The Air National Guard of the United States, 106,756.

(6) The Air Force Reserve, 67,400.

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

(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

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

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2009, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 29,950.

(2) The Army Reserve, 16,170.

(3) The Navy Reserve, 11,099.

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

(5) The Air National Guard of the United States, 14,360.

(6) The Air Force Reserve, 2,733.

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

The minimum number of military technicians (dual status) as of the last day of fiscal year 2009 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

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

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

(3) For the Air Force Reserve, 10,003.

(4) For the Air National Guard of the United States, 22,459.

SEC. 414. FISCAL YEAR 2009 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2009, may not exceed the following:

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

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

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2009, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2009, may not exceed 90.

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

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2009, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

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

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

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

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

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

SEC. 416. INCREASED END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE ARMY NATIONAL GUARD AND ARMY RESERVE AND MILITARY TECHNICIANS (DUAL STATUS) OF THE ARMY NATIONAL GUARD.

(a) RESERVES ON ACTIVE DUTY IN SUPPORT OF ARMY NATIONAL GUARD AND ARMY RESERVE.—Notwithstanding the limitations specified in section 412 and subject to the provisions of this section, the number of Reserves authorized as of September 30, 2009, to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for purposes of organizing, administering, recruiting, instructing, or training the reserve components shall be the number as follows:

(1) In the case of the Army National Guard of the United States, the number authorized by section 412(1), plus an additional 2,110 Reserves.

(2) In the case of the Army Reserve, the number authorized by section 412(2), plus an additional 91 Reserves.

(b) MILITARY TECHNICIANS (DUAL STATUS) OF ARMY NATIONAL GUARD.—Notwithstanding the limitation specified in section 413(2) and subject to the provisions of this section, the minimum number of military technicians (dual status) as of September 30, 2009, for the Army National Guard of the United States (notwith-

standing section 129 of title 10, United States Code) shall be the number otherwise specified in section 413(2), plus such additional number, not to exceed 1,170, military technicians (dual status) as the Secretary of the Army considers appropriate.

(c) ASSIGNMENT OF PERSONNEL UNDER ADDITIONAL END STRENGTHS.—Any personnel on duty or service under the additional end strengths authorized by subsection (a) or (b) may only be assigned to units of company size or below.

(d) FUNDING.—The costs of any personnel under the additional end strengths authorized by subsection (a) or (b) shall be paid from funds authorized to be appropriated for fiscal year 2009 by titles XV and XVI.

SEC. 417. MODIFICATION OF AUTHORIZED STRENGTHS FOR MARINE CORPS RESERVE OFFICERS ON ACTIVE DUTY IN THE GRADES OF MAJOR AND LIEUTENANT COLONEL TO MEET NEW FORCE STRUCTURE REQUIREMENTS.

(a) AUTHORIZED STRENGTHS FOR MAJORS.—The table in section 12011(a)(1) of title 10, United States Code, is amended by striking the numbers in the column relating to ''Major'' in the items relating to the Marine Corps Reserve and inserting the following new numbers:

''99

"103

"107

"111

"114

"117

"120

"123

"126

"129

"132

"134

"136

"138

"140

"142".

(b) AUTHORIZED STRENGTHS FOR LIEUTENANT COLONELS.—The table in section 12011(a)(1) of such title is further amended by striking the numbers in the column relating to "Lieutenant Colonel" in the items relating to the Marine Corps Reserve and inserting the following new numbers:

"63

"67

"70

"73

"76

"79

"82

"85

"88

"91

"94

"97

"100

"103

"106

"109".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel amounts as follows:

(1) For military personnel, $114,152,040,000.

(2) For contributions to the Medicare-Eligible Retiree Health Fund, $10,350,593,000.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2009.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

SEC. 501. MODIFICATION OF DISTRIBUTION REQUIREMENTS FOR COMMISSIONED OFFICERS ON ACTIVE DUTY IN GENERAL AND FLAG OFFICER GRADES.

(a) INCREASE IN NUMBER OF OFFICERS SERVING IN GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL.—Subsection (b) of section 525 of title 10, United States Code, is amended by striking ''16.3 percent'' each place it appears in paragraphs (1) and (2)(A) and inserting ''16.4 percent''.

(b) EXCLUSION OF CERTAIN RESERVE OFFICERS.—Such section is further amended by adding at the end the following new subsection:

''(g) The limitations of this section do not apply to a reserve general or flag officer who is on active duty

under a call or order to active duty specifying a period of active duty of not longer than three years.''.

SEC. 502. MODIFICATION OF LIMITATIONS ON AUTHORIZED STRENGTHS OF GENERAL AND FLAG OFFICERS ON ACTIVE DUTY.

(a) GENERAL LIMITATIONS.—Subsection (a) of section 526 of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

''(1) For the Army, 222.

''(2) For the Navy, 159.

''(3) For the Air Force, 206.

''(4) For the Marine Corps, 59.''.

(b) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—Subsection (b) of such section is amended to read as follows:

''(b) LIMITED EXCLUSION FOR JOINT DUTY REQUIREMENTS.—(1) The Secretary of Defense may designate up to 324 general officer and flag officer positions that are joint duty assignments for the purposes of chapter 38 of this title for exclusion from the limitations in subsection (a). Officers in positions so designated shall not be counted for the purposes of those limitations.

''(2) Unless the Secretary of Defense determines that a lower number is in the best interests of the nation, the

minimum number of officers serving in positions designated under paragraph (1) for each armed force shall be as follows:

"(A) For the Army, 85.

"(B) For the Navy, 61.

"(C) For the Air Force, 76.

"(D) For the Marine Corps, 21.".

(c) TEMPORARY EXCLUSION FOR CERTAIN TEMPORARY BILLETS.—Such section is further amended by inserting after subsection (b), as amended by subsection (b) of this section, the following new subsection:

"(c) TEMPORARY EXCLUSION FOR ASSIGNMENT TO CERTAIN TEMPORARY BILLETS.—(1) The limitations in subsection (a) do not apply to a general or flag officer assigned to a temporary joint duty assignment billet designated by the Secretary of Defense for purposes of this section.

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

(d) CONFORMING REPEAL OF LIMITATION ON NUMBER OF GENERAL AND FLAG OFFICERS WHO MAY SERVE IN POSITIONS OUTSIDE THEIR OWN SERVICE.—

(1) REPEAL.—Section 721 of title 10, United States Code, is repealed.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 41 of such title is amended by striking the item relating to section 721.

(e) ACQUISITION AND CONTRACTING BILLETS.—The Secretary of Defense, the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the chiefs of staff of the Armed Forces shall take appropriate actions to ensure that—

(1) not less than 12 percent of all general officers and flag officers in the Armed Forces generally, and in each Armed Force (as applicable), serve in an acquisition position; and

(2) not less than 10 percent of all general officers and flag officers in the Armed Forces generally, and in each Armed Force (as applicable), who serve in an acquisition position have significant contracting experience.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 2010.

SEC. 503. CLARIFICATION OF JOINT DUTY REQUIREMENTS FOR PROMOTION TO GENERAL OR FLAG GRADES.

(a) IN GENERAL.—Subsection (a) of section 619a of title 10, United States Code, is amended by striking ''unless—'' and all that follows and inserting ''unless the officer has been designated as a joint qualified officer in accordance with section 661 of this title.''.

(b) EXCEPTIONS.—Subsection (b) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''paragraph (1) or paragraph (2) of subsection (a), or both paragraphs (1) and (2) of subsection (a),'' and inserting ''subsection (a)''; and

(2) in paragraph (4), by striking ''if the officer's'' and all that follows and inserting ''if—

''(A) the officer's total consecutive years in joint duty assignments is not less than two years; and

''(B) the officer has successfully completed a program of education meeting the requirements for Phase II joint professional military education under subsections (b) and (c) of section 2155 of this title''.

(c) REPEAL OF SPECIAL RULE FOR NUCLEAR PROPULSION OFFICERS.—Such section is further amended by striking subsection (h).

(d) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 619a. Eligibility for consideration for promotion: joint qualified officer designation required for promotion to general or flag grade; exceptions".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by striking the item relating to section 619a and inserting the following new item:

"619a. Eligibility for consideration for promotion: joint qualified officer designation required for promotion to general or flag grade; exceptions.".

SEC. 504. MODIFICATION OF AUTHORITIES ON LENGTH OF JOINT DUTY ASSIGNMENTS.

(a) SERVICE EXCLUDABLE FROM TOUR LENGTH REQUIREMENTS.—Subsection (d) of section 664 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking subparagraph (D) and inserting the following new subparagraph (D):

"(D) a qualifying reassignment from a joint duty assignment—

"(i) for unusual personal reasons (including extreme hardship and medical conditions) beyond the control of the officer or the armed forces; or

"(ii) to another joint duty assignment immediately after—

"(I) the officer was promoted to a higher grade, if the reassignment was made because no joint duty assignment was available within the same organization that was commensurate with the officer's new grade; or

"(II) the officer's position was eliminated in a reorganization."; and

(2) by striking paragraph (3) and inserting the following new paragraph (3):

"(3) Service in a joint duty assignment in a case in which the officer's tour of duty in that assignment brings the officer's accrued service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a).".

(b) EXCLUSIONS OF SERVICE FROM COMPUTING AVERAGE TOUR LENGTHS.—Subsection (e) of such section is amended by striking paragraph (2) and inserting the following new paragraph (2):

"(2) In computing the average length of joint duty assignments for purposes of paragraph (1), the Secretary may exclude the following service:

"(A) Service described in subsection (c).

"(B) Service described in subsection (d).

"(C) Service described in subsection (f)(6).".

(c) SERVICE CONTRIBUTING TOWARD FULL TOUR OF DUTY.—Subsection (f) of such section is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

"(3) Accrued joint experience in joint duty assignments as described in subsection (g).";

(2) in paragraph (4), by striking "(except that" and all that follows through "at any time)"; and

(3) by striking paragraph (6) and inserting the following new paragraph (6):

"(6) Any subsequent joint duty assignment that is less than the period required under subsection (a), but not less than two years.".

(d) ACCRUAL OF JOINT EXPERIENCE.—Subsection (g) of such section is amended to read as follows:

"(g) ACCRUED JOINT EXPERIENCE.—Accrued joint experience that may be aggregated to equal a full tour of duty for purposes of subsection (f)(3) shall include such temporary duty in joint assignments, joint individual

training, and participation in joint exercises, and for such periods, as shall be prescribed in regulations by the Secretary of Defense in consultation with the advice of the Chairman of the Joint Chiefs of Staff.''.

(e) CONSTRUCTIVE CREDIT.—Subsection (h) of such section is amended—

(1) in paragraph (1)—

(A) by striking ''accord'' and inserting ''award''; and

(B) by striking ''(f)(4), or (g)(2)'' and inserting ''or (f)(4)''; and

(2) by striking paragraph (3).

(f) REPEAL OF JOINT DUTY CREDIT FOR CERTAIN JOINT TASK FORCE ASSIGNMENTS.—Such section is further amended by striking subsection (i).

SEC. 505. TECHNICAL AND CONFORMING AMENDMENTS RELATING TO MODIFICATION OF JOINT SPECIALTY REQUIREMENTS.

(a) JOINT DUTY ASSIGNMENTS AFTER COMPLETION OF JOINT PROFESSIONAL MILITARY EDUCATION.—Section 663 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the heading, by striking ''JOINT SPECIALTY OFFICERS.—'' and inserting ''JOINT QUALIFIED OFFICERS.—''; and

(B) by striking ''officer with the joint specialty'' and inserting ''designated as a joint qualified officer''; and

(2) in subsection (b)(1), by striking ''do not have the joint specialty'' and inserting ''are not designated as joint qualified officers''.

(b) PROCEDURES FOR MONITORING CAREERS OF JOINT OFFICERS.—Section 665 of such title is amended—

(1) in subsection (a)(l)(A), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(2) in subsection (b)(1), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''.

(c) ANNUAL REPORTS.—Section 667 of such title is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as joint qualified officers''; and

(B) in subparagraph (B), by striking ''selection for the joint specialty but were not selected'' and inserting ''designation as joint qualified officers but were not designated'';

(2) in paragraph (2), by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers'';

(3) in paragraph (3), by striking ''selected for the joint specialty'' each place it appears and inserting ''designated as joint qualified officers'';

(4) in paragraph (4)—

(A) in subparagraph (A), by striking ''selected for the joint specialty'' and inserting ''designated as joint qualified officers''; and

(B) by striking subparagraph (B) and inserting the following new subparagraph (B):

''(B) a comparison of—

''(i) the number of officers designated as joint qualified officers who had served in a joint duty assignment list billet and completed Phase II joint professional military education; with

''(ii) the number of officers designated as joint qualified officers based on their aggregated joint experiences and completion of Phase II joint professional military education.'';

(5) by striking paragraph (16);

(6) by redesignating paragraphs (5) through (15) as paragraphs (6) through (16), respectively;

(7) by inserting after paragraph (4) the following new paragraph (5):

''(5) The promotion rate for officers from within the promotion zone who are designated as joint qualified officers compared with the promotion rate for other officers considered for promotion from within the promotion zone in the same pay grade and the same competitive category, shown for all officers of the armed force and for officers of the armed force concerned designated as joint qualified officers.'';

(8) in paragraph (7), as redesignated by paragraph (6) of this subsection—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(9) in paragraph (8), as so redesignated, by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(10) in paragraph (9), as so redesignated—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(11) in paragraph (10), as so redesignated—

(A) by striking ''officers with the joint specialty'' and inserting ''officers designated as joint qualified officers''; and

(B) by striking ''paragraph (5)'' and inserting ''paragraph (6)'';

(12) in paragraph (11), as so redesignated, by striking ''selection for the joint specialty'' and inserting ''designation as joint qualified officers'';

(13) in paragraph (14), as so redesignated—

(A) by striking ''paragraphs (5) through (9)'' and inserting ''paragraphs (6) through (10)''; and

(B) by striking ''having the joint specialty'' and inserting ''designated as joint qualified officers'';

(14) by redesignating paragraph (18) as paragraph (19); and

(15) by inserting after paragraph (17) the following new paragraph (18):

"(18) The number of officers in the grade of captain or above, or in the case of the Navy, lieutenant or above, certified at each level of joint qualification, with such numbers to be set forth separated for each armed force and for each covered grade of officer within each armed force.".

SEC. 506. ELIGIBILITY OF RESERVE OFFICERS TO SERVE ON BOARDS OF INQUIRY FOR SEPARATION OF REGULAR OFFICERS FOR SUBSTANDARD PERFORMANCE AND OTHER REASONS.

(a) ELIGIBILITY.—Section 1187 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(2) in subsection (b), by striking "on active duty" in the matter preceding paragraph (1).

(b) CONFORMING AMENDMENT.—The heading of subsection (a) of such section is amended by striking "ACTIVE DUTY OFFICERS" and inserting "IN GENERAL".

SEC. 507. MODIFICATION OF AUTHORITY ON STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.

(a) GRADE OF STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.—Section 5046(a) of title 10, United States Code, is amended by striking the last sentence and inserting the following new sentence: ''The Staff Judge Advocate to the Commandant of the Marine Corps, while so serving, has the grade of major general.''.

(b) EXCLUSION FROM GENERAL OFFICER DISTRIBUTION LIMITATIONS.—Section 525(a) of such title is amended—

(1) by inserting ''(1)'' after ''(a)''; and

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

''(2) An officer while serving in the position of Staff Judge Advocate to the Commandant of the Marine Corps under section 5046 of this title is in addition to the number that would otherwise be permitted for the Marine Corps for officers in grades above the brigadier general under the first sentence of paragraph (1).''.

SEC. 508. INCREASE IN NUMBER OF PERMANENT PROFESSORS AT THE UNITED STATES AIR FORCE ACADEMY.

Section 9331(b)(4) of title 10, United States Code, is amended by striking ''21 permanent professors'' and inserting ''25 permanent professors''.

SEC. 509. SERVICE CREDITABLE TOWARD RETIREMENT FOR THIRTY YEARS OR MORE OF SERVICE OF REGULAR WARRANT OFFICERS OTHER THAN REGULAR ARMY WARRANT OFFICERS.

Section 1305 of title 10, United States Code, is amended—

(1) in subsection (a), ''A regular warrant officer'' and inserting ''A regular Army warrant officer'';

(2) by redesignating subsections (b) and (c) as subsections (c), and (d), respectively;

(3) by inserting after subsection (a) the following new subsection (b);

''(b) A regular warrant officer (other than a regular Army warrant officer) who has at least 30 years of active service that could be credited to him under section 511 of the Career Compensation Act of 1949, as amended, may be retired 60 days after the date on which he completes that service, except as provided by section 8301 of title 5.''; and

(4) in subsections (c) and (d), as redesignated by paragraph (2), by inserting ''or (b)'' after ''subsection (a)''.

SEC. 510. MODIFICATION OF REQUIREMENTS FOR QUALIFICATION FOR ISSUANCE OF POSTHUMOUS COMMISSIONS AND WARRANTS.

(a) POSTHUMOUS COMMISSIONS.—Section 1521 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''in line of duty'' each place it appears; and

(2) by adding at the end the following new subsection:

''(c) A commission issued under subsection (a) shall require a certification by the Secretary of the military department concerned that at the time of death the member was qualified for appointment to the next higher grade.''.

(b) POSTHUMOUS WARRANTS.—Section 1522 of such title is amended—

(1) in subsection (a), by striking ''in line of duty''; and

(2) by adding at the end the following new subsection:

''(c) A warrant issued under subsection (a) shall require a finding by the Secretary of the military depart-

ment concerned that at the time of death the member was qualified for appointment to the next higher grade.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to deaths of members of the Armed Forces occurring on or after that date.

Subtitle B—Enlisted Personnel Policy

SEC. 521. INCREASE IN MAXIMUM PERIOD OF REENLISTMENT OF REGULAR MEMBERS OF THE ARMED FORCES.

(a) INCREASE IN MAXIMUM PERIOD.—Section 505(d) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking ''six years'' and inserting ''eight years''; and

(2) in paragraph (3)(A), by striking ''six years'' and inserting ''eight years''.

(b) CONFORMING AMENDMENT RELATING TO PAYMENT OF REENLISTMENT BONUS.—Section 308(a)(2)(A)(ii) of title 37, United States Code, is amended by striking ''six'' and inserting ''eight''.

Subtitle C—Reserve Component Management

SEC. 531. MODIFICATION OF LIMITATIONS ON AUTHORIZED STRENGTHS OF RESERVE GENERAL AND FLAG OFFICERS IN ACTIVE STATUS.

(a) EXCLUSION OF ARMY AND AIR FORCE OFFICERS SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (b) of section 12004 of title 10, United States Code, is amended by adding at the end the following new paragraph;

"(4) Those serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the armed force concerned by subsection (a).".

(b) EXCLUSION OF NAVY OFFICERS SERVING IN JOINT DUTY ASSIGNMENTS.—Subsection (c) of such section is amended—

(1) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(2) by striking the matter in paragraph (1) before the matter relating to line corps and inserting the following:

"(1) The following Navy reserve officers shall not be counted for purposes of this section:

"(A) Those counted under section 526 of this title.

"(B) Those serving in a joint duty assignment for purposes of chapter 38 of this title, except that the number of officers who may be excluded under this paragraph may not exceed the number equal to 20 percent of the number of officers authorized for the Navy in subsection (a).

"(2) Of the number of Navy reserve officers authorized by subsection (a), 40 are distributed among the line and staff corps as follows:".

SEC. 532. EXTENSION TO OTHER RESERVE COMPONENTS OF ARMY AUTHORITY FOR DEFERRAL OF MANDATORY SEPARATION OF MILITARY TECHNICIANS (DUAL STATUS) UNTIL AGE 60.

Section 10216(f) of title 10, United States Code, is amended by inserting "and the Secretary of the Air Force" after "Secretary of the Army".

SEC. 533. INCREASE IN MANDATORY RETIREMENT AGE FOR CERTAIN RESERVE OFFICERS TO AGE 62.

(a) SELECTIVE SERVICE AND UNITED STATES PROPERTY AND FISCAL OFFICERS.—Section 12647 of title 10, United States Code, is amended by striking "60 years" and inserting "62 years".

(b) HEADQUARTERS AND RESERVE TECHNICIAN OFFICER PERSONNEL.—

(1) IN GENERAL.—Subsection (b) of section 14702 of such title is amended—

(A) in the subsection caption, by striking ''AGE 60'' and inserting ''AGE 62''; and

(B) by striking ''60 years'' and inserting ''62 years''.

(2) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 14702. Retention on reserve active-status list of certain officers until age 62''.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1409 of such title is amended by striking the item relating to section 14702 and inserting the following new item:

''14702. Retention on reserve active-status list of certain officers until age 62.''.

SEC. 534. AUTHORITY FOR VACANCY PROMOTION OF NATIONAL GUARD AND RESERVE OFFICERS ORDERED TO ACTIVE DUTY IN SUPPORT OF A CONTINGENCY OPERATION.

Section 14317 of title 10, United States Code, is amended—

(1) in subsection (d)—

(A) by inserting ''(1)'' before ''Except as provided in subsection (e)''; and

(B) by striking ''unless'' in the first sentence and all that follows through the end of the subsection and inserting ''unless the officer—

''(A) is ordered to active duty as a member of the unit in which the vacancy exists when that unit is ordered to active duty; or

''(B) has been ordered to or is serving on active duty in support of a contingency operation.

''(2) If the name of an officer is removed under paragraph (1) from a list of officers recommended for promotion, the officer shall be treated as if the officer had not been considered for promotion or examined for Federal recognition.''; and

(2) in subsection (e)(1)(B), by inserting ''or by examination for Federal recognition under title 32'' after ''this title''.

SEC. 535. AUTHORITY FOR RETENTION OF RESERVE COMPONENT CHAPLAINS AND MEDICAL OFFICERS UNTIL AGE 68.

(a) RESERVE CHAPLAINS AND MEDICAL OFFICERS.—Section 14703(b) of title 10, United States Code, is amended by striking ''67 years'' and inserting ''68 years''.

(b) NATIONAL GUARD CHAPLAINS AND MEDICAL OFFICERS.—Section 324(a) of title 32, United States Code, is amended—

(1) in paragraph (1), by striking ''or'' at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph (2):

''(2) in the case of a chaplain or medical officer, he becomes 68 years of age; or''.

SEC. 536. MODIFICATION OF AUTHORITIES ON DUAL DUTY STATUS OF NATIONAL GUARD OFFICERS.

(a) DUAL DUTY STATUS AUTHORIZED FOR ANY OFFICER ON ACTIVE DUTY.—Subsection (a)(2) of section 325 of title 32, United States Code, is amended by striking ''in command of a National Guard unit''.

(b) ADVANCE AUTHORIZATION AND CONSENT TO DUAL DUTY STATUS.—Such section is further amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection (b):

''(b) ADVANCE AUTHORIZATION AND CONSENT.—The President and the Governor of a State or Territory,

or of the Commonwealth of Puerto Rico, or the commanding general of the District of Columbia National Guard, as applicable, may give the authorization or consent required by subsection (a)(2) with respect to an officer in advance for the purpose of establishing the succession of command of a unit.''.

SEC. 537. MODIFICATION OF MATCHING FUND REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) IN GENERAL.—Subsection (d) of section 509 of title 32, United States Code, is amended to read as follows:

''(d) MATCHING FUNDS REQUIRED.—(1) The amount of assistance provided by the Secretary of Defense to a State program of the Program for a fiscal year under this section may not exceed 60 percent of the costs of operating the State program during that fiscal year.

''(2) The limitation in paragraph (1) may not be construed as a limitation on the amount of assistance that may be provided to a State program of the Program for a fiscal year from sources other than the Department of Defense.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and

shall apply with respect to fiscal years beginning on or after that date.

SEC. 538. REPORT ON COLLECTION OF INFORMATION ON CIVILIAN SKILLS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES.

Not later than March 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility and advisability, utility, and cost effectiveness of the following:

(1) The collection by the Department of Defense of information on the civilian skills, qualifications, and professional certifications of members of the reserve components of the Armed Forces that are relevant to military manpower requirements.

(2) The establishment by each military department, and by the Department of Defense generally, of a system that would match billets and personnel requirements with members of the reserve components of the Armed Forces who have skills, qualifications, and certifications relevant to such billets and requirements.

(3) The establishment by the Department of Defense of one or more systems accessible by private employers who employ individuals with skills, quali-

fications, and certifications possessed by members of the reserve components of the Armed Forces to assist such employers in hiring and employing such members.

(4) Actions to ensure that employment information collected for and maintained in the Civilian Employment Information database of the Department of Defense is current and accurate.

(5) Actions to incorporate any matter determined feasible and advisable under paragraphs (1) through (4) into the Defense Integrated Military Human Resources System.

Subtitle D—Education and Training

SEC. 551. AUTHORITY TO PRESCRIBE THE AUTHORIZED STRENGTH OF THE UNITED STATES NAVAL ACADEMY.

(a) IN GENERAL.—Section 6954 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''4,000 or such higher number'' and inserting ''4,400 or such lower number''; and

(B) by striking ''under subsection (h)''; and

(2) by striking subsection (h).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to academic years at the United States Naval Academy after the 2007-2008 academic year.

SEC. 552. TUITION FOR ATTENDANCE OF CERTAIN INDIVIDUALS AT THE UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.

Section 9314(c) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(4)(A) The Institute shall charge tuition for the cost of instruction at the Institute for individuals described in subparagraph (B).

''(B) The individuals described in this subparagraph are any individuals, including civilian employees of the military departments other than the Air Force, of other components of the Department of Defense, and of other Federal agencies, receiving instruction at the Institute.

''(C) The cost of any tuition charged an individual under this paragraph shall be borne by the department, agency, or component sending the individual for instruction at the Institute.

''(5) Amounts received by the Institute for the instruction of students under this subsection shall be re-

tained by the Institute and available to the Institute to cover the costs of such instruction. The source and disposition of such amounts shall be specifically identified in the records of the Institute.''.

SEC. 553. INCREASE IN STIPEND FOR BACCALAUREATE STUDENTS IN NURSING OR OTHER HEALTH PROFESSIONS UNDER HEALTH PROFESSIONS STIPEND PROGRAM.

Section 16201 of title 10, United States Code, is amended—

(1) in subsection (e)(2)(A), by striking ''of $100 per month'' and inserting '', in an amount determined under subsection (f),''; and

(2) in subsection (f), by striking ''subsection (b) or (c)'' and inserting ''subsection (b), (c), or (e)''.

SEC. 554. CLARIFICATION OF DISCHARGE OR RELEASE TRIGGERING DELIMITING PERIOD FOR USE OF EDUCATIONAL ASSISTANCE BENEFIT FOR RESERVE COMPONENT MEMBERS SUPPORTING CONTINGENCY OPERATIONS AND OTHER OPERATIONS.

Section 16164(a)(2) of title 10, United States Code, is amended by striking ''other than dishonorable conditions'' and inserting ''honorable conditions''.

SEC. 555. PAYMENT BY THE SERVICE ACADEMIES OF CERTAIN EXPENSES ASSOCIATED WITH PARTICIPATION IN ACTIVITIES FOSTERING INTERNATIONAL COOPERATION.

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding the following new section:

"§ 2016. Service academies: payment of expenses of foreign visitors for international cooperation; expenses of cadets and midshipmen in certain travel or study abroad

"(a) PAYMENT OF EXPENSES OF CERTAIN FOREIGN VISITORS.—The Superintendent of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy may, if such Superintendent considers it necessary in the interests of international cooperation, pay the following:

"(1) Travel, subsistence, and special compensation of officers, students, and representatives of foreign countries visiting the service academy concerned.

"(2) Other hosting and entertainment expenses in connection with foreign visitors to the service academy concerned.

"(b) PER DIEM FOR CADETS AND MIDSHIPMEN TRAVELING OR STUDYING ABROAD.—A cadet at the

United States Military Academy or the United States Air Force Academy, and a midshipman at the United States Naval Academy, who travels or studies abroad in a program to enhance language skills or cultural understanding may be paid per diem in connection with such travel or study at a rate lower than the rate authorized by the Joint Federal Travel Regulations if the Superintendent of the service academy concerned determines that payment of per diem at such lower rate is in the best interest of the United States.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by adding at the end the following new item:

''2016. Service academies: payment of costs of foreign visitors for international cooperation; expenses of cadets and midshipmen in certain travel or study abroad.''.

Subtitle E—Defense Dependents' Education Matters

SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance

for Defense-wide activities, $30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3271; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of such section 572.

(c) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term ''local educational agency'' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2009 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $5,000,000 shall be available for payments under section 363 of the

Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 563. TRANSITION OF MILITARY DEPENDENT STUDENTS AMONG LOCAL EDUCATIONAL AGENCIES.

Subsection (d) of section 574 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2227; 20 U.S.C. 7703b note) is amended to read as follows:

''(d) TRANSITION OF MILITARY DEPENDENTS AMONG LOCAL EDUCATIONAL AGENCIES.—(1) The Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transitions of military dependent students from Department of Defense dependent schools to other schools and among schools of local educational agencies.

''(2) The Secretary of Defense may use funds of the Department of Defense Education Activity for purposes as follows:

''(A) To share expertise and experience of the Activity with local educational agencies as military dependent students make the transitions described in paragraph (1), including transitions resulting from the closure or realignment of military installa-

tions under a base closure law, global rebasing, and force restructuring.

"(B) To provide programs for local educational agencies with military dependent students undergoing the transitions described in paragraph (1), including programs for training for teachers and access to distance learning courses for military dependent students who attend public schools in the United States.".

Subtitle F—Military Family Readiness

SEC. 571. AUTHORITY FOR EDUCATION AND TRAINING FOR MILITARY SPOUSES PURSUING PORTABLE CAREERS.

Section 1784 of title 10, United States Code, is amended by inserting at the end the following new subsection:

"(h) EDUCATION AND TRAINING FOR MILITARY SPOUSES PURSUING PORTABLE CAREERS.—(1) The Secretary of Defense may carry out programs to provide or make available to eligible spouses of members of the armed forces education and training to facilitate the pursuit by such eligible spouses of a portable career.

"(2) In carrying out programs under this subsection, the Secretary may provide assistance utilizing funds avail-

able to carry out this section in accordance with such regulations as the Secretary shall prescribe for purposes of this subsection.

''(3) In this subsection:

''(A)(i) The term 'eligible spouse' means any person married to a member of the armed forces on active duty.

''(ii) The term does not include the following:

''(I) Any person who is married to, but legally separated from, a member of the armed forces under court order or statute of any State or possession of the United States.

''(II) Any person who is a member of the armed forces.

''(B) The term 'portable career' includes an occupation identified by the Secretary of Defense, in consultation with the Secretary of Labor, as requiring education and training that results in a credential that is recognized nationwide by industry or specific businesses.''.

Subtitle G—Other Matters

SEC. 581. DEPARTMENT OF DEFENSE POLICY ON THE PREVENTION OF SUICIDES BY MEMBERS OF THE ARMED FORCES.

(a) POLICY REQUIRED.—Not later than August 1, 2009, the Secretary of Defense shall develop a comprehensive policy designed to prevent suicide by members of the Armed Forces.

(b) PURPOSES.—The purposes of the policy required by this section shall be as follows:

(1) To ensure that investigations, analyses, and appropriate data collection can be conducted, across the military departments, on the causes and factors surrounding suicides by members of the Armed Forces.

(2) To develop effective strategies and policies for the education of members of the Armed Forces to assist in preventing suicides and suicide attempts by members of the Armed Forces.

(c) ELEMENTS.—The policy required by this section shall include, but not be limited to, the following:

(1) Requirements for investigations and data collection in connection with suicides by members of the Armed Forces.

(2) A requirement for the appointment by the appropriate military authority of a separate investigating officer to conduct an administrative investigation into each suicide by a member of the Armed Forces in accordance with the requirements specified under paragraph (1).

(3) Requirements for minimum information to be determined under each investigation pursuant to paragraph (2), including, but not limited to, the following:

(A) Any mental illness or other mental health condition, including Post Traumatic Stress Disorder (PTSD), of the member of the Armed Forces concerned at the time of the completion of suicide.

(B) Any other illness or injury of the member at the time of the completion of suicide.

(C) Any receipt of health care services, including mental health care services, by the member before the completion of suicide.

(D) Any utilization of prescription drugs by the member before the completion of suicide.

(E) The number, frequency, and dates of deployment of the member.

(F) The military duty assignment of the member at the time of the completion of suicide.

(G) Any observations by family members, health care providers, medical care managers, and other members of the Armed Forces of any symptoms of depression, anxiety, alcohol or drug abuse, or other relevant behavior in the member before the completion of suicide.

(H) The results of a psychological autopsy of the member, if conducted.

(4) A requirement for a report from each administrative investigation conducted pursuant to paragraph (2) which shall set forth the findings and recommendations resulting from such investigation.

(5) Procedures for the protection of the confidentiality of information contained in each report on an investigation pursuant to paragraph (4).

(6) A requirement that the Deputy Chief of Staff for Personnel of the military department concerned receive and analyze each report on an investigation pursuant to paragraph (4).

(7) The appointment by the Secretary of Defense of an appropriate official or executive agent within the Department of Defense to receive and

analyze each report on an investigation pursuant to paragraph (4) in order to—

(A) identify trends or common causal factors in suicides by members of the Armed Forces; and

(B) advise the Secretary on means by which the suicide education and prevention strategies and programs of the military departments can respond appropriately and effectively to such trends and causal factors.

(8) A requirement for an annual report to the Secretary of Defense by each Secretary of a military department on the following:

(A) The results of investigations into suicide by members of the Armed Forces pursuant to paragraph (2) for each calendar year beginning with 2010.

(B) Actions taken to improve the suicide education and prevention strategies and programs of the military departments.

(d) CONSTRUCTION OF INVESTIGATION WITH OTHER INVESTIGATION REQUIREMENTS.—The investigation of the suicide by a member of the Armed Forces under the policy required by this section shall be in addition to any

other investigation of the suicide required by law, including any investigation for criminal purposes.

(e) REPORT.—Not later than August 1, 2009, the Secretary of the Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the policy required by this section. The report shall include—

(1) a description of the policy; and

(2) a plan for the implementation of the policy throughout the Department of Defense.

SEC. 582. RELIEF FOR LOSSES INCURRED AS A RESULT OF CERTAIN INJUSTICES OR ERRORS OF THE DEPARTMENT OF DEFENSE.

(a) RELIEF AUTHORIZED.—Chapter 3 of title 10, United States Code, is amended by inserting after section 127c, as added by section 1201 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2410), the following new section:

"§ 127e. Relief for losses incurred as a result of certain injustices or errors of the Department of Defense

"(a) RELIEF AUTHORIZED.—Under regulations prescribed by the Secretary of Defense, the Secretary of De-

fense or the Secretary of the military department concerned may, upon a determination that a member or former member of the armed forces has suffered imprisonment as a result of an injustice or error of the Department of Defense or any of its employees acting in an official capacity following conviction by a court-martial, provide such relief on account of such error as such Secretary determines equitable and fair, including the payment of moneys to any person whom such Secretary determines is entitled to such moneys.

''(b) PAYMENT AS A MATTER OF SOLE DISCRETION.—The payment of any moneys under this section is within the sole discretion of the Secretary of Defense and the Secretaries of the military departments.

''(c) PAYMENT OF INTEREST.—The authority to pay moneys under this section includes the authority to pay interest on such moneys in amounts calculated in accordance with the regulations required under subsection (a).

''(d) FUNDS.—Amounts for the payment of moneys and interest under this section shall be derived from amounts available to the Secretary of Defense or the Secretary of the military department concerned for the payment of emergency and extraordinary expenses under section 127 of this title.

"(e) ANNUAL REPORTS.—Each annual report of the Secretary of Defense under section 127(d) of this title shall include a description of the disposition of each request for relief under this section during the fiscal year covered by such report, including a statement of the amount paid with respect to each finding of injustice or error warranting payment under this section during such fiscal year.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by inserting after the item relating to section 127c, as so added, the following new item:

"127e. Relief for losses incurred as a result of certain injustices or errors of the Department of Defense.".

SEC. 583. PATERNITY LEAVE FOR MEMBERS OF THE ARMED FORCES.

(a) LEAVE AUTHORIZED.—Section 701 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(j)(1) Under regulations prescribed by the Secretary of Defense, a member of the armed forces on active duty who is the husband of a woman who gives birth to a child may be given up to 21 days of leave to be used in connection with the birth of the child.

"(2) Leave under paragraph (1) is in addition to other leave authorized under the provisions of this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply only with respect to children born on or after that date.

SEC. 584. ENHANCEMENT OF AUTHORITIES ON PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN INTERNATIONAL SPORTS COMPETITIONS.

(a) IN GENERAL.—Section 717 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking "and the Olympic Games" and inserting "the Olympic Games, and the Military World Games";

(2) in subsection (b), by striking "subsections (c) and (d)" and inserting "subsections (c) and (e)";

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "$3,000,000" and inserting "$6,000,000"; and

(ii) by striking "October 1, 1980" and inserting "October 1, 2008"; and

(B) in paragraph (2)—

(i) by striking "$100,00" and inserting "$200,000"; and

(ii) by striking "October 1, 1980" and inserting "October 1, 2008";

(4) by redesignating subsection (d) as subsection (e); and

(5) by inserting after subsection (c) the following new subsection (d):

"(d)(1) The Secretary of Defense may plan for the following:

"(A) The participation by military personnel in international sports activities and competitions as authorized by subsection (a).

"(B) The hosting of military international sports activities, competitions, and events such as the Military World Games.

"(2) Planning and other activities associated with hosting of international sports activities, competitions, and events under this subsection shall, to the maximum extent possible, be funded using appropriations available to the Department of Defense .".

(b) REPORT ON PLANNING FOR INTERNATIONAL SPORTS ACTIVITIES, COMPETITIONS, AND EVENTS.—

(1) REPORT REQUIRED.—Not later than October 1, 2009, the Secretary of Defense shall submit

to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a comprehensive plan for the following:

(A) The participation by personnel of the Department of Defense in international sports activities, competitions, and events (including the Pan American Games, the Olympic Games, the Paralympic Games, the Military World Games, other activities of the International Military Sports Council (CISM), and the Interallied Confederation of Reserve Officers (CIOR)) through fiscal year 2015.

(B) The hosting by the Department of Defense of military international sports activities, competitions, and events through fiscal year 2015.

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

(A) A discussion of the military international sports activities, competitions, and events that the Department of Defense intends to seek to host, an estimate of the costs of hosting such activities, competitions, and events that the Department intends to seek to host,

and a description of the sources of funding for such costs.

(B) A discussion of the use and replenishment of funds in the account in the Treasury for the Support for International Sporting Competitions for the hosting of such activities, competitions, and events that the Department intends to seek to host.

(C) A discussion of the support that may be obtained from other departments and agencies of the Federal Government, State and local governments, and private entities in encouraging participation of members of the Armed Forces in international sports activities, competitions, and events or in hosting of military international sports activities, competitions, and events.

(D) Such recommendations for legislative or administrative action as the Secretary considers appropriate to implement or enhance planning for the matters described in paragraph (1).

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2008.

SEC. 585. PILOT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.

(a) PILOT PROGRAMS AUTHORIZED.—

(1) IN GENERAL.—Each Secretary of a military department may carry out a pilot program under which officers and enlisted members of the regular components of the Armed Forces under the jurisdiction of such Secretary may be inactivated from active duty in order to meet personal or professional needs and returned to active duty at the end of such period of inactivation from active duty.

(2) PURPOSE.—The purpose of the pilot programs under this section shall be to evaluate whether permitting inactivation from active duty and greater flexibility in career paths for members of the Armed Forces will provide an effective means to enhance retention of members of the Armed Forces and the capacity of the Department of Defense to respond to the personal and professional needs of individual members of the Armed Forces.

(b) LIMITATION ON ELIGIBLE MEMBERS.—A member of the Armed Forces is not eligible to participate in a pilot program under this section during any period of service required of the member due to receipt of the following:

(1) An accession bonus for medical officers in critically short wartime specialties under section 302k of title 37, United States Code.

(2) An accession bonus for dental specialists in critically short wartime specialties under section 302l of title 37, United States Code.

(3) A retention bonus for members qualified in critical military skills or assigned to high priority units under section 355 of title 37, United States Code.

(c) LIMITATION ON NUMBER OF MEMBERS.—Not more than 20 officers and 20 enlisted members of an Armed Force may participate in a pilot program under this section at any one time.

(d) LIMITATION ON PERIOD OF INACTIVATION FROM ACTIVE DUTY.—The period of inactivation from active duty under the pilot program under this section of a member participating in the pilot program shall be such period as the Secretary concerned shall specify in the agreement of the member under subsection (e), except that such period may not exceed three years.

(e) AGREEMENT.—Each member of the Armed Forces who participates in a pilot program under this section shall enter into a written agreement with the Sec-

retary of the military department concerned under which agreement that member shall agree as follows:

(1) To accept an appointment or enlist, as applicable, and serve in the Ready Reserve of the Armed Force concerned during the period of the member's inactivation from active duty under the pilot program.

(2) To undergo during the period of the inactivation of the member from active duty under the pilot program such inactive duty training as the Secretary concerned shall require in order to ensure that the member retains appropriate proficiency in the member's military skills, professional qualifications, and physical readiness during the inactivation of the member from active duty.

(3) Following completion of the period of the inactivation of the member from active duty under the pilot program, to serve two months as a member of the Armed Forces on active duty for each month of the period of the inactivation of the member from active duty under the pilot program.

(f) ORDER TO ACTIVE DUTY.—Under regulations prescribed by the Secretary of the military department concerned, a member of the Armed Forces participating in a pilot program under this section may, in the discre-

tion of such Secretary, be required to terminate participation in the pilot program and be ordered to active duty.

(g) PAY AND ALLOWANCES.—

(1) BASIC PAY.—During each month of participation in a pilot program under this section, a member who participates in the pilot program shall be paid basic pay in an amount equal to two-thirtieths of the amount of monthly basic pay to which the member would otherwise be entitled under section 204 of title 37, United States Code, as a member of the uniformed services on active duty in the grade and years of service of the member when the member commences participation in the pilot program.

(2) SPECIAL AND INCENTIVE PAYS.—

(A) PROHIBITION ON RECEIPT DURING PARTICIPATION.—A member who participates in a pilot program shall not, while participating in the pilot program, be paid any special or incentive pay or bonus to which the member is otherwise entitled under an agreement under chapter 5 of title 37, United States Code, that is in force when the member commences participation in the pilot program.

(B) TREATMENT OF REQUIRED SERVICE.—The inactivation from active duty of a

member participating in a pilot program shall not be treated as a failure of the member to perform any period of service required of the member in connection with an agreement for a special or incentive pay or bonus under chapter 5 of title 37, United States Code, that is in force when the member commences participation in the pilot program.

(C) REVIVAL OF SPECIAL PAYS UPON RETURN TO ACTIVE DUTY.—Subject to subparagraph (D), upon the return of a member to active duty after completion by the member of participation in a pilot program—

(i) any agreement entered into by the member under chapter 5 of title 37, United States Code, for the payment of a special or incentive pay or bonus that was in force when the member commenced participation in the pilot program shall be revived, with the term of such agreement after revival being the period of the agreement remaining to run when the member commenced participation in the pilot program; and

(ii) any special or incentive pay or bonus shall be payable to the member in accordance with the terms of the agreement concerned for the term specified in clause (i).

(D) LIMITATIONS.—

(i) LIMITATION AT TIME OF RETURN TO ACTIVE DUTY.—Subparagraph (C) shall not apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, at the time of the return of the member to active duty as described in that subparagraph—

(I) such pay or bonus is no longer authorized by law; or

(II) the member does not satisfy eligibility criteria for such pay or bonus as in effect at the time of the return of the member to active duty.

(ii) CESSATION DURING LATER SERVICE.—Subparagraph (C) shall cease to apply to any special or incentive pay or bonus otherwise covered by that subparagraph with respect to a member if, during the term of the revived agreement of the

member under subparagraph (C)(i), such pay or bonus ceases being authorized by law.

(E) REPAYMENT.—A member who is ineligible for payment of a special or incentive pay or bonus otherwise covered by this paragraph by reason of subparagraph (D)(i)(II) shall be subject to the requirements for repayment of such pay or bonus in accordance with the terms of the applicable agreement of the member under chapter 5 of title 37, United States Code.

(F) CONSTRUCTION OF REQUIRED SERVICE.—Any service required of a member under an agreement covered by this paragraph after the member returns to active duty as described in subparagraph (C) shall be in addition to any service required of the member under an agreement under subsection (e).

(3) CERTAIN TRAVEL AND TRANSPORTATION ALLOWANCES.—

(A) IN GENERAL.—Subject to subparagraph (B), a member who participates in a pilot program is entitled, while participating in the pilot program, to the travel and transportation

allowances authorized by section 404 of title 37, United States Code, for—

(i) travel performed from the member's residence, at the time of release from active duty to participate in the pilot program, to the location in the United States designated by the member as his residence during the period of participation in the pilot program; and

(ii) travel performed to the member's residence upon return to active duty at the end of the member's participation in the pilot program.

(B) LIMITATION.—An allowance is payable under this paragraph only with respect to travel of a member to and from a single residence.

(h) PROMOTION.—

(1) OFFICERS.—

(A) LIMITATION ON PROMOTION.—An officer participating in a pilot program under this section shall not, while participating in the pilot program, be eligible for consideration for promotion under chapter 36 or 1405 of title 10, United States Code.

(B) PROMOTION AND RANK UPON RETURN TO ACTIVE DUTY.—Upon the return of an officer to active duty after completion by the officer of participation in a pilot program—

(i) the Secretary concerned shall adjust the officer's date of rank in such manner as the Secretary of Defense shall prescribe in regulations for purposes of this section; and

(ii) the officer shall be eligible for consideration for promotion when officers of the same competitive category, grade, and seniority are eligible for consideration for promotion.

(2) ENLISTED MEMBERS.—An enlisted member participating in a pilot program shall not be eligible for consideration for promotion during the period that—

(A) begins on the date of the member's inactivation from active duty under the pilot program; and

(B) ends at such time after the return of the member to active duty under the pilot program that the member is treatable as eligible for promotion by reason of time in grade and

such other requirements as the Secretary of the military department concerned shall prescribe in regulations for purposes of the pilot program.

(i) MEDICAL AND DENTAL CARE.—A member participating in a pilot program under this section shall, while participating in the pilot program, be treated as a member of the Armed Forces on active duty for a period of more than 30 days for purposes of the entitlement of the member and the member's dependents to medical and dental care under the provisions of chapter 55 of title 10, United States Code.

(j) TREATMENT OF PERIOD OF PARTICIPATION FOR PURPOSES OF RETIREMENT AND RELATED PURPOSES.—Any period of participation of a member in a pilot program under this section shall not count toward—

(1) eligibility for retirement or transfer to the Ready Reserve under either chapter 571 or 1223 of title 10, United States Code;

(2) computation of retired or retainer pay under chapter 71 or 1223 of title 10, United States Code; or

(3) computation of total years of commissioned service under section 14706 of title 10, United States Code.

(k) REPORTS.—

(1) INTERIM REPORTS.—Not later than June 1 of each of 2010 and 2012, each Secretary of a military department shall submit to the congressional defense committees a report on the implementation and current status of the pilot programs conducted by such Secretary under this section.

(2) FINAL REPORT.—Not later than March 1, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot programs conducted under this section.

(3) ELEMENTS OF REPORT.—Each interim report and the final report under this subsection shall include the following:

(A) A description of each pilot program conducted under this section, including a description of the number of applicants for such pilot program and the criteria used to select individuals for participation in such pilot program.

(B) An assessment by the Secretary concerned of the pilot programs, including an evaluation of whether—

(i) the authorities of the pilot programs provided an effective means to en-

hance the retention of members of the Armed Forces possessing critical skills, talents, and leadership abilities;

(ii) the career progression in the Armed Forces of individuals who participate in the pilot program has been or will be adversely affected; and

(iii) the usefulness of the pilot program in responding to the personal and professional needs of individual members of the Armed Forces.

(C) Such recommendations for legislative or administrative action as the Secretary concerned considers appropriate for the modification or continuation of the pilot programs.

(l) DURATION OF PROGRAM AUTHORITY.—The authority to conduct a pilot program authorized by this section shall commence on January 1, 2009 and expire on December 31, 2014. No member of the Armed Forces may be in a period of inactivation from active duty under the pilot program after December 31, 2014.

SEC. 586. PROHIBITION ON INTERFERENCE IN INDEPENDENT LEGAL ADVICE BY THE LEGAL COUNSEL TO THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF.

Section 156(d) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Legal Counsel''; and

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

''(2) No officer or employee of the Department of Defense may interfere with the ability of the Legal Counsel to give independent legal advice to the Chairman of the Joint Chiefs of Staff and to the Joint Chiefs of Staff.''.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2009 INCREASE IN MILITARY BASIC PAY.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during the fiscal year 2009 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2009, the rates of monthly basic pay for members of the uniformed services are increased by 3.9 percent.

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

(a) SELECTED RESERVE REENLISTMENT BONUS.—Section 308b(g) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) SELECTED RESERVE AFFILIATION OR ENLISTMENT BONUS.—Section 308c(i) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) SPECIAL PAY FOR ENLISTED MEMBERS ASSIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section 308d(c) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) READY RESERVE ENLISTMENT BONUS FOR PERSONS WITHOUT PRIOR SERVICE.—Section 308g(f)(2) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) READY RESERVE ENLISTMENT AND REENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Sec-

tion 308h(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) SELECTED RESERVE ENLISTMENT BONUS FOR PERSONS WITH PRIOR SERVICE.—Section 308i(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 612. EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) NURSE OFFICER CANDIDATE ACCESSION PROGRAM.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) REPAYMENT OF EDUCATION LOANS FOR CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE.—Section 16302(d) of such title is amended by striking ''January 1, 2009'' and inserting ''January 1, 2010''.

(c) ACCESSION BONUS FOR REGISTERED NURSES.—Section 302d(a)(1) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) INCENTIVE SPECIAL PAY FOR NURSE ANESTHETISTS.—Section 302e(a)(1) of such title is amended

by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) SPECIAL PAY FOR SELECTED RESERVE HEALTH PROFESSIONALS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302g(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) ACCESSION BONUS FOR DENTAL OFFICERS.—Section 302h(a)(1) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR PHARMACY OFFICERS.—Section 302j(a) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) ACCESSION BONUS FOR MEDICAL OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302k(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(i) ACCESSION BONUS FOR DENTAL SPECIALIST OFFICERS IN CRITICALLY SHORT WARTIME SPECIALTIES.—Section 302l(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 613. EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

(a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section 312(f) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) NUCLEAR CAREER ACCESSION BONUS.—Section 312b(c) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) NUCLEAR CAREER ANNUAL INCENTIVE BONUS.—Section 312c(d) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 614. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.

(a) AVIATION OFFICER RETENTION BONUS.—Section 301b(a) of title 37, United States Code, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ASSIGNMENT INCENTIVE PAY.—Section 307a(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(c) REENLISTMENT BONUS FOR ACTIVE MEMBERS.—Section 308(g) of such title is amended by strik-

ing ''December 31, 2008'' and inserting ''December 31, 2009''.

(d) ENLISTMENT BONUS.—Section 309(e) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(e) ACCESSION BONUS FOR NEW OFFICERS IN CRITICAL SKILLS.—Section 324(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(f) INCENTIVE BONUS FOR CONVERSION TO MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGE.—Section 326(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(g) ACCESSION BONUS FOR OFFICER CANDIDATES.—Section 330(f) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(h) RETENTION BONUS FOR MEMBERS WITH CRITICAL MILITARY SKILLS OR ASSIGNED TO HIGH PRIORITY UNITS.—Section 355(i) of such title, as redesignated by section 661(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(i) INCOME REPLACEMENT FOR RESERVE MEMBERS EXPERIENCING EXTENDED AND FREQUENT MOBILIZATIONS.—Section 910(g) of such title is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 615. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

(a) HEALTH PROFESSIONS REFERRAL BONUS.—Subsection (i) of section 1030 of title 10, United States Code, as added by section 671(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

(b) ARMY REFERRAL BONUS.—Subsection (h) of section 3252 of title 10, United States Code, as added by section 671(a) of the National Defense Authorization Act for Fiscal Year 2008, is amended by striking ''December 31, 2008'' and inserting ''December 31, 2009''.

SEC. 616. PERMANENT EXTENSION OF PROHIBITION ON CHARGES FOR MEALS RECEIVED AT MILITARY TREATMENT FACILITIES BY MEMBERS RECEIVING CONTINUOUS CARE.

Section 402(h) of title 37, United States Code, is amended—

(1) in paragraph (1), by striking ''during any month covered by paragraph (3)''; and

(2) by striking paragraph (3).

SEC. 617. ACCESSION AND RETENTION BONUSES FOR THE RECRUITMENT AND RETENTION OF PSYCHOLOGISTS FOR THE ARMED FORCES.

(a) MULTIYEAR RETENTION BONUS FOR PSYCHOLOGISTS.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 301e the following new section:

''§ 301f. Multiyear retention bonus: psychologists of the armed forces

''(a) BONUS AUTHORIZED.—An officer described in subsection (c) who executes a written agreement to remain on active duty for up to four years after completion of any other active-duty service commitment may, upon acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

''(b) MAXIMUM AMOUNT OF BONUS.—The amount of a retention bonus under subsection (a) may not exceed $25,000 for each year of the agreement of the officer concerned.

''(c) ELIGIBLE OFFICERS.—An officer described in this subsection is an officer of the armed forces who—

"(1) is a psychologist of the armed forces;

"(2) is in a pay grade below pay grade O–7;

"(3) has at least eight years of creditable service (computed as described in section 302b(f) of this title) or has completed any active-duty service commitment incurred for psychology education and training;

"(4) has completed initial residency training (or will complete such training before September 30 of the fiscal year in which the officer enters into an agreement under subsection (a)); and

"(5) holds a valid State license to practice as a doctoral level psychologist.

"(d) REPAYMENT.—An officer who does not complete the period of active duty specified in the agreement entered into under subsection (a) shall be subject to the repayment provisions of section 303a(e) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 301e the following new item:

"301f. Multiyear retention bonus: psychologists of the armed forces.".

(b) ACCESSION BONUS FOR PSYCHOLOGISTS.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 302l the following new section:

"§ 302m. Special pay: accession bonus for psychologists

"(a) ACCESSION BONUS AUTHORIZED.—A person described in subsection (b) who executes a written agreement described in subsection (e) to accept a commission as an officer of the armed forces and remain on active duty for a period of not less than four consecutive years may, upon acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

"(b) ELIGIBLE PERSONS.—A person described in this section is any person who—

"(1) is a graduate of an accredited school of psychology; and

"(2) holds a valid State license to practice as a doctoral level psychologist.

"(c) MAXIMUM AMOUNT OF BONUS.—The amount of an accession bonus under subsection (a) may not exceed $400,000.

"(d) LIMITATION ON ELIGIBILITY.—A person may not be paid a bonus under subsection (a) if—

"(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a course of study in psychology; or

"(2) the Secretary concerned determines that the person is not qualified to become and remain certified as a psychologist.

"(e) AGREEMENT.—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the armed force concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of such armed force as a psychologist.

"(f) REPAYMENT.—A person who, after signing an agreement under subsection (a), is not commissioned as an officer of the armed forces, does not become licensed as a psychologist, or does not complete the period of active duty specified in the agreement shall be subject to the repayment provisions of section 303a(e) of this title.

"(g) TERMINATION OF AUTHORITY.—No agreement under this section may be entered into after December 31, 2009.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 302l the following new item:

"302m. Special pay: accession bonus for psychologists.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 618. AUTHORITY FOR EXTENSION OF MAXIMUM LENGTH OF SERVICE AGREEMENTS FOR SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS EXTENDING PERIOD OF ACTIVE SERVICE.

Section 312(a)(3) of section 312 of title 37, United States Code, is amended by striking ''three, four, or five years'' and inserting ''not less than three years''.

SEC. 619. INCENTIVE PAY FOR MEMBERS OF PRECOMMISSIONING PROGRAMS PURSUING FOREIGN LANGUAGE PROFICIENCY.

(a) INCENTIVE PAY AUTHORIZED.—

(1) IN GENERAL.—Chapter 5 of title 37, United States Code, is amended by inserting after section 316 the following new section:

''§ 316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency

''(a) INCENTIVE PAY.—The Secretary of Defense may pay incentive pay under this section to an individual who—

''(1) is enrolled as a member of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as determined in accordance with regulations prescribed by the Secretary of Defense under subsection (e); and

"(2) participates in a language immersion program approved for purposes of the Senior Reserve Officers' Training Corps, or in study abroad, or is enrolled in an academic course that involves instruction in a foreign language of strategic interest to the Department of Defense as designated by the Secretary of Defense for purposes of this section.

"(b) PERIOD OF PAYMENT.—Incentive pay is payable under this section to an individual described in subsection (a) for the period of the individual's participation in the language program or study described in paragraph (2) of that subsection.

"(c) AMOUNT.—The amount of incentive pay payable to an individual under this section may not exceed $3,000 per year.

"(d) REPAYMENT.—An individual who is paid incentive pay under this section but who does not satisfactorily complete participation in the individual's language program or study as described in subsection (a)(2), or who does not complete the requirements of the Senior Reserve Officers' Training Corps or the Marine Corps Platoon Leaders Class, as applicable, shall be subject to the repayment provisions of section 303a(e) of this title.

1 ''(e) REGULATIONS.—This section shall be adminis-
2 tered under regulations prescribed by the Secretary of De-
3 fense.

4 ''(f) REPORTS.—Not later than January 1, 2010, and
5 annually thereafter through 2014, the Secretary of De-
6 fense shall submit to the Director of the Office of Manage-
7 ment and Budget, and to Congress, a report on the pay-
8 ment of incentive pay under this section during the pre-
9 ceding fiscal year. Each report shall include, for the fiscal
10 year covered by such report, the following:

11 ''(1) The number of individuals paid incentive
12 pay under this section, the number of individuals
13 commencing receipt of incentive pay under this sec-
14 tion, and the number of individuals ceasing receipt
15 of incentive pay under this section.

16 ''(2) The amount of incentive pay paid to indi-
17 viduals under this section.

18 ''(3) The aggregate amount recouped under sec-
19 tion 303a(e) of this title in connection with receipt
20 of incentive pay under this section.

21 ''(4) The languages for which incentive pay was
22 paid under this section, including the total amount
23 paid for each such language.

24 ''(5) The effectiveness of incentive pay under
25 this section in assisting the Department of Defense

in securing proficiency in foreign languages of strategic interest to the Department of Defense, including a description of how recipients of pay under this section are assigned and utilized following completion of the program of study.

"(g) TERMINATION OF AUTHORITY.—No incentive pay may be paid under this section after December 31, 2013.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 316 the following new item:

"316a. Special pay: incentive pay for members of precommissioning programs pursuing foreign language proficiency.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

Subtitle C—Travel and Transportation Allowances

SEC. 631. SHIPMENT OF FAMILY PETS DURING EVACUATION OF PERSONNEL.

Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

"(H)(i) Except as provided in paragraph (2) and subject to clause (iii), in connection with an evacuation from a permanent station located in a foreign area, a member

is entitled to transportation (including shipment and payment of any quarantine costs) of not more than two family household pets.

''(ii) A member entitled to transportation under clause (i) may be paid reimbursement or, at the member's request, a monetary allowance in accordance with the provisions of subparagraph (F) if the member secures by commercial means shipment and any quarantining of the pets otherwise subject to transportation under clause (i).

''(iii) The provision of transportation under clause (i) and the payment of reimbursement under clause (ii) shall be subject to such regulations as the Secretary of Defense shall prescribe with respect to members of the armed forces for purposes of this subparagraph. Such regulations may specify limitations on the types or size of pets for which transportation may be so provided or reimbursement so paid.''.

SEC. 632. SPECIAL WEIGHT ALLOWANCE FOR TRANSPORTATION OF PROFESSIONAL BOOKS AND EQUIPMENT FOR SPOUSES.

(a) SPECIAL WEIGHT ALLOWANCE.—Section 406(b)(1)(D) of title 37, United States Code, is amended—

(1) by inserting ''(i)'' after ''(D)'';

(2) in the second sentence of clause (i), as so redesignated, by striking ''this subparagraph'' and inserting ''this clause'';

(3) by redesignating the last sentence as clause (iii) and indenting the margin of such clause, as so designated, two ems from the left margin; and

(4) by inserting after clause (i), as redesignated by paragraph (2), the following new clause:

''(ii) In addition to the weight allowance authorized for such member with dependents under paragraph (C), the Secretary concerned may authorize up to an additional 500 pounds in weight allowance for shipment of professional books and equipment belonging to the spouse of such member.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to shipment provided on or after that date.

SEC. 633. TRAVEL AND TRANSPORTATION ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES ON LEAVE FOR SUSPENSION OF TRAINING.

(a) ALLOWANCES AUTHORIZED.—

(1) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by inserting after section 411j the following new section:

"§ 411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training

"(a) ALLOWANCE AUTHORIZED.—The Secretary concerned may reimburse or provide transportation to a member of a reserve component of the armed forces on active duty for a period of more than 30 days who is performing duty at a temporary duty station for travel between the member's temporary duty station and the member's permanent duty station in connection with authorized leave pursuant to a suspension of training.

"(b) MINIMUM DISTANCE BETWEEN STATIONS.—A member may be paid for or provided transportation under subsection (a) only as follows:

"(1) In the case of a member who travels between a temporary duty station and permanent duty station by air transportation, if the distance between such stations is not less than 300 miles.

"(2) In the case of a member who travels between a temporary duty station and permanent duty

station by ground transportation, if the distance between such stations is more than the normal commuting distance from the permanent duty station (as determined under the regulations prescribed under subsection (e)).

''(c) MINIMUM PERIOD OF SUSPENSION OF TRAINING.—A member may be paid for or provided transportation under subsection (a) only in connection with a suspension of training covered by that subsection that is five days or more in duration.

''(d) LIMITATION ON REIMBURSEMENT.—The amount a member may be paid under subsection (a) for travel may not exceed the amount that would be paid by the government (as determined under the regulations prescribed under subsection (e)) for the least expensive means of travel between the duty stations concerned.

''(e) REGULATIONS.—The Secretary concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of such title is amended by inserting after the item relating to section 411j the following new item:

''411k. Travel and transportation allowances: travel performed by certain members of the reserve components of the armed forces in connection with leave for suspension of training.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to travel that occurs on or after that date.

Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. PRESENTATION OF BURIAL FLAG TO THE SURVIVING SPOUSE AND CHILDREN OF MEMBERS OF THE ARMED FORCES WHO DIE IN SERVICE.

Section 1482(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(12) Presentation of a flag of equal size to the flag presented under paragraph (10) to the surviving spouse (regardless of whether the surviving spouse remarries after the decedent's death), if the person to be presented the flag under paragraph (10) is other than the surviving spouse.

"(13) Presentation of a flag of equal size to the flag presented under paragraph (10) to each child, regardless of whether the person to be presented a flag under paragraph (10) is a child of the decedent. For purposes of this paragraph, the term 'child' has

the meaning prescribed by section 1477(d) of this title''.

Subtitle E—Other Matters

SEC. 651. SEPARATION PAY, TRANSITIONAL HEALTH CARE, AND TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS FOR MEMBERS OF THE ARMED FORCES SEPARATED UNDER SURVIVING SON OR DAUGHTER POLICY.

(a) AVAILABILITY OF SEPARATION PAY OTHERWISE AVAILABLE FOR INVOLUNTARY SEPARATION.—

(1) IN GENERAL.—A member of the Armed Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense before the member completes twenty years of service in the Armed Force shall be entitled to separation pay payable under section 1174 of title 10, United States Code.

(2) NO MINIMUM SERVICE BEFORE SEPARATION.—A member of the Armed Forces described in paragraph (1) who is separated from the Armed Forces as described in that paragraph is entitled to separation pay under that paragraph without regard to section 1174(c) of title 10, United States Code.

(3) INAPPLICABILITY OF REQUIREMENT FOR SERVICE IN READY RESERVE.—Section 1174(e) of

title 10, United States Code, shall not apply to a member of the Armed Forces described in paragraph (1) who is separated from the Armed Forces as described in that paragraph.

(4) AMOUNT OF PAY.—The amount of the separation pay to be paid to a member pursuant to this subsection shall be based on the years of active service actually completed by the member before the member's separation from the Armed Forces as described in paragraph (1).

(b) TRANSITIONAL HEALTH CARE.—

(1) IN GENERAL.—A member of the Armed Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense is entitled to health care benefits under section 1145 of title 10, United States Code, as if such member were an individual described by subsection (a)(2) of such section.

(2) DEPENDENTS.—The dependents of a member entitled to health care benefits under paragraph (1) are entitled to health care benefits in the same manner with respect to such member as dependents of members of the Armed Forces are entitled to such benefits with respect to such members under section 1145 of title 10, United States Code.

(c) TRANSITIONAL COMMISSARY AND EXCHANGE BENEFITS.—A member of the Armed Forces who is separated from the Armed Forces under the Surviving Son or Daughter policy of the Department of Defense is entitled to continue to use commissary and exchange stores and morale, welfare, and recreational facilities in the same manner as a member on active duty in the Armed Forces during the two-year period beginning on the later of the following dates:

(1) The date of the separation of the member.

(2) The date on which the member is first notified of the members entitlement to benefits under this subsection.

(d) SURVIVING SON OR DAUGHTER POLICY OF THE DEPARTMENT OF DEFENSE DEFINED.—In this section, the term ''Surviving Son or Daughter policy of the Department of Defense'' means the policy of the Department of Defense for the separation from the Armed Forces of a member of the Armed Forces who is a son or daughter in a family in which the father, mother, or another son or daughter—

(1) has been killed in action or died while serving in the Armed Forces from a wound, accident, or disease;

(2) is a member of the Armed Forces in a captured or missing-in-action status; or

(3) has a service-connected disability rated 100 percent disabling (including a disability of 100 percent mental disability), as determined by the Secretary of Veterans Affairs or the Secretary of the military department concerned, and is not gainfully employed because of such disability.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE Program

SEC. 701. CALCULATION OF MONTHLY PREMIUMS FOR COVERAGE UNDER TRICARE RESERVE SELECT AFTER 2008.

(a) IN GENERAL.—Section 1076d(d)(3) of title 10, United States Code, is amended—

(1) by inserting ''(A)'' after ''(3)'';

(2) in subparagraph (A), as so designated, by striking the second sentence; and

(3) by adding at the end the following new subparagraph:

''(B) The appropriate actuarial basis for purposes of subparagraph (A) shall be determined as follows:

''(i) For calendar year 2009, by utilizing the reported cost of providing benefits under this section

to members and their dependents during calendar years 2006 and 2007.

"(ii) For each calendar year after calendar year 2009, by utilizing the actual cost of providing benefits under this section to members and their dependents during the calendar years preceding such calendar year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

Subtitle B—Other Health Care Authorities

SEC. 711. ENHANCEMENT OF MEDICAL AND DENTAL READINESS OF MEMBERS OF THE ARMED FORCES.

(a) EXPANSION OF AVAILABILITY OF MEDICAL AND DENTAL SERVICES FOR RESERVES.—

(1) EXPANSION OF AVAILABILITY FOR RESERVES ASSIGNED TO UNITS SCHEDULED FOR DEPLOYMENT WITHIN 75 DAYS OF MOBILIZATION.—Subsection (d)(1) of section 1074a of title 10, United States Code, is amended by striking "The Secretary of the Army shall provide to members of the Selected Reserve of the Army" and inserting "The Secretary concerned shall provide to members of the Selected Reserve".

(2) AVAILABILITY FOR CERTAIN OTHER RESERVES.—Such section is further amended by adding at the end the following new subsection:

''(g)(1) The Secretary concerned may provide to any member of the Selected Reserve not described in subsection (d)(1) or (f), and to any member of the Individual Ready Reserve with a specially designated deployment responsibility, the medical and dental services specified in subsection (d)(1) if the Secretary determines that the receipt of such services by such member is necessary to ensure that the member meets applicable standards of medical and dental readiness.

''(2) Services may not be provided to a member under this subsection for a condition that is the result of the member's own misconduct.

''(3) The services provided under this subsection shall be provided at no cost to the member.''.

(3) FUNDING.—Such section is further amended by adding at the end the following new subsection:

''(h) Amounts available for operation and maintenance of a reserve component of the armed forces may be available for purposes of this section to ensure the medical and dental readiness of members of such reserve component.''.

(b) WAIVER OF CERTAIN COPAYMENTS FOR DENTAL CARE FOR RESERVES FOR READINESS PURPOSES.—Section 1076a(e) of such title is amended—

(1) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively;

(2) by striking ''A member or dependent'' and inserting ''(1) Except as provided pursuant to paragraph (2), a member or dependent''; and

(3) by adding at the end the following new paragraph:

''(2) During a national emergency declared by the President or Congress, the Secretary of Defense may waive, whether in whole or in part, the charges otherwise payable by a member of the Selected Reserve of the Ready Reserve or a member of the Individual Ready Reserve under paragraph (1) for the coverage of the member alone under the dental insurance plan established under subsection (a)(1) if the Secretary determines that such waiver of the charges would facilitate or ensure the readiness of a unit or individual for a scheduled deployment.''.

(c) REPORT ON POLICIES AND PROCEDURES IN SUPPORT OF MEDICAL AND DENTAL READINESS.—

(1) IN GENERAL.—Not later than March 1, 2009, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and

the House of Representatives a report on the policies and procedures of the Department of Defense to ensure the medical and dental readiness of members of the Armed Forces.

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

(A) A description of the current standards of each military department with respect to the medical and dental readiness of individual members of the Armed Forces (including members of the regular components and members of the reserve components), and with respect to the medical and dental readiness of units of the Armed Forces (including units of the regular components and units of the reserve components), under the jurisdiction of such military department.

(B) A description of the manner in which each military department applies the standards described under subparagraph (A) with respect to each of the following:

(i) Performance evaluation.

(ii) Promotion.

(iii) In the case of the members of the reserve components, eligibility to attend annual training.

(iv) Continued retention in service in the Armed Forces.

(v) Such other matters as the Secretary considers appropriate.

(C) A statement of the number of members of the Armed Forces (including members of the regular components and members of the reserve components) who were determined to be not ready for deployment at any time during the period beginning on October 1, 2001, and ending on September 30, 2008, due to failure to meet applicable medical or dental standards, and an assessment of whether the unreadiness of such members for deployment could reasonably have been mitigated by actions of the members concerned to maintain individual medical or dental readiness.

(D) A description of any actual or perceived barriers to the achievement of full medical and dental readiness in the Armed Forces (including among the regular components and

the reserve components), including, but not limited to, barriers associated with the following:

(i) Quality or cost of, or access to, medical and dental care.

(ii) Availability of programs and incentives intended to prevent medical or dental problems.

(E) Such recommendations for legislative or administrative action as the Secretary considers appropriate to ensure the medical and dental readiness of individual members of the Armed Forces and units of the Armed Forces, including, but not limited to, recommendations regarding the following:

(i) The advisability of requiring that fitness reports of members of the Armed Forces include—

(I) a statement of whether or not a member meets medical and dental readiness standards for deployment; and

(II) in cases in which a member does not meet such standard, a statement of actions being taken to ensure that the member meets such stand-

ards and the anticipated schedule for meeting such standards.

(ii) The advisability of establishing a mandatory promotion standard relating to individual medical and dental readiness and, in the case of a unit commander, unit medical and dental readiness.

SEC. 712. ADDITIONAL AUTHORITY FOR STUDIES AND DEMONSTRATION PROJECTS RELATING TO DELIVERY OF HEALTH AND MEDICAL CARE.

Section 1092(a) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

''(3) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to provide awards and incentives to members of the armed forces and covered beneficiaries who obtain health promotion and disease prevention health care services in accordance with terms and schedules prescribed by the Secretary. Such awards and incentives may include, but are not limited to, cash awards and, in the case of members of the armed forces, personnel incentives.

''(4)(A) The Secretary of Defense may, in consultation with the other administering Secretaries, include in

the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to provide awards or incentives to individual health care professionals under the authority of such Secretaries, including members of the uniformed services, Federal civilian employees, and contractor personnel, to encourage and reward effective implementation of innovative health care programs designed to improve quality, cost-effectiveness, health promotion, medical readiness, and other priority objectives. Such awards and incentives may include, but are not limited to, cash awards and, in the case of members of the armed forces, personnel incentives.

''(B) Amounts available for the pay of members of the uniformed services shall be available for awards and incentives under this paragraph with respect to members of the uniformed services.

''(5) The Secretary of Defense may include in the studies and demonstration projects conducted under paragraph (1) studies and demonstration projects to improve the medical and dental readiness of members of reserve components of the armed forces, including the provision of health care services to such members for which they are not otherwise entitled or eligible under this chapter.

''(6) The Secretary of Defense may include in the studies and demonstration projects conducted under para-

graph (1) studies and demonstration projects to improve the continuity of health care services for family members of mobilized members of the reserve components of the armed forces who are eligible for such services under this chapter, including payment of a stipend for continuation of employer-provided health coverage during extended periods of active duty.''.

SEC. 713. TRAVEL FOR ANESTHESIA SERVICES FOR CHILDBIRTH FOR DEPENDENTS OF MEMBERS ASSIGNED TO VERY REMOTE LOCATIONS OUTSIDE THE CONTINENTAL UNITED STATES.

Section 1040(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

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

''(2)(A) For purposes of paragraph (1), required medical attention of a dependent shall include anesthesia services for childbirth for the dependent equivalent to the anesthesia services for childbirth that would be available to the dependent in military treatment facilities located in the United States.

''(B) In the case of a dependent in a remote location outside the continental United States who elects services authorized by subparagraph (A), the transportation au-

1 thorized in paragraph (1) may consist of transportation
2 to a military treatment facility providing such services
3 that is located in the continental United States nearest
4 to the closest port of entry into the continental United
5 States from such remote location.

6 ''(C) The second through sixth sentences of para-
7 graph (1) shall apply to a dependent provided transpor-
8 tation under this paragraph.

9 ''(D) Notwithstanding any other provision of this
10 paragraph, the total cost incurred by the United States
11 for the provision of transportation and expenses (including
12 per diem) with respect to a dependent under this para-
13 graph may not exceed the cost the United States would
14 otherwise incur for the provision of transportation and ex-
15 penses with respect to the dependent under paragraph (1)
16 if the transportation and expenses were provided to the
17 dependent under paragraph (1) rather than this para-
18 graph.''.

Subtitle C—Other Health Care Matters

SEC. 721. REPEAL OF PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) REPEAL.—Subsection (a) of section 721 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 198; 10 U.S.C. 129c note) is repealed.

(b) REVIVAL OF CERTIFICATION AND REPORT REQUIREMENTS ON CONVERSION OF POSITIONS.—

(1) IN GENERAL.—The provisions of subsections (a) and (b) of section 742 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2306), as in effect on January 27, 2008 (the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008), are hereby revived.

(2) APPLICABLE DEFINITIONS.—In the discharge of subsections (a) and (b) of section 742 of the John Warner National Defense Authorization Act for Fiscal Year 2007, as revived by paragraph (1), the following definitions shall apply:

(A) The definitions in paragraphs (1) through (4) of section 742(f) of the John Warner National Defense Authorization Act for Fiscal Year 2007, as in effect on January 27, 2008.

(B) The definition in section 721(d)(4) of the National Defense Authorization Act for Fiscal Year 2008.

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

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. INCLUSION OF MAJOR SUBPROGRAMS TO MAJOR DEFENSE ACQUISITION PROGRAMS UNDER ACQUISITION REPORTING REQUIREMENTS.

(a) AUTHORITY TO DESIGNATE MAJOR SUBPROGRAMS AS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Chapter 144 of title 10, United States Code, is amended by inserting after section 2430 following new section:

"§ 2430a. Major subprograms

''(a) AUTHORITY TO DESIGNATE MAJOR SUBPROGRAMS AS SUBJECT TO ACQUISITION REPORTING REQUIREMENTS.—(1) If the Secretary of Defense determines that a major defense acquisition program requires the delivery of two or more categories of end items which differ significantly from each other in form and function, the Secretary may designate each such category of end items as a major subprogram for the purposes of acquisition reporting under this chapter.

''(2) The Secretary shall notify the congressional defense committees in writing of any proposed designation pursuant to paragraph (1) not less than 30 days before the date such designation takes effect.

''(b) REPORTING REQUIREMENTS.—If the Secretary designates a major subprogram of a major defense acquisition program in accordance with subsection (a), Selected Acquisition Reports, unit cost reports, and program baselines under this chapter shall reflect cost, schedule, and performance information—

''(1) for the major defense acquisition program as a whole; and

''(2) for each major subprogram of the major defense acquisition program so designated.

''(c) UNIT COSTS.—Notwithstanding paragraphs (1) and (2) of section 2432(a) of this title, in the case of a

major defense acquisition program for which the Secretary has designated one or more major subprograms under this section for the purposes of this chapter—

"(1) the term 'program acquisition unit cost' means the total cost for the development and procurement of, and specific military construction for, the major defense acquisition program that is reasonably allocable to each such major subprogram, divided by the relevant number of fully-configured end items to be produced under such major subprogram; and

"(2) the term 'procurement unit cost' means the total of all funds programmed to be available for obligation for procurement for each such major subprogram, divided by the number of fully-configured end items to be procured under such major subprogram.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144 of such title is amended by inserting after the item relating to section 2430 the following new item:

"2430a. Major subprograms.".

(b) CONFORMING AMENDMENTS.—Chapter 144 of such title is further amended as follows:

(1) In section 2432—

(A) in subsection (c)—

(i) in paragraph (1)(B)—

(I) by inserting ''or designated major subprogram'' after ''for each major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'';

(ii) in paragraph (3)(A), by inserting ''or designated major subprogram'' after ''for each major defense acquisition program''; and

(B) in subsection (e)—

(i) in paragraph (3), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)''; and

(ii) in paragraph (5), by inserting before the period the following: ''(or for each designated major subprogram under the program)''.

(2) In section 2433—

(A) in subsection (a)—

(i) by striking ''The terms'' and inserting ''Except as provided in section 2430a(c) of this title, the terms'';

(ii) in paragraph (4)—

(I) in subparagraphs (A) and (B), by inserting ''or designated major defense subprogram'' after ''major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'' each place it appears; and

(iii) in paragraph (5)—

(I) in subparagraphs (A) and (B), by inserting ''or designated major defense subprogram'' after ''major defense acquisition program''; and

(II) by inserting ''or subprogram'' after ''the program'' each place it appears;

(B) in subsection (b)—

(i) in the matter preceding paragraph (1), by inserting ''(and for each designated major subprogram under the program'' after ''unit costs of the program'';

(ii) in paragraph (1), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)'';

(iii) in paragraph (2), by inserting before the period the following: ''for the program (or for each designated major subprogram under the program)''; and

(iv) in paragraph (5), by inserting ''or subprogram'' after ''the program'' each place it appears (other than the last place it appears);

(C) in subsection (c)—

(i) by striking ''the program acquisition unit cost for the program or the procurement unit cost for the program'' and inserting ''the program acquisition unit cost for the program (or for a designated major subprogram under the program) or the procurement unit cost for the program (or for such a subprogram)''; and

(ii) by striking ''for the program'' after ''significant cost growth threshold'';

(D) in subsection (d)—

(i) in paragraph (1)—

(I) by inserting ''or any designated major subprogram under the program'' after ''for the program'' the first place it appears; and

(II) by inserting ''or subprogram'' after ''the program'' the second place it appears;

(ii) in paragraph (2)—

(I) by inserting ''or any designated major subprogram under the program'' after ''the program'' the first place it appears; and

(II) by inserting ''or subprogram'' after ''the program'' the second place it appears; and

(iii) in paragraph (3), by striking ''such program'' and inserting ''the program or subprogram concerned'';

(E) in subsection (e)—

(i) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''the program''; and

(II) in subparagraph (B)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''that program'';

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A)—

(aa) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(bb) by inserting ''or subprogram'' after ''the program'';

(II) in subparagraph (A), by inserting ''or subprogram'' after ''program'' each place it appears;

(III) in subparagraph (B), by inserting ''or subprogram'' after ''such acquisition program'' each place it appears; and

(IV) in subparagraph (C), by inserting ''or subprogram'' after ''such program''; and

(iii) in paragraph (3)—

(I) in the matter preceding subparagraph (A)—

(aa) by inserting ''or subprogram concerned'' after ''the program''; and

(bb) by inserting ''or designated major subprogram'' after ''major defense acquisition program''; and

(II) in subparagraphs (A) and (B), by inserting ''or subprogram'' after ''that program'' each place it appears; and

(F) in subsection (g)—

(i) in paragraph (1)—

(I) in subparagraph (D), by inserting ''(and for each designated major subprogram under the program)'' after ''the program'';

(II) in subparagraph (E), by inserting ''for the program (and for each designated major subprogram under the program)'' after ''program acquisition cost'';

(III) in subparagraph (F), by inserting before the period the following: ''for the program (or for any designated major subprogram under the program)'';

(IV) in subparagraph (J), by inserting ''for the program (or for each designated major subprogram under the program)'' after ''program acquisition unit cost'';

(V) in subparagraph (K), by inserting ''for the program (or for each designated major subprogram under the program)'' after ''procurement unit cost''; and

(VI) in subparagraph (O), by inserting before the period the following: ''for the program (or for any designated major subprogram under the program)''; and

(ii) in paragraph (2)—

(I) by inserting ''or designated major subprogram'' after ''major defense acquisition program'';

(II) by inserting ''or subprogram'' after ''the entire program''; and

(III) by inserting ''or subprogram'' after ''a program''.

SEC. 802. INCLUSION OF CERTAIN MAJOR INFORMATION TECHNOLOGY INVESTMENTS IN ACQUISITION OVERSIGHT AUTHORITIES FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 2445a of title 10, United States Code, is amended—

(A) in subsection (a), by striking ''IN GENERAL'' and inserting ''MAJOR AUTOMATED INFORMATION SYSTEM PROGRAM''; and

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

''(d) OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT PROGRAM.—In this chapter, the term 'other major information technology investment program' means the following:

''(1) An investment that is designated by the Secretary of Defense, or a designee of the Secretary, as a 'pre-Major Automated Information System' or 'pre-MAIS' program.

"(2) Any other investment in automated information system products or services that is expected to exceed the thresholds established in subsection (a), as adjusted under subsection (b), but is not considered to be a major automated information system program because a formal acquisition decision has not yet been made with respect to such investment.".

(2) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 2445a. Definitions".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 144A of such title is amended by striking the item relating to section 2445a and inserting the following new item:

"2445a. Definitions.".

(b) COST, SCHEDULE, AND PERFORMANCE INFORMATION.—Section 2445b of such title is amended—

(1) in subsection (a), by inserting "and each other major information technology investment program" after "each major automated information system program";

(2) in subsection (b), by inserting "REGARDING MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS" after "ELEMENTS"; and

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

''(d) ELEMENTS REGARDING OTHER MAJOR INFORMATION TECHNOLOGY INVESTMENT PROGRAMS.—With respect to each other major information technology investment program, the information required by subsection (a) may be provided in the format that is most appropriate to the current status of the program.''.

(c) QUARTERLY REPORTS.—Section 2445c of such title is amended—

(1) in subsection (a)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' the first place it appears; and

(B) by inserting ''or major information technology'' after ''major automated information system'' the second place it appears;

(2) in subsection (b)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' in the matter preceding paragraph (1); and

(B) by inserting ''or information technology'' after ''automated information system'' each place it appears in paragraphs (1) and (2);

(3) in subsection (d)—

(A) in paragraph (1), by inserting ''or other major information technology investment'' after ''major automated information system''; and

(B) in paragraph (2)—

(i) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(ii) by striking subparagraph (A) and inserting the following new subparagraphs:

''(A) no Milestone B decision has been made after more than two years of investment in the program;

''(B) the system failed to achieve initial operational capability within three years after milestone B approval;'';

(iii) in subparagraph (C), as redesignated by clause (i) of this subparagraph, by inserting before the semicolon the following: ''or section 2445b(d) of this title, as applicable'';

(iv) in subparagraph (D), as so redesignated, by inserting before the semicolon the following: ''or section 2445b(d) of this title, as applicable''; and

(v) in subparagraph (E), as so redesignated—

(I) by inserting ''or major information technology'' after ''major automated information system''; and

(II) by inserting before the period the following: ''or section 2445b(d) of this title, as applicable'';

(4) in subsection (e), by inserting ''or other major information technology investment'' after ''major automated information system''; and

(5) in subsection (f)—

(A) by inserting ''or other major information technology investment'' after ''major automated information system'' in the matter preceding paragraph (1);

(B) in paragraph (1), by inserting ''or information technology'' after ''automated information system'';

(C) in paragraph (2), by inserting ''or technology'' after ''the system''; and

(D) in paragraph (3), by inserting ''or technology, as applicable,'' after ''the program and system''.

SEC. 803. CONFIGURATION STEERING BOARDS FOR COST CONTROL UNDER MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) CONFIGURATION STEERING BOARDS.—Each Secretary of a military department shall establish one or more boards (to be known as a ''Configuration Steering Board'') for the major defense acquisition programs of such department.

(b) COMPOSITION.—

(1) CHAIR.—Each Configuration Steering Board under this section shall be chaired by the service acquisition executive of the military department concerned.

(2) PARTICULAR MEMBERS.—Each Configuration Steering Board under this section shall include a representative of the following:

(A) The Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics.

(B) The Chief of Staff of the Armed Force concerned.

(C) The Joint Staff.

(D) The Comptroller of the military department concerned.

(E) The military deputy to the service acquisition executive concerned.

(F) The program executive officer for the major defense acquisition program concerned.

(c) RESPONSIBILITIES.—

(1) IN GENERAL.—The Configuration Steering Board for a major defense acquisition program under this section shall be responsible for the following:

(A) Preventing unnecessary changes to program requirements and system configuration that could have an adverse impact on program cost or schedule.

(B) Mitigating the adverse cost and schedule impact of any changes to program requirements that may be required.

(C) Ensuring that the program delivers as much planned capability as possible, consistent with the program baseline.

(2) DISCHARGE OF RESPONSIBILITIES.—In discharging its responsibilities under this section with respect to a major defense acquisition program, a Configuration Steering Board shall—

(A) review and approve or disapprove any proposed changes to program requirements or system configuration that have the potential to adversely impact program cost or schedule; and

(B) review and recommend proposals to reduce program requirements that have the potential to improve program cost or schedule in a manner consistent with program objectives.

(3) PRESENTATION RECOMMENDATIONS ON REDUCTION IN REQUIREMENTS.—Any recommendation for a proposed reduction in requirements that is made by a Configuration Steering Board under paragraph (2)(B) shall be presented to appropriate organizations of the Joint Staff and the military departments responsible for such requirements for review and approval in accordance with applicable procedures.

(4) ANNUAL CONSIDERATION OF EACH MAJOR DEFENSE ACQUISITION PROGRAM.—The Secretary of the military department concerned shall ensure that a Configuration Steering Board under this section meets to consider each major defense acquisition program of such military department at least once each year.

(d) APPLICABILITY.—

(1) IN GENERAL.—The requirements of this section shall apply with respect to any major defense acquisition program that is commenced before, on, or after the date of the enactment of this Act.

(2) CURRENT PROGRAMS.—In the case of any major defense acquisition program that is ongoing as of the date of the enactment of this Act, a Configuration Steering Board under this section shall be established for such program not later than 60 days after the date of the enactment of this Act.

(e) GUIDANCE ON AUTHORITIES OF PROGRAM MANAGERS AFTER MILESTONE B.—

(1) MODIFICATION OF GUIDANCE ON AUTHORITIES.—Paragraph (2) of section 853(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2343) is amended to read as follows:

''(2) authorities available to the program manager, including—

''(A) the authority to object to the addition of new program requirements that would be inconsistent with the parameters established at Milestone B (or Key Decision Point B in the case of a space program) and reflected in the performance agreement, unless such require-

ments are approved by the appropriate Configuration Steering Board; and

"(B) the authority to recommend to the appropriate Configuration Steering Board reduced program requirements that have the potential to improve program cost or schedule in a manner consistent with program objectives; and".

(2) APPLICABILITY.—The Secretary of Defense shall modify the guidance described in section 853(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 in order to take into account the amendment made by paragraph (1) not later than 60 days after the date of the enactment of this Act.

(f) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term "major defense acquisition program" has the meaning given that term in section 2430(a) of title 10, United States Code.

Subtitle B—Acquisition Policy and Management

SEC. 811. INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.

(a) INSPECTOR GENERAL REVIEWS AND DETERMINATIONS.—

(1) IN GENERAL.—For each covered non-defense agency, the Inspector General of the Department of Defense and the Inspector General of such non-defense agency shall, not later than March 15, 2009, jointly—

(A) review—

(i) the procurement policies, procedures, and internal controls of such non-defense agency that are applicable to the procurement of property and services on behalf of the Department by such non-defense agency; and

(ii) the administration of those policies, procedures, and internal controls; and

(B) determine in writing whether—

(i) such non-defense agency is compliant with defense procurement requirements;

(ii) such non-defense agency is not compliant with defense procurement requirements, but has a program or initiative to significantly improve compliance with defense procurement requirements;

(iii) neither of the conclusions stated in clauses (i) and (ii) is correct in the case of such non-defense agency; or

(iv) such non-defense agency is not compliant with defense procurement requirements to such an extent that the interests of the Department of Defense are at risk in procurements conducted by such non-defense agency.

(2) ACTIONS FOLLOWING CERTAIN DETERMINATIONS.—If the Inspectors General determine under paragraph (1) that the conclusion stated in clause (ii), (iii), or (iv) of subparagraph (B) of that paragraph is correct in the case of a covered non-defense agency, such Inspectors General shall, not later than June 15, 2010, jointly—

(A) conduct a second review, as described in subparagraph (A) of that paragraph, regarding such non-defense agency's procurement of

property or services on behalf of the Department of Defense in fiscal year 2009; and

(B) determine in writing whether such non-defense agency is or is not compliant with defense procurement requirements.

(b) COMPLIANCE WITH DEFENSE PROCUREMENT REQUIREMENTS.—For the purposes of this section, a covered non-defense agency is compliant with defense procurement requirements if such non-defense agency's procurement policies, procedures, and internal controls applicable to the procurement of products and services on behalf of the Department of Defense, and the manner in which they are administered, are adequate to ensure such non-defense agency's compliance with the requirements of laws and regulations that apply to procurements of property and services made directly by the Department of Defense.

(c) MEMORANDA OF UNDERSTANDING BETWEEN INSPECTORS GENERAL.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Department of Defense and the Inspector General of each covered non-defense agency shall enter into a memorandum of understanding

with each other to carry out the reviews and make the determinations required by this section.

(2) SCOPE OF MEMORANDA.—The Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency may by mutual agreement conduct separate reviews of the procurement of property and services on behalf of the Department of Defense that are conducted by separate business units, or under separate governmentwide acquisition contracts, of such non-defense agency. In any case where such separate reviews are conducted, the Inspectors General shall make separate determinations under paragraph (1) or (2) of subsection (a), as applicable, with respect to each such separate review.

(d) LIMITATIONS ON PROCUREMENTS ON BEHALF OF DEPARTMENT OF DEFENSE.—

(1) LIMITATION DURING REVIEW PERIOD.—After March 15, 2009, and before June 16, 2010, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency for which a determination de-

scribed in clause (iii) or (iv) of paragraph (1)(B) of subsection (a) has been made under subsection (a).

(2) LIMITATION AFTER REVIEW PERIOD.—After June 15, 2010, no official of the Department of Defense may, except as provided in subsection (e) or (f), order, purchase, or otherwise procure property or services in an amount in excess of $100,000 through a covered non-defense agency that, having been subject to review under this section, has not been determined under this section as being compliant with defense procurement requirements.

(3) LIMITATION FOLLOWING FAILURE TO REACH MOU.—Commencing on the date that is 60 days after the date of the enactment of this Act, if a memorandum of understanding between the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency cannot be attained causing the review required by this section to not be performed, no official of the Department of Defense, except as provided in subsection (e) or (f), may order, purchase or otherwise procure property or services in an amount in excess of $100,000 through such non-defense agency.

(e) EXCEPTION FROM APPLICABILITY OF LIMITATIONS.—

(1) EXCEPTION.—No limitation applies under subsection (d) with respect to the procurement of property and services on behalf of the Department of Defense by a covered non-defense agency during any period that there is in effect a determination of the Under Secretary of Defense for Acquisition, Technology, and Logistics, made in writing, that it is necessary in the interest of the Department of Defense to continue to procure property and services through such non-defense agency.

(2) APPLICABILITY OF DETERMINATION.—A written determination with respect to a covered non-defense agency under paragraph (1) is in effect for the period, not in excess of one year, that the Under Secretary shall specify in the written determination. The Under Secretary may extend from time to time, for up to one year at a time, the period for which the written determination remains in effect.

(f) TERMINATION OF APPLICABILITY OF LIMITATIONS.—Subsection (d) shall cease to apply to a covered non-defense agency on the date on which the Inspector General of the Department of Defense and the Inspector General of such non-defense agency jointly—

(1) determine that such non-defense agency is compliant with defense procurement requirements; and

(2) notify the Secretary of Defense of that determination.

(g) IDENTIFICATION OF PROCUREMENTS MADE DURING A PARTICULAR FISCAL YEAR.—For the purposes of subsection (a), a procurement shall be treated as being made during a particular fiscal year to the extent that funds are obligated by the Department of Defense for that procurement in that fiscal year.

(h) RESOLUTION OF DISAGREEMENTS.—If the Inspector General of the Department of Defense and the Inspector General of a covered non-defense agency are unable to agree on a joint determination under subsection (a) or (f), a determination by the Inspector General of the Department of Defense under such subsection shall be conclusive for the purposes of this section.

(i) DEFINITIONS.—In this section:

(1) The term ''covered non-defense agency'' means each of the following:

(A) The Department of Commerce.

(B) The Department of Energy.

(2) The term ''governmentwide acquisition contract'', with respect to a covered non-defense agency, means a task or delivery order contract that—

(A) is entered into by the non-defense agency; and

(B) may be used as the contract under which property or services are procured for one or more other departments or agencies of the Federal Government.

(j) MODIFICATION OF CERTAIN ADDITIONAL AUTHORITIES ON INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF DOD.—Section 801 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 202; 10 U.S.C. 2304 note) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (B), by striking ''each of the Department of the Treasury, the Department of the Interior, and the National Aeronautics and Space Administration'' and inserting ''the Department of the Interior''; and

(B) by adding at the end the following new subparagraph:

"(D) In the case of each of the Department of Commerce and the Department of Energy, by not later than March 15, 2015."; and

(2) in subsection (f)(2)—

(A) by striking subparagraphs (B) and (D);

(B) by redesignating subparagraphs (C), (E), and (F) as subparagraphs (B), (C), and (D), respectively; and

(C) by adding at the end the following new subparagraphs:

"(E) The Department of Commerce.

"(F) The Department of Energy.".

SEC. 812. CONTINGENCY CONTRACTING CORPS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2334. Contingency Contracting Corps

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the Department of Defense a Contingency Contracting Corps (in this section, referred to as the 'Corps') to ensure the Department has the capability, when needed, to support contingency contracting actions in a deployed environment. The members of the Corps shall be available for deployment in connection with con-

tingency operations both within and outside the continental United States, including reconstruction efforts relating thereto.

"(b) MEMBERSHIP.—Membership in the Corps shall be voluntary and open to all employees of the Department of Defense, including uniformed members of the Armed Forces, who are members of the defense acquisition workforce, as designated under section 1721 of this title.

"(c) EDUCATION AND TRAINING.—The Secretary of Defense may establish additional educational and training requirements for members of the Corps.

"(d) CLOTHING AND EQUIPMENT.—The Secretary of Defense may identify any necessary clothing and equipment requirements for members of the Corps.

"(e) SALARY.—The salaries for members of the Corps shall be paid by the Department of Defense out of existing appropriations.

"(f) AUTHORITY TO DEPLOY THE CORPS.—The Secretary of Defense, or the Secretary's designee, shall have the authority to determine when members of the Corps shall be deployed.

"(g) ANNUAL REPORT.—(1) The Secretary of Defense shall provide to the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Armed

Services and the Committee on Oversight and Government Reform of the House of Representatives an annual report on the status of the Contingency Contracting Corps.

"(2) At a minimum, each report under paragraph (1) shall include the number of members of the Contingency Contracting Corps, the fully burdened cost of operating the program, the number of deployments of members of the program, and the performance of members of the program in deployment.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

"2334. Contingency Contracting Corps.".

SEC. 813. EXPEDITED REVIEW AND VALIDATION OF URGENT REQUIREMENTS DOCUMENTS.

(a) GUIDANCE FOR EXPEDITED PRESENTATION TO APPROPRIATE AUTHORITIES FOR REVIEW AND VALIDATION.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to the Secretaries of the military departments and the Chiefs of Staff of the Armed Forces to ensure that each urgent requirements document submitted by an operational field commander is presented to the appropriate authority for review and validation not later than 60 days after date on which such document is so submitted.

(b) DEFINITIONS.—In this section:

(1) The term ''urgent requirements document'' means the following:

(A) A Joint Urgent Operational Needs (JUON) document.

(B) An Army operational need statement (ONS).

(C) A Navy rapid deployment capability (RDC) document or Navy urgent operational need (UON) statement.

(D) An Air Force combat capability document (CCD).

(E) A Marine Corps urgent universal need statement (UUNS).

(F) A combat-mission need statement (CMNS) of the United States Special Operations Command.

(2) The term ''appropriate authority'' means the following:

(A) In the case of a Joint Urgent Operational Needs document, a Functional Capabilities Board or Joint Capabilities Board.

(B) In the case of an Army operational need statement, the Deputy Chief of Staff of the Army for Operations and Plans.

(C) In the case of a Navy rapid deployment capability document or Navy urgent operational need statement, the Assistant Secretary of the Navy for Research, Development, and Acquisition.

(D) In the case of an Air Force combat capability document, the commander of the lead major command of the Air Force.

(E) In the case of a Marine Corps urgent universal need statement, the Marine Requirements Oversight Council.

(F) In the case of a combat-mission need statement of the United States Special Operations Command, the Requirements Directorate of the United States Special Operations Command.

SEC. 814. INCORPORATION OF ENERGY EFFICIENCY REQUIREMENTS INTO KEY PERFORMANCE PARAMETERS FOR FUEL CONSUMING SYSTEMS.

(a) IMPLEMENTATION PLAN.—Not later than one year after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop an implementation plan for the incorporation of energy efficiency requirements into key performance parameters for the modification of existing fuel

consuming systems of the Department of Defense and the development of new fuel consuming systems. The implementation plan shall include—

(1) policies, regulations, and directives to ensure that appropriate officials incorporate such energy efficiency requirements into such performance parameters; and

(2) a plan for implementing such requirements.

(b) REPORT.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit a report on the plan required under subsection (a), including an assessment of progress made in implementing requirements to incorporate energy efficiency requirements into key performance parameters for fuel consuming systems of the Department of Defense, as part of the budget justification materials submitted to Congress in support of the Department of Defense budget for fiscal year 2010 and each fiscal year thereafter for five years (as submitted with the budget of the President under section 1105(a) of title 31, United States Code).

Subtitle C—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

SEC. 821. MULTIYEAR PROCUREMENT AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR THE PURCHASE OF ALTERNATIVE AND SYNTHETIC FUELS.

(a) MULTIYEAR PROCUREMENT AUTHORIZED.—

(1) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2410r. Multiyear procurement authority: purchase of alternative and synthetic fuels

"(a) MULTIYEAR CONTRACTS AUTHORIZED.—Subject to subsections (b) and (c), the head of an agency may enter into contracts for a period not to exceed 10 years for the purchase of alternative fuels or synthetic fuels.

"(b) LIMITATIONS ON CONTRACTS FOR PERIODS IN EXCESS OF FIVE YEARS.—The head of an agency may exercise the authority in subsection (a) to enter a contract for a period in excess of five years only if the head of the agency determines in writing, on the basis of a business case analysis prepared by the agency, that—

"(1) the proposed purchase of fuels under such contract is cost effective for the agency;

"(2) it would not be possible to purchase fuels from the source in an economical manner without the use of a contract for a period in excess of five years; and

"(3) the contract will comply with the requirements of subsection (c) and section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142).

"(c) LIMITATION ON LIFECYCLE GREENHOUSE GAS EMISSIONS.—The head of an agency may not purchase alternative fuels or synthetic fuels under the authority in subsection (a) unless the contract specifies that lifecycle greenhouse gas emissions associated with the production and combustion of the fuels to be provided under the contract are not greater than such emissions from conventional petroleum-based fuels that are used in the same application.

"(d) DEFINITIONS.—In this section:

"(1) The term 'head of an agency' has the meaning given that term in section 2302(1) of this title.

"(2) The term 'alternative fuel' has the meaning given that term in section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

"(3) The term 'synthetic fuel' means any liquid, gas, or combination thereof that—

"(A) can be used as a substitute for petroleum or natural gas (or any derivative thereof, including chemical feedstocks); and

"(B) is produced by chemical or physical transformation of domestic sources of energy.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by adding at the end the following new item:

"2410r. Multiyear procurement authority: purchase of alternative and synthetic fuels.".

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations providing that the head of an agency may initiate a multiyear contract as authorized by section 2410r of title 10, United States Code (as added by subsection (a)), only if the head of the agency has determined in writing that—

(A) there is a reasonable expectation that throughout the contemplated contract period the head of the agency will request funding for the contract at the level required to avoid contract cancellation;

(B) there is a stable design for all related technologies to the purchase of alternative and synthetic fuels as so authorized;

(C) the technical risks associated with such technologies are not excessive;

(D) the multiyear contract will contain appropriate pricing mechanisms to minimize risk to the government from significant changes in market prices for energy;

(E) there is in place a regulatory regime adequate to ensure compliance with the requirements of section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1663; 42 U.S.C. 17142) and other applicable environmental laws; and

(F) the contractor has received all regulatory approvals necessary for the production of the alternative and synthetic fuels to be supplied under the contract.

(2) MINIMUM ANTICIPATED SAVINGS.—The regulations required by paragraph (1) shall provide that, in any case in which the estimated total expenditure under a multiyear contract (or several multiyear contracts with the same prime contractor) under section 2410r of title 10, United States Code (as so added), are anticipated to be more than (or, in the case of several contracts, the aggregate of which is anticipated to be more than) $540,000,000 (in fiscal year 1990 constant dollars), the head of an agency may initiate such contract under such section only upon a finding that use of such contract will result in savings exceeding 10 percent of the total anticipated costs of procuring an equivalent amount of fuel for the same application through other means. If such estimated savings will exceed 5 percent of the total anticipated costs of procuring an equivalent amount of fuel for the same application through other means, but not exceed 10 percent of such costs, the head of the agency may initiate such contract under such section only upon a finding in writing that an exceptionally strong case has been made with regard to findings required in paragraph (1).

(3) LIMITATION ON USE OF AUTHORITY.—No contract may be entered into under the authority in

section 2410r of title 10, United States Code (as so added), until the regulations required by paragraph (1) are prescribed.

(c) RELATIONSHIP TO OTHER MULTIYEAR CONTRACTING AUTHORITY.—Nothing in this section or the amendments made by this section shall be construed to preclude the Department of Defense from using other applicable multiyear contracting authority of the Department of Defense to purchase energy, including renewable energy.

SEC. 822. MODIFICATION AND EXTENSION OF PILOT PROGRAM FOR TRANSITION TO FOLLOW-ON CONTRACTS UNDER AUTHORITY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

(a) EXPANSION OF SCOPE OF PILOT PROGRAM.—Paragraph (1) of section 845(e) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking ''under prototype projects carried out under this section'' and inserting ''developed under prototype projects carried out under this section or research projects carried out pursuant to section 2371 of title 10, United States Code''.

(b) FOUR-YEAR EXTENSION OF AUTHORITY.—Paragraph (4) of such section is amended by striking ''September 30, 2008'' and inserting ''September 30, 2012''.

SEC. 823. EXCLUSION OF CERTAIN FACTORS IN CONSIDERATION OF COST ADVANTAGES OF OFFERS FOR CERTAIN DEPARTMENT OF DEFENSE CONTRACTS.

Not later than 90 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation shall be revised to ensure that, in any competition for a contract with a value in excess of $10,000,000, an offeror does not receive an advantage for a proposal that would reduce costs for the Department of Defense as a consequence of any corporate structure a principal purpose of which is to enable the offeror to avoid the payment of taxes to the Federal Government or any State government, including taxes imposed under subtitle C of the Internal Revenue Code of 1986 and any similar taxes imposed by a State government, for or on behalf of employees of the offeror or any subsidiary or affiliate of the offeror.

Subtitle D—Department of Defense Contractor Matters

SEC. 831. DATABASE FOR DEPARTMENT OF DEFENSE CONTRACTING OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Secretary of Defense, the Under Secretary of Defense for Acquisition, Technology, and Lo-

gistics shall establish and maintain a database of information regarding integrity and performance of certain persons awarded Department of Defense contracts for use by Department of Defense officials having authority over contracts.

(b) PERSONS COVERED.—The database shall cover any person awarded a Department of Defense contract in excess of $500,000 if any information described in subsection (c) exists with respect to such person.

(c) INFORMATION INCLUDED.—With respect to a person awarded a Department of Defense contract, the database shall include information (in the form of a brief description) for at least the most recent 5-year period regarding the following:

(1) Each civil or criminal proceeding, or any administrative proceeding, in connection with the award or performance of a contract with the Federal Government or, to the maximum extent practicable, a State government with respect to the person during the period to the extent that such proceeding results in the following dispositions:

(A) In a criminal proceeding, a conviction.

(B) In a civil proceeding, a finding of liability that results in the payment of a mone-

tary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(C) In an administrative proceeding, a finding of liability that results in—

(i) the payment of a monetary fine or penalty of $5,000 or more; or

(ii) the payment of a reimbursement, restitution, or damages in excess of $100,000.

(D) In a civil or administrative proceeding, a disposition of the matter by consent or compromise if the proceeding could have led to any of the outcomes specified in subparagraph (A), (B), or (C).

(2) Each Federal contract and grant awarded to the person that was terminated in such period due to default.

(3) Each Federal suspension and debarment of the person in that period.

(4) Each Federal administrative agreement entered into by the person and the Federal Government in that period to resolve a suspension or debarment proceeding and, to the maximum extent practicable, each agreement involving a suspension or de-

barment proceeding entered into by the person and a State government in that period.

(5) Each final finding by a Federal official in that period that the person has been determined not to be a responsible source under either subparagraph (C) or (D) of section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(d) REQUIREMENTS RELATING TO INFORMATION IN DATABASE.—

(1) DIRECT INPUT AND UPDATE.—The Under Secretary shall design and maintain the database in a manner that allows the appropriate officials of the Department of Defense to directly input and update in the information in the database relating to actions such officials have taken with regard to contractors.

(2) TIMELINESS AND ACCURACY.—The Under Secretary shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) notification of any covered person when information relevant to the person is entered into the database; and

(C) an opportunity for any covered person to submit comments pertaining to information about such person in the database.

(e) USE OF DATABASE.—

(1) AVAILABILITY TO GOVERNMENT OFFICIALS.—The Under Secretary shall ensure that the database is available to all acquisition professionals of the Department of Defense and to Congress. This subsection does not limit the availability of the database to other Department of Defense officials or to government officials outside the Department of Defense that the Under Secretary determines warrant access.

(2) REVIEW AND ASSESSMENT OF DATA.—

(A) IN GENERAL.—Before awarding a contract in excess of $500,000, the Department of Defense official responsible for awarding the contract shall review the database and shall consider information in the database with regard to any offer, along with other past performance information available with respect to that offeror, in making any responsibility determination or past performance evaluation for such offeror.

(B) DOCUMENTATION IN CONTRACT FILE.—The contract file for each contract of the Department of Defense in excess of $500,000 shall document the manner in which the material in the database was considered in any responsibility determination or past performance evaluation.

(f) DISCLOSURE IN APPLICATIONS.—Not later than 180 days after the date of the enactment of this Act, the Defense Supplement to the Federal Acquisition Regulation shall be amended to require that persons with Department of Defense contracts valued in total greater than $10,000,000 must semiannually submit to the Under Secretary a report that includes the information subject to inclusion in the database as listed in paragraphs (1) through (5) of subsection (c).

SEC. 832. ETHICS SAFEGUARDS FOR EMPLOYEES UNDER CERTAIN CONTRACTS FOR THE PERFORMANCE OF ACQUISITION FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

(a) CONTRACT CLAUSE REQUIRED.—Each contract (or task or delivery order) in excess of $500,000 that calls for the performance of acquisition functions closely associated with inherently governmental functions for or on be-

half of the Department of Defense shall include a contract clause addressing financial conflicts of interests of contractor employees who will be responsible for the performance of such functions.

(b) CONTENTS OF CONTRACT CLAUSE.—The contract clause required by subsection (a) shall, at a minimum—

(1) require the contractor to prohibit any employee of the contractor from performing any functions described in subsection (a) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter in which the employee (or a member of the employee's immediate family) has a financial interest without the express written approval of the contracting officer;

(2) require the contractor to obtain, review, update, and maintain as part of its personnel records a financial disclosure statement from each employee assigned to perform functions described in paragraph (1) under such a contract (or task or delivery order) that is sufficient to enable the contractor to ensure compliance with the requirements of paragraph (1);

(3) require the contractor to prohibit any employee of the contractor who is responsible for per-

forming functions described in paragraph (1) under such a contract (or task or delivery order) relating to a program, company, contract, or other matter from accepting a gift from the affected company or from an individual or entity that has a financial interest in the program, contract, or other matter;

(4) require the contractor to prohibit contractor personnel who have access to non-public government information obtained while performing work on such a contract (or task or delivery order) from using such information for personal gain;

(5) require the contractor to take appropriate disciplinary action in the case of employees who fail to comply with prohibitions established pursuant to this section;

(6) require the contractor to promptly report any failure to comply with the prohibitions established pursuant to this section to the contracting officer for the applicable contract or contracts;

(7) include appropriate definitions of the terms ''financial interest'' and ''gift'' that are similar to the definitions in statutes and regulations applicable to Federal employees;

(8) establish appropriate contractual penalties for failures to comply with the requirements of paragraphs (1) through (6); and

(9) provide such additional safeguards, definitions, and exceptions as may be necessary to safeguard the public interest.

(c) FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS DEFINED.—In this section, the term ''functions closely associated with inherently governmental functions'' has the meaning given that term in section 2383(b)(3) of title 10, United States Code.

(d) EFFECTIVE DATE.—This section shall take effect 30 days after the date of the enactment of this Act, and shall apply to—

(1) contracts entered on or after that effective date; and

(2) task or delivery orders awarded on or after that effective date, regardless of whether the contracts pursuant to which such task or delivery orders are awarded are entered before, on, or after the date of the enactment of this Act.

SEC. 833. INFORMATION FOR DEPARTMENT OF DEFENSE CONTRACTOR EMPLOYEES ON THEIR WHISTLEBLOWER RIGHTS.

(a) IN GENERAL.—The Secretary of Defense shall prescribe in regulations a policy for informing employees of a contractor of the Department of Defense of their whistleblower rights and protections under section 2409 of title 10, United States Code, as implemented by subpart 3.9 of part I of title 48, Code of Federal Regulations.

(b) ELEMENTS.—The regulations required by subsection (a) shall include requirements as follows:

(1) Employees of Department of Defense contractors shall be notified in writing of the provisions of section 2409 of title 10, United States Code.

(2) Notice to employees of Department of Defense contractors under paragraph (1) shall state that the restrictions imposed by any employee agreement or nondisclosure agreement shall not supersede, conflict with, or otherwise alter the employee rights created by section 2409 of title 10, United States Code, or the regulations implementing such section.

(c) CONTRACTOR DEFINED.—In this section, the term ''contractor'' has the meaning given that term in section 2409(e)(4) of title 10, United States Code.

Subtitle E—Matters Relating to Iraq and Afghanistan

SEC. 841. PERFORMANCE BY PRIVATE SECURITY CONTRACTORS OF INHERENTLY GOVERNMENTAL FUNCTIONS IN AN AREA OF COMBAT OPERATIONS.

(a) MODIFICATION OF REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the regulations issued by the Secretary of Defense pursuant to section 862(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 254; 10 U.S.C. 2302 note) shall be modified to ensure that private security contractors are not authorized to perform inherently governmental functions in an area of combat operations.

(b) ELEMENTS.—The modification of regulations pursuant to subsection (a) shall provide, at a minimum, each of the following:

(1) That security operations for the protection of resources (including people, information, equipment, and supplies) in uncontrolled or unpredictable high threat environments are inherently governmental functions if such security operations—

(A) will be performed in highly hazardous public areas where the risks are uncertain and

could reasonably be expected to require deadly force that is more likely to be initiated by personnel performing such security operations than by others; or

(B) could reasonably be expected to require immediate discretionary decisions on the appropriate course of action or the acceptable level of risk (such as judgments on the appropriate level of force, acceptable level of collateral damage, and whether the target is friend or foe), the outcome of which could significantly affect the life, liberty, or property of private persons or the international relations of the United States.

(2) That the agency awarding the contract has appropriate mechanisms in place to ensure that private security contractors operate in a manner consistent with the regulations issued by the Secretary of Defense pursuant to such section 862(a), as modified pursuant to this section.

(c) PERIODIC REVIEW OF PERFORMANCE OF FUNCTIONS.—

(1) IN GENERAL.—The Secretary of Defense shall, in coordination with the heads of other appropriate agencies, periodically review the performance of private security functions in areas of combat op-

erations to ensure that such functions are authorized and performed in a manner consistent with the requirements of this section.

(2) REPORTS.—Not later than June 1 of each of 2009, 2010, and 2011, the Secretary shall submit to the congressional defense committees a report on the results of the most recent review conducted under paragraph (1).

SEC. 842. ADDITIONAL CONTRACTOR REQUIREMENTS AND RESPONSIBILITIES RELATING TO ALLEGED CRIMES BY OR AGAINST CONTRACTOR PERSONNEL IN IRAQ AND AFGHANISTAN.

(a) IN GENERAL.—Section 861(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 253; 10 U.S.C. 2302 note) is amended by adding the following new paragraphs:

''(7) Mechanisms for ensuring that contractors are required to report offenses described in paragraph (6) that are alleged to have been committed by or against contractor personnel to appropriate investigative authorities.

''(8) Responsibility for providing victim and witness protection and assistance to contractor employees and other persons supporting the mission of the United States Government in Iraq or Afghani-

stan in connection with alleged offenses described in paragraph (6).''.

(b) IMPLEMENTATION.—The memorandum of understanding required by section 861(a) of the National Defense Authorization Act for Fiscal Year 2008 shall be modified to address the requirements under the amendment made by subsection (a) not later than 90 days after the date of the enactment of this Act.

SEC. 843. CLARIFICATION AND MODIFICATION OF AUTHORITIES RELATING TO THE COMMISSION ON WARTIME CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) NATURE OF COMMISSION.—Subsection (a) of section 841 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 230) is amended by inserting ''in the legislative branch'' after ''There is hereby established''.

(b) PAY AND ANNUITIES OF MEMBERS AND STAFF ON FEDERAL REEMPLOYMENT.—Subsection (e) of such is amended by adding at the end the following new paragraph:

''(8) PAY AND ANNUITIES OF MEMBERS AND STAFF ON FEDERAL REEMPLOYMENT.—If warranted by circumstances described in subparagraph (A) or (B) of section 8344(i)(1) of title 5, United States

Code, or by circumstances described in subparagraph (A) or (B) of section 8468(f)(1) of such title, as applicable, a co-chairman of the Commission may exercise, with respect to the members and staff of the Commission, the same waiver authority as would be available to the Director of the Office of Personnel Management under such section.''.

(c) EFFECTIVE DATE.—

(1) NATURE OF COMMISSION.—The amendment made by subsection (a) shall take effect as of January 28, 2008, as if included in the enactment of the National Defense Authorization Act for Fiscal Year 2008.

(2) PAY AND ANNUITIES.—The amendment made by subsection (b) shall apply to members and staff of the Commission on Wartime Contracting in Iraq and Afghanistan appointed or employed, as the case may be, on or after that date.

SEC. 844. COMPREHENSIVE AUDIT OF SPARE PARTS PURCHASES AND DEPOT OVERHAUL AND MAINTENANCE OF EQUIPMENT FOR OPERATIONS IN IRAQ AND AFGHANISTAN.

(a) AUDITS REQUIRED.—The Army Audit Agency, the Navy Audit Service, and the Air Force Audit Agency shall each conduct thorough audits to identify potential

waste, fraud, and abuse in the performance of the following:

(1) Department of Defense contracts, subcontracts, and task and delivery orders for—

(A) depot overhaul and maintenance of equipment for the military in Iraq and Afghanistan; and

(B) spare parts for military equipment used in Iraq and Afghanistan; and

(2) Department of Defense in-house overhaul and maintenance of military equipment used in Iraq and Afghanistan.

(b) COMPREHENSIVE AUDIT PLAN.—

(1) PLANS.—The Army Audit Agency, the Navy Audit Service, and the Air Force Audit Agency shall, in coordination with the Inspector General of the Department of Defense, develop a comprehensive plan for a series of audits to discharge the requirements of subsection (a).

(2) INCORPORATION INTO REQUIRED AUDIT PLAN.—The plan developed under paragraph (1) shall be submitted to the Inspector General of the Department of Defense for incorporation into the audit plan required by section 842(b)(1) of the National Defense Authorization Act for Fiscal Year

2008 (Public Law 110–181; 122 Stat. 234; 10 U.S.C. 2302 note).

(c) INDEPENDENT CONDUCT OF AUDIT FUNCTIONS.—All audit functions performed under this section, including audit planning and coordination, shall be performed in an independent manner.

(d) AVAILABILITY OF RESULTS.—All audit reports resulting from audits under this section shall be made available to the Commission on Wartime Contracting in Iraq and Afghanistan established pursuant to section 841 of the National Defense Authorization Act for Fiscal Year 2008 (122 Stat. 230).

Subtitle F—Other Matters

SEC. 851. EXPEDITED HIRING AUTHORITY FOR THE DEFENSE ACQUISITION WORKFORCE.

(a) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

(1) designate any category of acquisition positions within the Department of Defense as shortage category positions; and

(2) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(b) TERMINATION OF AUTHORITY.—The Secretary may not appoint a person to a position of employment under this section after September 30, 2012.

SEC. 852. SPECIFICATION OF SECRETARY OF DEFENSE AS "SECRETARY CONCERNED" FOR PURPOSES OF LICENSING OF INTELLECTUAL PROPERTY FOR THE DEFENSE AGENCIES AND DEFENSE FIELD ACTIVITIES.

Subsection (e) of section 2260 of title 10, United States Code, is amended to read as follows:

''(e) DEFINITIONS.—In this section:

''(1) The terms 'trademark', 'service mark', 'certification mark', and 'collective mark' have the meanings given such terms in section 45 of the Act of July 5, 1946 (commonly referred to as the Trademark Act of 1946; 15 U.S.C. 1127).

''(2) The term 'Secretary concerned' includes the Secretary of Defense, with respect to matters concerning the Defense Agencies and the defense field activities.''.

SEC. 853. REPEAL OF REQUIREMENTS RELATING TO THE MILITARY SYSTEM ESSENTIAL ITEM BREAKOUT LIST.

Section 813 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1543) is repealed.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. MODIFICATION OF STATUS OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR NUCLEAR AND CHEMICAL AND BIOLOGICAL DEFENSE PROGRAMS.

Section 142 of title 10, United States Code, is amended by adding at the end the following:

''(c) The Assistant to the Secretary shall be considered an Assistant Secretary of Defense for purposes of section 138(d) of this title.''.

SEC. 902. PARTICIPATION OF DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE ON DEFENSE BUSINESS SYSTEM MANAGEMENT COMMITTEE.

(a) PARTICIPATION.—Subsection (a) of section 186 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) The Deputy Chief Management Officer of the Department of Defense.''.

(b) SERVICE AS VICE CHAIRMAN.—The second sentence of subsection (b) of such section is amended to read as follows: ''The Deputy Chief Management Officer of the Department of Defense shall serve as vice chairman of the Committee, and shall act as chairman in the absence of the Deputy Secretary of Defense.''.

SEC. 903. REPEAL OF OBSOLETE LIMITATIONS ON MANAGEMENT HEADQUARTERS PERSONNEL.

(a) REPEAL.—The following provisions of title 10, United States Code, are repealed:

(1) Section 143.

(2) Section 194.

(3) Subsection (f) of section 3014.

(4) Subsection (f) of section 5014.

(5) Subsection (f) of section 8014.

(b) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 143.

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

SEC. 904. GENERAL COUNSEL TO THE INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

Section 8 of the Inspector General Act of 1978 (50 U.S.C. App. 8) is amended by adding at the end the following new subsection:

''(h)(1) There is a General Counsel to the Inspector General of the Department of Defense, who shall be appointed by the Inspector General of the Department of Defense.

''(2)(A) Notwithstanding section 140(b) of title 10, United States Code, the General Counsel is the chief legal officer of the Office of the Inspector General.

''(B) The Inspector General is the exclusive legal client of the General Counsel.

''(C) The General Counsel shall perform such functions as the Inspector General may prescribe.

''(D) The General Counsel shall serve at the discretion of the Inspector General.

''(3) There is an Office of the General Counsel to the Inspector General of the Department of Defense. The Inspector General may appoint to the Office to serve as staff

of the General Counsel such legal counsel as the Inspector General considers appropriate.''.

SEC. 905. ASSIGNMENT OF FORCES TO THE UNITED STATES NORTHERN COMMAND WITH PRIMARY MISSION OF MANAGEMENT OF THE CONSEQUENCES OF AN INCIDENT IN THE UNITED STATES HOMELAND INVOLVING A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR NUCLEAR DEVICE, OR HIGH-YIELD EXPLOSIVES.

(a) FINDINGS.—Congress makes the following findings

(1) As noted in the June 2005 Department of Defense Strategy for Homeland Defense and Civil Support, protecting the United States homeland from attack is the highest priority of the Department of Defense.

(2) As further noted in the June 2005 Department of Defense Strategy for Homeland Defense and Civil Support, ''[i]n the next ten years, terrorist groups, poised to attack the United States and actively seeking to inflict mass casualties or disrupt U.S. military operations, represent the most immediate challenge to the nation's security''.

(3) The Department of Defense established the United States Northern Command in October 2002

to provide command and control of the homeland defense efforts of the Department of Defense and to coordinate defense support of civil authorities, including defense support for Federal consequence management of chemical, biological, radiological, nuclear, or high-yield explosive incidents.

(4) The Commission on the National Guard and Reserves and the Government Accountability Office have criticized the capacity of the Department of Defense to respond to an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives due to a lack of capabilities to handle simultaneous weapons of mass destruction events and a lack of coordination and planning with the Department of Homeland Security and State and local governments.

(5) According to testimony to Congress by the Commander of United States Northern Command, the Secretary of Defense has directed that a full-time, dedicated force be trained and equipped by the end of fiscal year 2008 to provide defense support to civil authorities in the case of a chemical, biological, radiological, nuclear, or high-yield explosive incident within the United States. This force is to be as-

signed to the Commander of the United States Northern Command, and is to be followed by two additional such forces, comprised of units of the regular components of the Armed Forces and units and personnel of the National Guard, and Reserve, to be established over the course of fiscal years 2009 and 2010.

(6) The Department of Defense and United States Northern Command have begun the process of identifying, training, equipping, and assigning forces for the mission of managing the consequences of chemical, biological, radiological, nuclear, or high-yield explosive incidents in the United States.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense should, as part of a Government-wide effort, make every effort to help protect the citizens of this Nation from the threat of an attack on the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives by terrorists or other aggressors;

(2) efforts to establish forces for the mission of managing the consequences of chemical, biological, radiological, nuclear, or high-yield explosive incidents

in the United States should receive the highest level of attention within the Department of Defense; and

(3) the additional forces necessary for that mission should be identified, trained, equipped, and assigned to United States Northern Command as soon as possible.

(c) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and one year and two years thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the progress made as of the date of such report in assigning to the United States Northern Command forces having the primary mission of managing the consequences of an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A description of the force structure, size, composition, and location of the units and personnel of the regular components of the Armed Forces, and the units and personnel of the reserve components of the Armed Forces,

assigned to the United States Northern Command that have the primary mission of managing the consequences of an incident in the United States homeland involving a chemical, biological, radiological, or nuclear device, or high-yield explosives.

(B) A description of the progress made in developing procedures to mobilize and demobilize units and personnel of the reserve components of the Armed Forces that are assigned to the United States Northern Command as described in subparagraph (A).

(C) A description of the progress being made in the training and certification of units and personnel that are assigned to United States Northern Command as described in subparagraph (A).

(D) An assessment of the need to establish a national training center for training units and personnel of the Armed Forces in the management of the consequences of an incident in the United States homeland as described in subparagraph (A).

(E) A description of the progress made in addressing the shortfalls in the management of

the consequences of an incident in the United States homeland as described in subparagraph (A) that are identified in—

(i) the reports of the Comptroller General of the United States numbered GAO–08–251 and GAO–08–252; and

(ii) the report of the Commission on the National Guard and Reserve.

SEC. 906. BUSINESS TRANSFORMATION INITIATIVES FOR THE MILITARY DEPARTMENTS.

(a) IN GENERAL.—The Secretary of each military department shall, acting through the Chief Management Officer of such military department, carry out an initiative for the business transformation of such military department.

(b) OBJECTIVES.—The objectives of the business transformation initiative of a military department under this section shall include, at a minimum, the following:

(1) The development of a comprehensive business transformation plan, with measurable performance goals and objectives, to achieve an integrated management system for the business operations of the military department.

(2) The development of a well-defined enterprise-wide business systems architecture and transi-

tion plan encompassing end-to-end business processes and capable of providing accurately and timely information in support of business decisions of the military department.

(3) The implementation of the business transformation plan developed pursuant to paragraph (1) and the business systems architecture and transition plan developed pursuant to paragraph (2).

(c) BUSINESS TRANSFORMATION OFFICES.—

(1) ESTABLISHMENT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of each military department shall establish within such military department an office (to be known as the ''Office of Business Transformation'' of such military department) to assist the Chief Management Officer of such military department in carrying out the initiative required by this section for such military department.

(2) HEAD.—The Office of Business Transformation of a military department under this subsection shall be headed by a Director of Business Transformation, who shall be appointed by the Chief Management Officer of the military department, in consultation with the Director of the Business Transformation Agency of the Department of De-

fense, from among individuals with significant experience managing large-scale organizations or business transformation efforts.

(3) SUPERVISION.—The Director of Business Transformation of a military department under paragraph (2) shall report directly to the Chief Management Officer of the military department, subject to policy guidance from the Director of the Business Transformation Agency of the Department of Defense.

(4) AUTHORITY.—In carrying out the initiative required by this section for a military department, the Director of Business Transformation of the military department under paragraph (2) shall have the authority to require elements of the military department to carry out actions that are within the purpose and scope of the initiative.

(d) RESPONSIBILITIES OF BUSINESS TRANSFORMATION OFFICES.—The Office of Business Transformation of a military department established pursuant to subsection (b) shall be responsible for the following:

(1) Transforming the budget, finance, and accounting operations of the military department in a manner that is consistent with the business trans-

formation plan developed pursuant to subsection (b)(1).

(2) Eliminating or replacing financial management systems of the military department that are inconsistent with the business systems architecture and transition plan developed pursuant to subsection (b)(2).

(3) Ensuring that the business transformation plan and the business systems architecture and transition plan are implemented in a manner that is aggressive, realistic, and accurately measured.

(e) REQUIRED ELEMENTS.—In carrying out the initiative required by this section for a military department, the Chief Management Officer and the Director of Business Transformation of the military department shall ensure that each element of the initiative is consistent with—

(1) the requirements of the Business Enterprise Architecture and Transition Plan developed by the Secretary of Defense pursuant to section 2222 of title 10, United States Code;

(2) the Standard Financial Information Structure of the Department of Defense;

(3) the Federal Financial Management Improvement Act of 1996 (and the amendments made by that Act); and

(4) other applicable requirements of law and regulation.

(f) REPORTS ON IMPLEMENTATION.—

(1) INITIAL REPORTS.—Not later than six months after the date of the enactment of this Act, the Chief Management Officer of each military department shall submit to the congressional defense committees a report on the actions taken, and on the actions planned to be taken, by such military department to implement the requirements of this section.

(2) UPDATES.—Not later than March 1 of each of 2010, 2011, and 2012, the Chief Management Officer of each military department shall submit to the congressional defense committees a current update of the report submitted by such Chief Management Officer under paragraph (1).

Subtitle B—Space Matters

SEC. 911. SPACE POSTURE REVIEW.

(a) REQUIREMENT FOR COMPREHENSIVE REVIEW.—In order to clarify the national security space policy and strategy of the United States for the near term, the Secretary of Defense and the Director of National Intelligence

shall jointly conduct a comprehensive review of the space posture of the United States over the posture review period.

(b) ELEMENTS OF REVIEW.—The review conducted under subsection (a) shall include, for the posture review period, the following:

(1) The definition, policy, requirements, and objectives for each of the following:

(A) Space situational awareness.

(B) Space control.

(C) Space superiority, including defensive and offensive counterspace and protection.

(D) Force enhancement and force application.

(E) Space-based intelligence and surveillance and reconnaissance from space.

(F) Integration of space and ground control and user equipment.

(G) Any other matter the Secretary considers relevant to understanding the space posture of the United States.

(2) A description of current and planned space acquisition programs that are in acquisition categories 1 and 2, including how each such program will address the policy, requirements, and objectives

described under each of subparagraphs (A) through (G) of paragraph (1).

(3) A description of future space systems and technology development (other than such systems and technology in development as of the date of the enactment of this Act) necessary to address the policy, requirements, and objectives described under each of subparagraphs (A) through (G) of paragraph (1).

(4) An assessment of the relationship among the following:

(A) United States military space policy.

(B) National security space policy.

(C) National security space objectives.

(D) Arms control policy.

(E) Export control policy.

(5) An assessment of the effect of the military and national security space policy of the United States on the proliferation of weapons capable of targeting objects in space or objects on Earth from space.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 1, 2009, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the con-

gressional committees specified in paragraph (3) a report on the review conducted under subsection (a).

(2) FORM OF REPORT.—The report under this subsection shall be submitted in unclassified form, but may include a classified annex.

(3) COMMITTEES.—The congressional committees specified in this paragraph are—

(A) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) POSTURE REVIEW PERIOD DEFINED.—In this section, the term ''posture review period'' means the 10-year period beginning on February 1, 2009.

Subtitle C—Defense Intelligence Matters

SEC. 921. REQUIREMENT FOR OFFICERS OF THE ARMED FORCES ON ACTIVE DUTY IN CERTAIN INTELLIGENCE POSITIONS.

(a) IN GENERAL.—Effective as of October 1, 2008, the individual serving in each position specified in subsection (b) shall be a commissioned officer of the Armed Forces on active duty.

(b) SPECIFIED POSITIONS.—The positions specified in this subsection are the positions as follows:

(1) Principal deputy to the senior military officer serving as the Deputy Chief of the Army Staff for Intelligence.

(2) Principal deputy to the senior military officer serving as the Director of Intelligence for the Chief of Naval Operations.

(3) Principal deputy to the senior military officer serving as the Assistant to the Air Force Chief of Staff for Intelligence.

SEC. 922. TRANSFER OF MANAGEMENT OF INTELLIGENCE SYSTEMS SUPPORT OFFICE.

(a) TRANSFER OF MANAGEMENT GENERALLY.—

(1) TRANSFER.—Except as provided in subsection (b), management of the Intelligence Systems Support Office, and all programs and activities of that office as of April 1, 2008, including the Foreign Materials Acquisitions program, shall be transferred to the Defense Intelligence Agency.

(2) MANAGEMENT.—The programs and activities of the Intelligence Systems Support Office transferred under paragraph (1) shall, after transfer under that paragraph, be managed by the Director of the Defense Intelligence Agency.

(b) TRANSFER OF MANAGEMENT OF CENTER FOR INTERNATIONAL ISSUES RESEARCH.—

(1) TRANSFER.—Management of the Center for International Issues Research shall be transferred to the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

(2) MANAGEMENT.—The Center for International Issues Research shall, after transfer under paragraph (1), be managed by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

(c) DEADLINE FOR TRANSFERS OF MANAGEMENT.—The transfers of management required by subsections (a) and (b) shall occur not later than 30 days after the date of the enactment of this Act.

(d) LIMITATION ON CERTAIN AUTHORITY OF USD FOR INTELLIGENCE.—Effective as of December 1, 2008, the Under Secretary of Defense for Intelligence may not establish or maintain the capabilities as follows:

(1) A capability to execute programs of technology or systems development and acquisition.

(2) A capability to provide operational support to combatant commands.

SEC. 923. PROGRAM ON ADVANCED SENSOR APPLICATIONS.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall provide for the carrying out of a program on advanced sensor applications in order to provide for the evaluation by the Department of Defense on scientific and engineering grounds of foreign technology utilized for the detection and tracking of submarines.

(2) DESIGNATION.—The program under this section shall be known as the ''Advanced Sensor Applications Program''.

(b) RESPONSIBILITY FOR EXECUTION OF PROGRAM.—The program under this section shall be carried out by the Commander of the Naval Air Systems Command in consultation with the Program Executive Officer for Aviation of the Department of the Navy and the Director of Special Programs for the Chief of Naval Operations.

(c) PROGRAM REQUIREMENTS AND LIMITATIONS.—

(1) ACCESS TO CERTAIN INFORMATION.—In carrying out the program under this section, the Commander of the Naval Air Systems Command shall—

(A) have complete access to all United States intelligence relating to the detection and tracking of submarines; and

(B) be kept currently apprised of information and assessments of the Office of Naval Intelligence, the Defense Intelligence Agency, and the Central Intelligence Agency, and of information and assessments of the intelligence services of allies of the United States that are available to the United States, on matters relating to the detection and tracking of submarines.

(2) INDEPENDENCE OF PROGRAM.—The program under this section shall be carried out independently of the Office of Naval Intelligence, the Defense Intelligence Agency, the Central Intelligence Agency, and any other element of the intelligence community.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of au-

thorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $5,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount

is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. INCORPORATION INTO ACT OF TABLES IN THE REPORT OF THE COMMITTEE ON ARMED SERVICES OF THE SENATE.

(a) INCORPORATION.—Each funding table in the report of the Committee on Armed Services of the Senate to accompany the bill S. _____ of the 110th Congress is hereby incorporated into this Act and is hereby made a requirement in law. Items in each such funding table shall be binding on agency heads in the same manner and to the same extent as if such funding table was included in the text of this Act, unless transfers of funding for such items are approved in accordance with established procedures.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds on the basis of any funding table incorporated into this Act pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, and merit-based decisionmaking in accordance with the requirements of sections 2304(k)

and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any item in a funding table incorporated into this Act under subsection (a) shall supersede the requirements of subsection (b).

SEC. 1003. UNITED STATES CONTRIBUTION TO NATO COMMON-FUNDED BUDGETS IN FISCAL YEAR 2009.

(a) FISCAL YEAR 2009 LIMITATION.—The total amount contributed by the Secretary of Defense in fiscal year 2009 for the common-funded budgets of NATO may be any amount up to, but not in excess of, the amount specified in subsection (b) (rather than the maximum amount that would otherwise be applicable to those contributions under the fiscal year 1998 baseline limitation).

(b) TOTAL AMOUNT.—The amount of the limitation applicable under subsection (a) is the sum of the following:

(1) The amounts of unexpended balances, as of the end of fiscal year 2008, of funds appropriated for fiscal years before fiscal year 2009 for payments for those budgets.

(2) The amount specified in subsection (c)(1).

(3) The amount specified in subsection (c)(2).

(4) The total amount of the contributions authorized to be made under section 2501.

(c) AUTHORIZED AMOUNTS.—Amounts authorized to be appropriated by titles II and III of this Act are available for contributions for the common-funded budgets of NATO as follows:

(1) Of the amount provided in section 201(1), $1,049,000 for the Civil Budget.

(2) Of the amount provided in section 301(1), $408,788,000 for the Military Budget.

(d) DEFINITIONS.—For purposes of this section:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term ''common-funded budgets of NATO'' means the Military Budget, the Security Investment Program, and the Civil Budget of the North Atlantic Treaty Organization (and any successor or additional account or program of NATO).

(2) FISCAL YEAR 1998 BASELINE LIMITATION.—The term ''fiscal year 1998 baseline limitation'' means the maximum annual amount of Department of Defense contributions for common-funded budgets of NATO that is set forth as the annual limitation in section 3(2)(C)(ii) of the resolution of the Senate giving the advice and consent of the Senate to the ratification of the Protocols to the North Atlantic Treaty of 1949 on the Accession of Poland, Hungary, and the Czech Republic (as defined in section

4(7) of that resolution), approved by the Senate on April 30, 1998.

Subtitle B—Naval Vessels and Shipyards

SEC. 1011. GOVERNMENT RIGHTS IN DESIGNS OF DEPARTMENT OF DEFENSE VESSELS, BOATS, CRAFT, AND COMPONENTS DEVELOPED USING PUBLIC FUNDS.

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 7317. Government rights in designs of Department of Defense vessels, boats, craft, and components developed using public funds

''(a) IN GENERAL.—Government rights in the design of a vessel, boat, or craft, and its components, including the hull, decks, superstructure, and all shipboard equipment and systems, developed in whole or in part using public funds shall be determined solely as follows:

''(1) In the case of a vessel, boat, craft, or component procured through a contract, in accordance with the provisions of section 2320 of this title.

''(2) In the case of a vessel, boat, craft, or component procured through an instrument not governed by section 2320 of this title, by the terms of

the instrument (other than a contract) under which the design for such vessel, boat, craft, or component, as applicable, was developed for the Government.

"(b) CONSTRUCTION OF SUPERSEDING AUTHORITIES.—This section may be modified or superseded by a provision of statute only if such provision expressly refers to this section in modifying or superseding this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 633 of such title is amended by adding at the end the following new item:

"7317. Government rights in designs of Department of Defense vessels, boats, craft, and components developed using public funds.".

SEC. 1012. REIMBURSEMENT OF EXPENSES FOR CERTAIN NAVY MESS OPERATIONS.

(a) IN GENERAL.—Amounts appropriated for operation and maintenance for the Navy may be used to pay the charge established under section 1011 of title 37, United States Code, for meals sold by messes for United States Navy and Naval Auxiliary vessels to the following:

(1) Members of nongovernmental organizations and officers or employees of host and foreign nations when participating in or providing support to United States civil-military operations.

(2) Foreign national patients treated on Naval vessels during the conduct of United States civil-military operations, and their escorts.

(b) EXPIRATION OF AUTHORITY.—The authority to pay for meals under subsection (a) shall expire on September 30, 2010.

Subtitle C—Counter-Drug Activities

SEC. 1021. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 371 note) is amended by striking ''through 2008'' and inserting ''through 2009''.

SEC. 1022. TWO-YEAR EXTENSION OF AUTHORITY FOR USE OF FUNDS FOR UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as amended by section 1023 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2382), is further amended—

(1) in subsection (a)(1), by striking ''through 2008'' and inserting ''through 2010''; and

(2) in subsection (c), by striking ''through 2008'' and inserting ''through 2010''.

Subtitle D—Miscellaneous Authorities and Limitations

SEC. 1031. PROCUREMENT BY STATE AND LOCAL GOVERNMENTS OF EQUIPMENT FOR HOMELAND SECURITY AND EMERGENCY RESPONSE ACTIVITIES THROUGH THE DEPARTMENT OF DEFENSE.

(a) EXPANSION OF PROCUREMENT AUTHORITY TO INCLUDE EQUIPMENT FOR HOMELAND SECURITY AND EMERGENCY RESPONSE ACTIVITIES.—

(1) PROCEDURES.—Subsection (a)(1) of section 381 of title 10, United States Code, is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A)—

(I) by striking ''law enforcement''; and

(II) by inserting '', homeland security, and emergency response'' after ''counter-drug'';

(ii) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting '', homeland security,

or emergency response'' after ''counter-drug''; and

(II) in clause (i), by striking ''law enforcement'';

(iii) in subparagraph (C), by striking ''law enforcement'' each place it appears; and

(iv) in subparagraph (D), by striking ''law enforcement''.

(2) GSA CATALOG.—Subsection (c) of such section is amended—

(A) by striking ''law enforcement''; and

(B) by inserting '', homeland security, and emergency response'' after ''counter-drug''.

(3) DEFINITIONS.—Subsection (d) of such section is amended—

(A) in paragraph (2), by inserting ''or emergency response'' after ''law enforcement'' both places it appears; and

(B) in paragraph (3)—

(i) by striking ''law enforcement'';

(ii) by inserting '', homeland security, and emergency response'' after ''counter-drug''; and

(iii) by inserting ''and, in the case of equipment for homeland security activities, may not include any equipment that is not found on the Authorized Equipment List published by the Department of Homeland Security'' after ''purposes''.

(b) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 381. Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities''.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 18 of such title is amended by striking the item relating to section 381 and inserting the following new item:

''381. Procurement of equipment by State and local governments through the Department of Defense: equipment for counter-drug, homeland security, and emergency response activities.''.

SEC. 1032. ENHANCEMENT OF THE CAPACITY OF THE UNITED STATES GOVERNMENT TO CONDUCT COMPLEX OPERATIONS.

(a) IN GENERAL.—Chapter 20 of title 10, United States Code, is amended by adding the following new section:

"§ 409. Center for Complex Operations

''(a) CENTER AUTHORIZED.—The Secretary of Defense may establish within the Department of Defense a center to be known as the 'Center for Complex Operations' (in this section referred to as the 'Center').

''(b) PURPOSES.—The purposes of the Center established under subsection (a) shall be the following:

''(1) To provide for effective coordination in the preparation of Department of Defense personnel and other United States Government personnel for complex operations.

''(2) To foster unity of effort among the departments and agencies of the United States Government, foreign governments and militaries, international organizations, and nongovernmental organizations in their participation in complex operations.

''(3) To conduct research, collect, analyze, and distribute lessons learned, and compile best practices in matters relating to complex operations.

''(4) To identify gaps in the education and training of Department of Defense personnel, and other United States Government personnel, relating to complex operations, and to facilitate efforts to fill such gaps.

''(c) SUPPORT FROM OTHER UNITED STATES GOVERNMENT AGENCIES.—The head of any non-Department

of Defense department or agency of the United States Government may—

"(1) provide to the Secretary of Defense services, including personnel support, to support the operations of the Center; and

"(2) transfer funds to the Secretary of Defense to support the operations of the Center.

"(d) ACCEPTANCE OF GIFTS AND DONATIONS.—(1) Subject to paragraph (3), the Secretary of Defense may accept from any source specified in paragraph (2) any gift or donation for purposes of defraying the costs or enhancing the operations of the Center.

"(2) The sources specified in this paragraph are the following:

"(A) The government of a State or a political subdivision of a State.

"(B) The government of a foreign country.

"(C) A foundation or other charitable organization, including a foundation or charitable organization that is organized or operates under the laws of a foreign country.

"(D) Any source in the private sector of the United States or a foreign country.

"(3) The Secretary may not accept a gift or donation under this subsection if acceptance of the gift or donation would compromise or appear to compromise—

"(A) the ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out the responsibility or duty of the Department in a fair and objective manner; or

"(B) the integrity of any program of the Department or of any person involved in such a program.

"(4) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining the applicability of paragraph (3) to any proposed gift or donation under this subsection.

"(e) CREDITING OF FUNDS TRANSFERRED OR ACCEPTED.—Funds transferred to or accepted by the Secretary of Defense under this section shall be credited to appropriations available to the Department of Defense for the Center, and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged. Any funds so transferred or accepted shall remain available until expended.

"(f) DEFINITIONS.—In this section:

"(1) The term 'complex operation' means an operation as follows:

"(A) A stability operation.

"(B) A security operation.

"(C) A transition and reconstruction operation.

"(D) A counterinsurgency operation.

"(E) An operation consisting of irregular warfare.

"(2) The term 'gift or donation' means any gift or donation of funds, materials (including research materials), real or personal property, or services (including lecture services and faculty services).".

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

"409. Center for Complex Operations.".

SEC. 1033. CREDITING OF ADMIRALTY CLAIM RECEIPTS FOR DAMAGE TO PROPERTY FUNDED FROM A DEPARTMENT OF DEFENSE WORKING CAPITAL FUND.

Section 7623(b) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(b)";

(2) in paragraph (1), as so designated, by striking the last sentence; and

(3) by adding at the end the following new paragraph:

''(2)(A) Except as provided in subparagraph (B), amounts received under this section shall be covered into the Treasury as miscellaneous receipts.

''(B) Amounts received under this section for damage or loss to property operated and maintained with funds from a Department of Defense working capital fund or account shall be credited to that fund or account.''.

SEC. 1034. MINIMUM ANNUAL PURCHASE REQUIREMENTS FOR AIRLIFT SERVICES FROM CARRIERS PARTICIPATING IN THE CIVIL RESERVE AIR FLEET.

(a) IN GENERAL.—Chapter 931 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet

''(a) IN GENERAL.—The Secretary of Defense may award to an air carrier or an air carrier contractor team arrangement participating in the Civil Reserve Air Fleet on a fiscal year basis a one-year contract for airlift services with a minimum purchase amount under such contract determined in accordance with this section.

"(b) ELIGIBLE CARRIERS.—In order to be eligible for payments under the minimum purchase amount provided by this section, an air carrier (or any air carrier participating in an air carrier contractor team arrangement)—

"(1) if under contract with the Department of Defense in the prior fiscal year, shall have an average on-time pick up rate, based on factors within such air carrier's control, of at least 90 percent;

"(2) shall offer such amount of commitment to the Civil Reserve Air Fleet in excess of the minimum required for participation in the Civil Reserve Air Fleet as the Secretary of Defense shall specify for purposes of this section; and

"(3) may not have refused a Department of Defense request to act as a host for other Civil Reserve Air Fleet carriers at intermediate staging bases during the prior fiscal year.

"(c) AGGREGATE MINIMUM PURCHASE AMOUNT.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year shall be based on forecast needs, but may not exceed the amount equal to 80 percent of the average annual expenditure of the Department of Defense for commercial airlift services during the five-fiscal year period

ending in the fiscal year before the fiscal year for which such contracts are awarded.

"(2) In calculating the average annual expenditure of the Department of Defense for airlift services for purposes of paragraph (1), the Secretary of Defense shall omit from the calculation any fiscal year exhibiting unusually high demand for commercial airlift services if the Secretary determines that the omission of such fiscal year from the calculation will result in a more accurate forecast of anticipated commercial airlift services for purposes of that paragraph.

"(d) ALLOCATION OF MINIMUM PURCHASE AMONG CONTRACTS.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (a) for a fiscal year, as determined under subsection (c), shall be allocated among all air carriers and air carrier contractor team arrangements awarded contracts under subsection (a) for such fiscal year in proportion to the commitments of such carriers to the Civil Reserve Air Fleet for such fiscal year.

"(2) In determining the minimum purchase amount payable under paragraph (1) under a contract under subsection (a) for airlift services provided by an air carrier or air carrier contractor team arrangement during the fiscal year covered by such contract, the Secretary of De-

fense may adjust the amount allocated to such carrier or arrangement under paragraph (2) to take into account periods during such fiscal year when airlift services of such carrier or a carrier in such arrangement are unavailable for usage by the Department of Defense, including during periods of refused business or suspended operations or when such carrier is placed in nonuse status pursuant to section 2640 of this title for safety reasons.

"(e) DISTRIBUTION OF AMOUNTS.—If any amount available under this section for the minimum purchase of airlift services from a carrier or air carrier contractor team arrangement for a fiscal year under a contract under subsection (a) is not utilized to purchase airlift services from the carrier or arrangement in such fiscal year, such amount shall be provided to the carrier or arrangement before the first day of the following fiscal year.

"(f) COMMITMENT OF FUNDS.—(1) The Secretary of each military department shall transfer to the transportation working capital fund a percentage of the total amount anticipated to be required in such fiscal year for the payment of minimum purchase amounts under all contracts awarded under subsection (a) for such fiscal year equivalent to the percentage of the anticipated use of airlift services by such military department during such fiscal

year from all carriers under contracts awarded under subsection (a) for such fiscal year.

"(2) Any amounts required to be transferred under paragraph (1) shall be transferred by the last day of the fiscal year concerned to meet the requirements of subsection (e) unless minimum purchase amounts have already been distributed by the Secretary of Defense under subsection (e) as of that date.

"(g) AVAILABILITY OF AIRLIFT SERVICES.—(1) From the total amount of airlift services available for a fiscal year under all contracts awarded under subsection (a) for such fiscal year, a military department shall be entitled to obtain a percentage of such airlift services equal to the percentage of the contribution of the military department to the transportation working capital fund for such fiscal year under subsection (f).

"(2) A military department may transfer any entitlement to airlift services under paragraph (1) to any other military department or to any other agency, element, or component of the Department of Defense.

"(h) SUNSET.—The authorities in this section shall expire on December 31, 2015.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 941 of such title is amended by adding at the end the following new item:

"9515. Airlift services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.".

SEC. 1035. TERMINATION DATE OF BASE CONTRACT FOR THE NAVY-MARINE CORPS INTRANET.

Section 814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–215), as amended by section 362 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1065) and Public Law 107–254 (116 Stat. 1733), is further amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection (j):

"(j) TERMINATION DATE OF BASE CONTRACT FOR NAVY-MARINE CORPS INTRANET.—Notwithstanding subsection (i), the base contract of the Navy-Marine Corps Intranet contract may terminate on October 31, 2010.".

SEC. 1036. PROHIBITION ON INTERROGATION OF DETAINEES BY CONTRACTOR PERSONNEL.

(a) REGULATIONS REQUIRED.—Effective as of the date that is one year after the date of the enactment of this Act, the Department of Defense manpower mix criteria and the Department of Defense Supplement to the

Federal Acquisition Regulation shall be revised to provide that—

(1) the interrogation of enemy prisoners of war, civilian internees, retained persons, other detainees, terrorists, and criminals when captured, transferred, confined, or detained during or in the aftermath of hostilities is an inherently governmental function and cannot be transferred to private sector contractors who are beyond the reach of controls otherwise applicable to government personnel; and

(2) properly trained and cleared contractors may be used as linguists, interpreters, report writers, and information technology technicians if their work is properly reviewed by appropriate government officials.

(b) PENALTIES.—The obligation or expenditure of Department of Defense funds for a contract that is not in compliance with the regulations issued pursuant to this section is a violation of section 1341(a)(1)(A) of title 31, United States Code.

SEC. 1037. NOTIFICATION OF COMMITTEES ON ARMED SERVICES WITH RESPECT TO CERTAIN NONPROLIFERATION AND PROLIFERATION ACTIVITIES.

(a) NOTIFICATION WITH RESPECT TO NONPROLIFERATION ACTIVITIES.—The Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, the Secretary of State, and the Nuclear Regulatory Commission shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives informed with respect to—

(1) any activities undertaken by any such Secretary or the Commission to carry out the purposes and policies of the Secretaries and the Commission with respect to nonproliferation programs; and

(2) any other activities undertaken by any such Secretary or the Commission to prevent the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(b) NOTIFICATION WITH RESPECT TO PROLIFERATION ACTIVITIES IN FOREIGN NATIONS.—

(1) IN GENERAL.—The Director of National Intelligence shall keep the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives fully and currently informed with respect to any activities of

foreign nations that are significant with respect to the proliferation of nuclear, chemical, or biological weapons or the means of delivery of such weapons.

(2) FULLY AND CURRENTLY INFORMED DEFINED.—For purposes of paragraph (1), the term ''fully and currently informed'' means the transmittal of credible information with respect to an activity described in such paragraph not later than 60 days after becoming aware of the activity.

SEC. 1038. SENSE OF CONGRESS ON NUCLEAR WEAPONS MANAGEMENT.

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

(1) The unauthorized transfer of nuclear weapons from Minot Air Force Base, North Dakota, to Barksdale Air Force Base, Louisiana, in August 2007 was an extraordinary breach of the command and control and security of nuclear weapons.

(2) The reviews conducted following that unauthorized transfer found that the ability of the Department of Defense to provide oversight of nuclear weapons matters had degenerated and that senior level attention to nuclear weapons management is minimal at best.

(3) The lack of attention to nuclear weapons and related equipment by the Department of Defense was demonstrated again when it was discovered in March 2008 that classified equipment from Minuteman III intercontinental ballistic missiles was inadvertently shipped to Taiwan in 2006.

(4) The Department of Defense has insufficient capability and staffing in the Office of the Under Secretary of Defense for Policy to provide the necessary oversight of the nuclear weapons functions of the Department.

(5) The key senior position responsible for nuclear weapons matters in the Department of Defense, the Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, a position filled by appointment by and with the advice and consent of the Senate, has been vacant for more than 18 months.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should maintain clear and unambiguous command and control of its nuclear weapons;

(2) the safety and security of nuclear weapons and related equipment should be a high priority as

long as the United States maintains a stockpile of nuclear weapons;

(3) the President should take immediate steps to nominate a qualified individual for the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs; and

(4) the Secretary of Defense should establish and fill a senior position, at the level of Assistant Secretary or Deputy Under Secretary, within the Office of the Under Secretary of Defense for Policy to be responsible solely for the strategic and nuclear weapons policy of the Department of Defense.

SEC. 1039. SENSE OF CONGRESS ON JOINT DEPARTMENT OF DEFENSE-FEDERAL AVIATION ADMINISTRATION EXECUTIVE COMMITTEE ON CONFLICT AND DISPUTE RESOLUTION.

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

(1) Unmanned aerial systems (UAS) of the Department of Defense, like the Predator and the Global Hawk, have become a critical component of military operations. Unmanned aerial systems are indispensable in the conflict against terrorism and the campaigns in Afghanistan and Iraq.

(2) Unmanned aerial systems of the Department of Defense must operate in the National Airspace System (NAS) for training, operational support to the combatant commands, and support to domestic authorities in emergencies and national disasters.

(3) The Department of Defense has been lax in developing certifications of airworthiness for unmanned aerial systems, qualifications for operators of unmanned aerial systems, databases on safety matters relating to unmanned aerial systems, and standards, technology, and procedures that are necessary for routine access of unmanned aerial systems to the National Airspace System.

(4) As recognized in a Memorandum of Agreement for Operation of Unmanned Aircraft Systems in the National Airspace System signed by the Deputy Secretary of Defense and the Administrator of the Federal Aviation Administration in September 2007, it is vital for the Department of Defense and the Federal Aviation Administration to collaborate closely to achieve progress in gaining access for unmanned aerial systems to the National Airspace System to support military requirements.

(5) The Department of Defense and the Federal Aviation Administration have jointly and separately taken significant actions to improve the access of unmanned aerial systems of the Department of Defense to the National Airspace System, but overall, the pace of progress in access of such systems to the National Airspace System has been insufficient and poses a threat to national security.

(6) Techniques and procedures can be rapidly acquired or developed to temporarily permit safe operations of unmanned aerial systems in the National Airspace System until permanent safe operations of such systems in the National Airspace System can be achieved.

(7) Identifying, developing, approving, implementing, and monitoring the adequacy of these techniques and procedures may require the establishment of a joint Department of Defense-Federal Aviation Administration executive committee reporting to the highest levels of the Department of Defense and the Federal Aviation Administration on matters relating to the access of unmanned aerial systems of the Department of Defense to the National Airspace System.

(8) Joint management attention at the highest levels of the Department of Defense and the Federal Aviation Administration may also be required on other important issues, such as type ratings for aerial refueling aircraft.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should seek an agreement with the Administrator of the Federal Aviation Administration to jointly establish within the Department of Defense and the Federal Aviation Administration a joint Department of Defense–Federal Aviation Administration executive committee on conflict and dispute resolution which would—

(1) act as a focal point for the resolution of disputes on matters of policy and procedures between the Department of Defense and the Federal Aviation Administration with respect to—

(A) airspace, aircraft certifications, and aircrew training; and

(B) other issues brought before the joint executive committee by the Department of Defense or the Department of Transportation;

(2) identify solutions to the range of technical, procedural, and policy concerns arising in the disputes described in paragraph (1); and

(3) identify solutions to the range of technical, procedural, and policy concerns arising in the integration of Department of Defense unmanned aerial systems into the National Airspace System in order to achieve the increasing, and ultimately routine, access of such systems into the National Airspace System.

SEC. 1040. SENSE OF CONGRESS ON SALE OF NEW OUTSIZE CARGO, STRATEGIC LIFT AIRCRAFT FOR CIVILIAN USE.

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

(1) The 2004 Quadrennial Defense Review (as submitted to Congress in 2005) and the 2005 Mobility Capability Study determined that the United States Transportation Command requires a force of 292 organic strategic lift aircraft, augmented by procurement of airlift service from commercial air carriers participating in the Civil Reserve Air Fleet, to meet the demands of the National Military Strategy. Congress has authorized and appropriated funds for 301 strategic airlift aircraft.

(2) The Commander of the United States Transportation Command has testified to Congress that it is essential to safeguard the capabilities and

capacity of the Civil Reserve Air Fleet to meet wartime surge demands in connection with major combat operations, and that procurement by the Air Force of excess organic strategic lift aircraft would be harmful to the health of the Civil Reserve Air Fleet.

(3) The C–17 Globemaster aircraft is the workhorse of the Air Mobility Command in the Global War on Terror. Production of the C–17 Globemaster aircraft is scheduled to cease in 2009, upon completion of the aircraft remaining to be procured by the Air Force.

(4) The Federal Aviation Administration has informed the Committee on Armed Services of the Senate that no fewer than six commercial operators have expressed interest in procuring a commercial variant of the C–17 Globemaster aircraft. Commercial sale of the C–17 Globemaster aircraft would require that the Department of Defense or Congress determine that it is in the national interest for the Federal Aviation Administration to proceed with the issuance of a type certificate for surplus aircraft of the Armed Forces in accordance with section 21.27 of title 14, Code of Federal Regulations.

(5) C–17 Globemaster aircraft sold for commercial use could be made available to the Civil Reserve Air Fleet, thus strengthening the capabilities and capacity of the Civil Reserve Air Fleet.

(6) The sale of a commercial variant of the C–17 Globemaster to Civil Reserve Air Fleet partners would strengthen the United States industrial base.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should—

(1) review the benefits and feasibility of pursuing a commercial-military cargo initiative for the C–17 Globemaster aircraft and determine whether such an initiative is in the national interest; and

(2) if the Secretary determines that such an initiative is in the national interest, take appropriate actions to coordinate with the Federal Aviation Administration to achieve the type certification for such aircraft required by section 21.27 of title 14, Code of Federal Regulations.

Subtitle E—Reports

SEC. 1051. REPEAL OF REQUIREMENT TO SUBMIT CERTAIN ANNUAL REPORTS TO CONGRESS REGARDING ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.

(a) REPEAL OF CERTAIN REPORTS ON ALLIED CONTRIBUTIONS TO THE COMMON DEFENSE.—Section 1003 of the Department of Defense Authorization Act, 1985 (Public Law 95–525; 98 Stat. 2576) is amended by striking subsections (c) and (d).

(b) REPEAL OF REPORT ON COST-SHARING.—Section 1313 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2894) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsections (c).

SEC. 1052. REPORT ON DETENTION OPERATIONS IN IRAQ.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on detention operations at theater internment facilities in Iraq during the period beginning on January 1, 2007, and ending on the date of the report.

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

(1) A detailed description of the policies and procedures governing detention operations at theater internment facilities in Iraq during the period covered by the report, and a description of any changes to such policies and procedures during that period intended to incorporate counterinsurgency doctrine within such detention operations.

(2) A detailed description of the policies and programs instituted to prepare detainees for reintegration following their release from detention in theater interment facilities in Iraq, including programs of family visits and outreach, religious counseling, literacy, basic education, and vocational skills.

(3) A detailed description of the procedures for reviewing the detention status of individuals under detention in theater detention facilities in Iraq during the period covered by the report, including the procedures of the Multinational Forces Review Committee, and an assessment of the effect, if any, on United States detention policy and procedures with respect to Iraq of the General Amnesty Law approved by the Council of Representatives on Feb-

ruary 13, 2008, and signed by the Presidency Council on February 26, 2008.

(4) Information for each month of the period covered by the report as follows:

(A) The detainee population at each theater internment facility in Iraq as of the end of such month.

(B) The number of detainees released from detention in theater internment facilities in Iraq during such month both in aggregate and in number released from each such theater internment facility.

(C) The number of detainees in theater internment facilities in Iraq turned over to the control of the Government of Iraq for criminal prosecution during such month.

(5) Information on the length of detainments in the theater internment facilities in Iraq as of each of January 1, 2007, and January 1, 2008, with a stratification of the number of individuals who had been so detained at each such date by six-month increments.

(6) A description and assessment of the effects of changes in detention operations and reintegration programs at theater internment facilities in Iraq

during the period of the report, including changes in levels of violence within internment facilities and in rates of recapture of detainees released from detention in internment facilities.

(7) A statement of the costs of establishing and operating reintegration centers in Iraq and of the share of such costs to be paid by the Government of Iraq, and a description of plans for the transition of such centers to the control of the Government of Iraq.

(8) A description of—

(A) the lessons learned regarding detention operations in a counterinsurgency operation, an assessment of how such lessons could be applied to detention operations elsewhere (including in Afghanistan and at Guantanamo Bay, Cuba); and

(B) any efforts to integrate such lessons into Department of Defense directives, joint doctrine, mission rehearsal exercises for deploying forces, and training for units involved in detention and interrogation operations.

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

SEC. 1053. STRATEGIC PLAN TO ENHANCE THE ROLE OF THE NATIONAL GUARD AND RESERVES IN THE NATIONAL DEFENSE.

(a) STRATEGIC PLAN REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall develop a strategic plan to enhance the role of the National Guard and Reserves in the national defense, including—

(A) the transition of the reserve components of the Armed Forces from a strategic force to an operational force;

(B) the achievement of a fully-integrated total force (including further development of the continuum of service); and

(C) the enhancement of the role of the reserve components of the Armed Forces in homeland defense.

(2) CONSULTATION.—The Secretary shall develop the strategic plan required by this subsection in consultation with the Chairman of the Joint Chiefs of Staff and the Chief of the National Guard Bureau.

(b) CONSIDERATION OF EXISTING FINDINGS, RECOMMENDATIONS, AND PRACTICES.—In developing the strategic plan required by subsection (a), the Secretary shall consider the following:

(1) The findings and recommendations of the final report of the Commission on the National Guard and Reserves.

(2) The findings and recommendations of the Center for Strategic and International Studies on the future of the National Guard and Reserves.

(3) The policies expressed in the provisions of the bill S. 2760 of the 110th Congress, to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

(4) Current policies and practices of the Department of Defense for the utilization of members and units of the reserve components of the Armed Forces.

(c) ELEMENTS.—The strategic plan required by subsection (a) shall include the following:

(1) A description of the legislative, organizational, and administrative actions required to make the reserve components of the Armed Forces a sustainable operational force.

(2) A description of the legislative, organizational, and administrative actions required to enhance the Department of Defense role in homeland defense and support of civil authorities, with particular emphasis on the role of the reserve components of the Armed Forces in such role.

(3) A description of the legislative, organizational, and administrative actions required to create a continuum of service in the reserve components of the Armed Forces, including a personnel management system for an integrated total force that will facilitate the seamless transition of members of National Guard and Reserves on and off active duty to meet mission requirements and permit different levels of participation by such members in the Armed Forces over the course of a military career.

(4) A description of the legislative and administrative actions required to develop a ready, capable, and available operational reserve for the Armed Forces.

(5) A description of the legislative and administrative actions required to reform organizations and institutions to support an operational reserve for the Armed Forces.

(6) A description of the legislative and administrative actions required to enhance support to members of the Armed Forces, including members of the reserve components of the Armed Forces, their families, and their employers.

(d) DEADLINE FOR SUBMITTAL.—The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plan required by subsection (a) not later than July 1, 2009.

SEC. 1054. REVIEW OF NONNUCLEAR PROMPT GLOBAL STRIKE CONCEPT DEMONSTRATIONS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of State, conduct a review of each nonnuclear prompt global strike concept demonstration with respect to which the President requests funding in the budget of the President for fiscal year 2010 (as submitted to Congress pursuant to section 1105 of title 31, United States Code).

(b) ELEMENTS.—The review required by subsection (a) shall include, for each concept demonstration described in that subsection, the following:

(1) The full cost of such concept demonstration.

(2) An assessment of any policy, legal, or treaty-related issues that could arise during the course of, or as a result of, such concept demonstration.

(3) The extent to which the concept demonstrated could be misconstrued as a nuclear weapon or delivery system.

(4) An assessment of the potential basing and deployment options for the concept demonstrated.

(5) A description of the types of targets against which the concept demonstrated might be used.

(c) REPORT.—Not later than 30 days after the date on which the President submits to Congress the budget for fiscal year 2010 (as so submitted), the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of the review required by subsection (a).

SEC. 1055. REVIEW OF BANDWIDTH CAPACITY REQUIREMENTS OF THE DEPARTMENT OF DEFENSE AND THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence shall conduct a joint review of the bandwidth capacity requirements of the Department of Defense and the intelligence community in the near term, mid term, and long term.

(b) ELEMENTS.—The review required by subsection (a) shall include an assessment of the following:

(1) The current bandwidth capacities of the Department of Defense and the intelligence community to transport data, including Government and commercial ground networks and satellite systems.

(2) The bandwidth capacities anticipated to be available to the Department of Defense and the intelligence community to transport data in the near term, mid term, and long term.

(3) The bandwidth and data requirements of current major operational systems of the Department of Defense and the intelligence community, including an assessment of—

(A) whether such requirements are being appropriately met by the bandwidth capacities described in paragraph (1); and

(B) the degree to which any such requirements are not being met by such bandwidth capacities.

(4) The anticipated bandwidth and data requirements of major operational systems of the Department of Defense and the intelligence community planned for each of the near term, mid term, and long term, including an assessment of—

(A) whether such anticipated requirements will be appropriately met by the bandwidth capacities described in paragraph (2); and

(B) the degree to which any such requirements are not anticipated to be met by such bandwidth capacities.

(5) Any mitigation concepts that could be used to satisfy any unmet bandwidth and data requirements.

(6) The costs of meeting the bandwidth and data requirements described in paragraphs (3) and (4).

(7) Any actions necessary to integrate or consolidate the information networks of the Department of Defense and the intelligence community.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the congressional defense committees, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives a report setting forth the results of the review required by subsection (a).

(d) FORMAL REVIEW PROCESS FOR BANDWIDTH REQUIREMENTS.—The Secretary of Defense and the Direc-

tor of National Intelligence shall, as part of the Milestone B or Key Decision Point B approval process for any major defense acquisition program or major system acquisition program, establish a formal review process to ensure that—

(1) the bandwidth requirements needed to support such program are or will be met; and

(2) a determination will be made with respect to how to meet the bandwidth requirements for such program.

(e) DEFINITIONS.—In this section:

(1) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(2) LONG TERM.—The term ''long term'' means the five-year period beginning on the date that is 10 years after the date of the enactment of this Act.

(3) MID TERM.—The term ''mid term'' means the five-year period beginning on the date that is five years after the date of the enactment of this Act.

(4) NEAR TERM.—The term ''near term'' means the five-year period beginning on the date of the enactment of this Act.

Subtitle F—Wounded Warrior Matters

SEC. 1061. MODIFICATION OF UTILIZATION OF VETERANS' PRESUMPTION OF SOUND CONDITION IN ESTABLISHING ELIGIBILITY OF MEMBERS OF THE ARMED FORCES FOR RETIREMENT FOR DISABILITY.

(a) RETIREMENT OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1201(b)(3)(B)(i) of title 10, United States Code, is amended—

(1) by striking ''the member has six months or more of active military service and''; and

(2) by striking ''(unless compelling evidence'' and all that follows through ''active duty)'' and inserting ''(unless clear and unmistakable evidence demonstrates that the disability existed before the member's entrance on active duty and was not aggravated by active military service)''.

(b) SEPARATION OF REGULARS AND MEMBERS ON ACTIVE DUTY FOR MORE THAN 30 DAYS.—Section 1203(b)(4)(B) of such title is amended—

(1) by striking ''the member has six months or more of active military service, and''; and

(2) by striking ''(unless compelling evidence'' and all that follows through ''active duty)'' and inserting ''(unless clear and unmistakable evidence demonstrates that the disability existed before the member's entrance on active duty and was not aggravated by active military service)''.

SEC. 1062. INCLUSION OF SERVICE MEMBERS IN INPATIENT STATUS IN WOUNDED WARRIOR POLICIES AND PROTECTIONS.

Section 1602(7) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 432; 10 U.S.C. 1071 note) is amended by inserting ''inpatient or'' before ''outpatient status''.

SEC. 1063. CLARIFICATION OF CERTAIN INFORMATION SHARING BETWEEN THE DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS FOR WOUNDED WARRIOR PURPOSES.

(a) IN GENERAL.—Section 1614(b)(11) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 444; 10 U.S.C. 1071 note) is amended by inserting before the period at the end the following: ''or that

such transfer is otherwise authorized by the regulations implementing such Act''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 28, 2008, as if included in the provisions of the Wounded Warrior Act, to which such amendment relates.

SEC. 1064. ADDITIONAL RESPONSIBILITIES FOR THE WOUNDED WARRIOR RESOURCE CENTER.

Section 1616(a) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 447; 10 U.S.C. 1071 note) is amended in the first sentence by inserting ''receiving legal assistance referral information (where appropriate), receiving other appropriate referral information,'' after ''receiving benefits information,''.

SEC. 1065. RESPONSIBILITY FOR THE CENTER OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT AND REHABILITATION OF TRAUMATIC BRAIN INJURY TO CONDUCT PILOT PROGRAMS ON TREATMENT APPROACHES FOR TRAUMATIC BRAIN INJURY.

Section 1621(c) of the Wounded Warrior Act (title XVI of Public Law 110–181; 122 Stat. 453; 10 U.S.C. 1071 note) is amended—

(1) by redesignating paragraphs (2) through (13) as paragraphs (3) through (14), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2) To conduct pilot programs to promote or assess the efficacy of approaches to the treatment of all forms of traumatic brain injury, including mild traumatic brain injury.''.

SEC. 1066. CENTER OF EXCELLENCE IN THE MITIGATION, TREATMENT, AND REHABILITATION OF TRAUMATIC EXTREMITY INJURIES AND AMPUTATIONS.

(a) IN GENERAL.—The Secretary of Veterans Affairs and the Secretary of Defense shall jointly establish a center of excellence in the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(b) PARTNERSHIPS.—The Secretary of Veterans Affairs and the Secretary of Defense shall jointly ensure that the center collaborates with the Department of Veterans Affairs, the Department of Defense, institutions of higher education, and other appropriate public and private entities (including international entities) to carry out the responsibilities specified in subsection (c).

(c) RESPONSIBILITIES.—The center shall have the responsibilities as follows:

(1) To implement a comprehensive plan and strategy for the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

(2) To carry out such other activities to improve and enhance the efforts of the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations as the Secretary of Veterans Affairs and the Secretary of Defense consider appropriate.

(d) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Secretary of Veterans Affairs and the Secretary of Defense shall jointly submit to Congress a report on the activities of the center.

(2) ELEMENTS.—Each report under this subsection shall include the following:

(A) In the case of the first report under this subsection, a description of the implementation of the requirements of this Act.

(B) A description and assessment of the activities of the center during the one-year period ending on the date of such report, including an assessment of the role of such activities in improving and enhancing the efforts of the Department of Veterans Affairs and the Department of Defense for the mitigation, treatment, and rehabilitation of traumatic extremity injuries and amputations.

SEC. 1067. THREE-YEAR EXTENSION OF SENIOR OVERSIGHT COMMITTEE WITH RESPECT TO WOUNDED WARRIOR MATTERS.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly take such actions as are appropriate, including the allocation of appropriate personnel, funding, and other resources, to continue the operations of the Senior Oversight Committee until September 30, 2011.

(b) REPORT ON FURTHER EXTENSION OF COMMITTEE.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the joint recommendation of the Secretaries as to the advisability of continuing the operations of the Senior Oversight Committee after September 30, 2011. If the Secre-

taries recommend that continuing the operations of the Senior Oversight Committee after September 30, 2011, is advisable, the report may include such recommendations for the modification of the responsibilities, composition, or support of the Senior Oversight Committee as the Secretaries jointly consider appropriate.

(c) SENIOR OVERSIGHT COMMITTEE DEFINED.—In this section, the term ''Senior Oversight Committee'' means the Senior Oversight Committee jointly established by the Secretary of Defense and the Secretary of Veterans Affairs in May 2007. The Senior Oversight Committee was established to address concerns related to the treatment of wounded, ill, and injured members of the Armed Forces and veterans and serve as the single point of contact for oversight, strategy, and integration of proposed strategies for the efforts of the Department of Defense and the Department of Veterans Affairs to improve support throughout the recovery, rehabilitation, and reintegration of wounded, ill, or injured members of the Armed Forces.

Subtitle G—Other Matters

SEC. 1081. MILITARY SALUTE FOR THE FLAG DURING THE NATIONAL ANTHEM BY MEMBERS OF THE ARMED FORCES NOT IN UNIFORM AND BY VETERANS.

Section 301(b)(1) of title 36, United States Code, is amended by striking subparagraphs (A) through (C) and inserting the following new subparagraphs:

"(A) individuals in uniform should give the military salute at the first note of the anthem and maintain that position until the last note;

"(B) members of the Armed Forces and veterans who are present but not in uniform may render the military salute in the manner provided for individuals in uniform; and

"(C) all other persons present should face the flag and stand at attention with their right hand over the heart, and men not in uniform, if applicable, should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart; and".

SEC. 1082. MODIFICATION OF DEADLINES FOR STANDARDS REQUIRED FOR ENTRY TO MILITARY INSTALLATIONS IN THE UNITED STATES.

Section 1069(c) of the National Defense Authorization Act of Fiscal Year 2008 (Public Law 110–181; 122 Stat. 327) is amended—

(1) in paragraph (1)—

(A) by striking ''July 1, 2008'' and inserting ''February 1, 2009''; and

(B) by striking ''January 1, 2009'' and inserting ''October 1, 2012''; and

(2) in paragraph (2), by striking ''implemented'' and inserting ''developed''.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. DEPARTMENT OF DEFENSE STRATEGIC HUMAN CAPITAL PLANS.

(a) CODIFICATION OF ANNUAL REQUIREMENT FOR PLAN.—

(1) IN GENERAL.—Chapter 2 of title 10, United States Code, is amended by adding after section 115a the following new section:

''§ 115b. Department of Defense strategic human capital plans

''(a) ANNUAL PLAN REQUIRED.—The Secretary of Defense shall submit to Congress on an annual basis a

strategic human capital plan to shape and improve the civilian employee workforce of the Department of Defense. The plan shall be submitted not later than March 1 each year.

"(b) CONTENTS.—Each strategic human capital plan under subsection (a) shall include the following:

"(1) An assessment of—

"(A) the critical skills and competencies that will be needed in the future civilian employee workforce of the Department of Defense to support national security requirements and effectively manage the Department over the next decade;

"(B) the skills and competencies of the existing civilian employee workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

"(C) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the critical skills and competencies described in subparagraph (A).

"(2) A plan of action for developing and reshaping the civilian employee workforce of the Department to address the gaps in critical skills and competencies identified under paragraph (1)(C), including—

"(A) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals and the funding needed to achieve such goals; and

"(B) specific strategies for developing, training, deploying, compensating, and motivating the civilian employee workforce of the Department, including the program objectives of the Department to be achieved through such strategies and the funding needed to implement such strategies.

"(3) An assessment, using results-oriented performance measures, of the progress of the Department in implementing the strategic human capital plan under this section during the previous year.

"(c) SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—(1) Each strategic human capital plan under subsection (a) shall specifically address the shaping and improvement of the senior management,

functional, and technical workforce (including scientists and engineers) of the Department of Defense.

"(2) For purposes of paragraph (1), each plan shall include, at a minimum, the following:

"(A) An assessment of—

"(i) the needs of the Department for senior management, functional, and technical personnel (including scientists and engineers) in light of recent trends and projected changes in the mission and organization of the Department and in light of staff support needed to accomplish that mission;

"(ii) the capability of the existing civilian employee workforce of the Department to meet requirements relating to the mission of the Department, including the impact on that capability of projected trends in the senior management, functional, and technical personnel workforce of the Department based on expected losses due to retirement and other attrition; and

"(iii) gaps in the existing or projected civilian employee workforce of the Department that should be addressed to ensure that the Department has continued access to the senior man-

agement, functional, and technical personnel (including scientists and engineers) it needs.

"(B) A plan of action for developing and reshaping the senior management, functional, and technical workforce of the Department to address the gaps identified under subparagraph (A)(iii), including—

"(i) any legislative or administrative action that may be needed to adjust the requirements applicable to any category of civilian personnel identified in paragraph (3) or to establish a new category of senior management or technical personnel;

"(ii) any changes in the number of personnel authorized in any category of personnel identified in subsection (b) that may be needed to address such gaps and effectively meet the needs of the Department;

"(iii) any changes in the rates or methods of pay for any category of personnel identified in paragraph (3) that may be needed to address inequities and ensure that the Department has full access to appropriately qualified personnel to address such gaps and meet the needs of the Department;

"(iv) specific recruiting and retention goals, including the program objectives of the Department to be achieved through such goals;

"(v) specific strategies for developing, training, deploying, compensating, motivating, and designing career paths and career opportunities for the senior management, functional, and technical workforce of the Department, including the program objectives of the Department to be achieved through such strategies; and

"(vi) specific steps that the Department has taken or plans to take to ensure that the senior management, functional, and technical workforce of the Department is managed in compliance with the requirements of section 129 of this title.

"(3) For purposes of this subsection, the senior management, functional, and technical workforce of the Department of Defense includes the following categories of Department of Defense civilian personnel:

"(A) Appointees in the Senior Executive Service under section 3131 of title 5.

"(B) Persons serving in positions described in section 5376(a) of title 5.

"(C) Highly qualified experts appointed pursuant to section 9903 of title 5.

"(D) Scientists and engineers appointed pursuant to section 342(b) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398 (114 Stat. 1654A–315)).

"(E) Scientists and engineers appointed pursuant to section 1101 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note).

"(F) Persons serving in the Defense Intelligence Senior Executive Service under section 1606 of this title.

"(G) Persons serving in Intelligence Senior Level positions under section 1607 of this title.

"(d) DEFENSE ACQUISITION WORKFORCE.—(1) Each strategic human capital plan under subsection (a) shall specifically address the shaping and improvement of the defense acquisition workforce, including both military and civilian personnel.

"(2) For purposes of paragraph (1), each plan shall include, at a minimum, the following:

"(A) An assessment of—

"(i) the skills and competencies needed in the military and civilian workforce of the Department of Defense to effectively manage the acquisition programs and activities of the Department over the next decade;

"(ii) the skills and competencies of the existing military and civilian acquisition workforce of the Department and projected trends in that workforce based on expected losses due to retirement and other attrition; and

"(iii) gaps in the existing or projected military and civilian acquisition workforce that should be addressed to ensure that the Department has access to the skills and competencies identified pursuant to clauses (i) and (ii).

"(B) A plan of action that establishes specific objectives for developing and reshaping the military and civilian acquisition workforce of the Department to address the gaps in skills and competencies identified under subparagraph (A), including—

"(i) specific recruiting and retention goals; and

"(ii) specific strategies and incentives for developing, training, deploying, compensating, and motivating the military and civilian acquisition workforce of the Department to achieve such goals.

"(C) A plan for funding needed improvements in the military and civilian acquisition workforce of the Department, including—

"(i) an identification of the funding programmed for defense acquisition workforce improvements, including a specific identification of funding provided in the Department of Defense Acquisition Workforce Fund established under section 1705 of this title;

"(ii) an identification of the funding programmed for defense acquisition workforce training in the future-years defense program, including a specific identification of funding provided by the acquisition workforce training fund established under section 37(h)(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 433(h)(3));

"(iii) a description of how the funding identified pursuant to clauses (i) and (ii) will be implemented during the fiscal year concerned to

address the areas of need identified in accordance with subparagraph (A);

"(iv) a statement of whether the funding identified under clauses (i) and (ii) is being fully used; and

"(v) a description of any continuing shortfall in funding available for the defense acquisition workforce.

"(e) SUBMITTALS BY SECRETARIES OF THE MILITARY DEPARTMENTS AND HEADS OF THE DEFENSE AGENCIES.—The Secretary of Defense shall require the Secretary of each military department and the head of each Defense Agency to submit a report to the Secretary addressing each of the matters described in this section. The Secretary of Defense shall establish a deadline for the submittal of reports under this subsection that enables the Secretary to consider the material submitted in a timely manner and incorporate such material, as appropriate, into the strategic human capital plans required by this section.

"(f) GAPS IN THE WORKFORCE.—(1) The Secretary of Defense may not conduct a public-private competition under chapter 126 of this title, Office of Management and Budget Circular A–76, or any other provision of law or regulation before expanding the civilian workforce of the

1 Department of Defense to address a gap in the workforce
2 identified under this section.
3 "(2) For purposes of this section, gaps in the work-
4 force include—
5 "(A) shortcomings in the skills and com-
6 petencies of employees; and
7 "(B) shortcomings in the number of employees
8 possessing such skills and competencies.".
9 (2) CLERICAL AMENDMENT.—The table of sec-
10 tions at the beginning of chapter 2 of such title is
11 amended by inserting after the item relating to sec-
12 tion 115a the following new item:

"115b. Department of Defense strategic human capital plans.".

13 (b) COMPTROLLER GENERAL REVIEW.—Not later
14 than 90 days after date on which the Secretary of Defense
15 submits to Congress an annual strategic human capital
16 plan under section 115b of title 10, United States Code
17 (as added by subsection (a)), in each of 2009, 2010, 2011
18 and 2012, the Comptroller General of the United States
19 shall submit to the Committees on Armed Services of the
20 Senate and House of Representatives a report on the plan
21 so submitted.
22 (c) CONFORMING REPEALS.—The following provi-
23 sions are repealed:
24 (1) Section 1122 of the National Defense Au-
25 thorization Act for Fiscal Year 2006 (Public Law

109–163; 119 Stat. 3452; 10 U.S.C. note prec. 1580).

(2) Section 1102 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 119–364; 120 Stat. 2407).

(3) Section 851 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 247; 10 U.S.C. note prec. 1580).

SEC. 1102. CONDITIONAL INCREASE IN AUTHORIZED NUMBER OF DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE PERSONNEL.

(a) IN GENERAL.—Section 1606(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' before ''The Secretary of Defense''; and

(2) by striking the second sentence and inserting the following:

''(2)(A) The number of positions in the Defense Intelligence Senior Executive Service in any fiscal year after fiscal year after fiscal year 2008 may not exceed the lesser of the following:

''(i) The number of such positions authorized on September 30, 2007, as adjusted by the percent-

1 age specified in subparagraph (B) for such fiscal
2 year.
3 ''(ii) 694.
4 ''(B) The percentage specified in this subparagraph
5 for a fiscal year is the percentage by which the authorized
6 number of Department of Defense positions in the Senior
7 Executive Service has been increased as of the end of the
8 preceding fiscal year over the number of such positions
9 authorized on September 30, 2007.
10 ''(3) Priority shall be given in the allocation of any
11 increase in the number of authorized positions in the De-
12 fense Intelligence Senior Executive Service after fiscal
13 year 2008 to components of the intelligence community
14 within the Department of Defense in which the ratio of
15 senior executives to employees other than senior executives
16 is the lowest.''.
17 (b) EFFECTIVE DATE.—The amendments made by
18 this section shall take effect on October 1, 2008.

19 **SEC. 1103. ENHANCEMENT OF AUTHORITIES RELATING TO**
20 **ADDITIONAL POSITIONS UNDER THE NA-**
21 **TIONAL SECURITY PERSONNEL SYSTEM.**

22 Section 9902(i) of title 5, United States Code, is
23 amended—
24 (1) in paragraph (1), by inserting ''(except that
25 the limitations of chapter 33 may be waived to the

extent necessary to achieve the purposes of this subsection)'' after ''the limitations in subsection (b)(3)''; and

(2) in paragraph (2), by inserting before the period at the end the following: ''in a manner comparable to the manner in which such provisions are applied under chapter 33''.

SEC. 1104. EXPEDITED HIRING AUTHORITY FOR HEALTH CARE PROFESSIONALS OF THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—For purposes of sections 3304, 5333, and 5753 of title 5, United States Code, the Secretary of Defense may—

(1) designate any category of health care position within the Department of Defense as a shortage category position if the Secretary determines that there exists a severe shortage of candidates for such position or there is a critical hiring need for such position; and

(2) utilize the authorities in such sections to recruit and appoint highly qualified persons directly to positions so designated.

(b) TERMINATION OF AUTHORITY.—The Secretary may not appoint a person to a position of employment under this section after September 30, 2012.

SEC. 1105. ELECTION OF INSURANCE COVERAGE BY FEDERAL CIVILIAN EMPLOYEES DEPLOYED IN SUPPORT OF A CONTINGENCY OPERATION.

(a) AUTOMATIC COVERAGE.—Section 8702(c) of title 5, United States Code, is amended—

(1) by inserting ''an employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or'' after ''subsection (b)''; and

(2) by inserting ''notification of deployment or'' after ''the date of the''.

(b) OPTIONAL INSURANCE.—Section 8714a(b) of such title is amended—

(1) by designating the text as paragraph (2); and

(2) by inserting before paragraph (2), as so designated the following new paragraph (1):

''(1) An employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or an employee of the Department of Defense who is designated as emergency essential under section 1580 of title 10 shall be insured under the policy of insurance under this section if the employee, within 60 days after the date of notification of deployment or designation, elects to be insured under the policy of insurance. An election under this paragraph shall be effective

when provided to the Office in writing, in the form prescribed by the Office, within such 60-day period.''.

(c) ADDITIONAL OPTIONAL LIFE INSURANCE.—Section 8714b(b) of such title is amended—

(1) by designating the text as paragraph (2); and

(2) by inserting before paragraph (2), as so designated the following new paragraph (1):

''(2) An employee who is deployed in support of a contingency operation (as that term is defined in section 101(a)(13) of title 10) or an employee of the Department of Defense who is designated as emergency essential under section 1580 of title 10 shall be insured under the policy of insurance under this section if the employee, within 60 days after the date of notification of deployment or designation, elects to be insured under the policy of insurance. An election under this paragraph shall be effective when provided to the Office in writing, in the form prescribed by the Office, within such 60-day period.''.

SEC. 1106. PERMANENT EXTENSION OF DEPARTMENT OF DEFENSE VOLUNTARY REDUCTION IN FORCE AUTHORITY.

Section 3502(f) of title 5, United States Code, is amended by striking paragraph (5).

SEC. 1107. FOUR-YEAR EXTENSION OF AUTHORITY TO MAKE LUMP SUM SEVERANCE PAYMENTS WITH RESPECT TO DEPARTMENT OF DEFENSE EMPLOYEES.

Section 5595(i)(4) of title 5, United States Code, is amended by striking ''October 1, 2010'' and inserting ''October 1, 2014''.

SEC. 1108. AUTHORITY TO WAIVE LIMITATIONS ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS UNDER AREAS OF UNITED STATES CENTRAL COMMAND.

(a) WAIVER AUTHORITY.—

(1) IN GENERAL.—Notwithstanding sections 5307 and 5547 of title 5, United States Code, the head of an Executive agency (as that term is defined in section 105 of title 5, United States Code) may, during calendar year 2009, waive limitations on the aggregate on basic pay and premium pay payable in such calendar year, and on allowances, differentials, bonuses, awards, and similar cash payments payable in such calendar year, to an employee who performs work while in an overseas location that is in the area of responsibility of the Commander of the United States Central Command in direct support of, or directly related to—

(A) a military operation, including a contingency operation; or

(B) an operation in response to a declared emergency.

(2) LIMITATION.—The total annual compensation payable to an employee pursuant to a waiver under this subsection may not exceed the total annual compensation payable to the Vice President under section 104 of title 3, United States Code.

(b) ROLLOVER OF EARNED PAY TO SUBSEQUENT YEAR.—Any amount that would otherwise be paid an employee in calendar year 2009 under a waiver under subsection (a)(1) except for the limitation in subsection (a)(2) shall be paid to the employee in a lump sum at the beginning of calendar year 2010. Any amount paid an employee under this subsection in calendar year 2010 shall be taken into account as if the limitation in subsection (a)(2) was applicable to the employee in calendar year 2010.

(c) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay shall not be considered to be basic pay for any purpose, nor shall such additional pay be used in computing a lump-sum payment for

accumulated and accrued annual leave under section 5551 of title 5, United States Code.

(d) REGULATIONS.—The Director of the Office of Personnel Management may prescribe regulations to ensure appropriate consistency among heads of Executive agencies in the exercise of the authority granted by this section.

SEC. 1109. TECHNICAL AMENDMENT RELATING TO DEFINITION OF PROFESSIONAL ACCOUNTING POSITION FOR PURPOSES OF CERTIFICATION AND CREDENTIALING STANDARDS.

Section 1599d(e) of title 10, United States Code, is amended by striking ''GS–510, GS–511, and GS–505'' and inserting ''0505, 0510, 0511, or equivalent''.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. INCREASE IN AMOUNT AVAILABLE FOR COSTS OF EDUCATION AND TRAINING OF FOREIGN MILITARY FORCES UNDER REGIONAL DEFENSE COMBATING TERRORISM FELLOWSHIP PROGRAM.

(a) INCREASE IN AMOUNT.—Section 2249c(b) of title 10, United States Code, is amended by striking ''$25,000,000'' and inserting ''$35,000,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 1202. AUTHORITY FOR DISTRIBUTION TO CERTAIN FOREIGN PERSONNEL OF EDUCATION AND TRAINING MATERIALS AND INFORMATION TECHNOLOGY TO ENHANCE MILITARY INTEROPERABILITY WITH THE ARMED FORCES.

(a) AUTHORITY FOR DISTRIBUTION.—

(1) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2249d. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces

"(a) DISTRIBUTION AUTHORIZED.—To enhance interoperability between the armed forces and military forces of friendly foreign nations, the Secretary of Defense, with the concurrence of the Secretary of State, may—

"(1) provide to personnel referred to in subsection (b) electronically-distributed learning content for the education and training of such personnel for the development or enhancement of allied and friendly military and civilian capabilities for multinational operations, including joint exercises and coalition operations; and

"(2) provide information technology, including computer software developed for such purpose, but only to the extent necessary to support the use of such learning content for the education and training of such personnel.

"(b) AUTHORIZED RECIPIENTS.—The personnel to whom learning content and information technology may be provided under subsection (a) are military and civilian personnel of a friendly foreign government, with the permission of that government.

"(c) EDUCATION AND TRAINING.—Any education and training provided under subsection (a) shall include the following:

"(1) Internet-based education and training.

"(2) Advanced distributed learning and similar Internet learning tools, as well as distributed training and computer-assisted exercises.

"(d) APPLICABILITY OF EXPORT CONTROL REGIMES.—The provision of learning content and information technology under this section shall be subject to the provisions of the Arms Export Control Act (22 U.S.C. 2751 et seq.) and any other export control regime under law relating to the transfer of military technology to foreign nations.

"(e) GUIDANCE ON UTILIZATION OF AUTHORITY.—

"(1) GUIDANCE REQUIRED.—The Secretary of Defense shall develop and issue guidance on the procedures for the use of the authority in this section.

"(2) MODIFICATION.—If the Secretary modifies the guidance issued under paragraph (1), the Secretary shall submit to the appropriate committees of Congress a report setting forth the modified guidance not later than 30 days after the date of such modification.

"(f) ANNUAL REPORT.—

"(1) REPORT REQUIRED.—Not later than October 31 following each fiscal year in which the authority in this section is used, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the exercise of the authority during such fiscal year.

"(2) ELEMENTS.—Each report under paragraph (1) shall include, for the fiscal year covered by such report, the following:

"(A) A statement of the recipients of learning content and information technology provided under this section.

"(B) A description of the type, quantity, and value of the learning content and information technology provided under this section.

"(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

"(1) the Committee on Armed Services of the Senate; and

"(2) the Committee on Armed Services of the House of Representatives.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter

134 of such title is amended by adding at the end the following new item:

"2249d. Distribution to certain foreign personnel of education and training materials and information technology to enhance military interoperability with the armed forces.".

(b) GUIDANCE ON UTILIZATION OF AUTHORITY.—

(1) SUBMITTAL TO CONGRESS.—Not later than 30 days after issuing the guidance required by section 2249d(e) of title 10, United States Code, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such guidance.

(2) UTILIZATION OF SIMILAR GUIDANCE.—In developing the guidance required by section 2249d(e) of title 10, United States Code, as so added, the Secretary may utilize applicable portions of the current guidance developed by the Secretary under subsection (f) of section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2419) for purposes of the exercise of the authority in such section 1207.

(c) REPEAL OF SUPERSEDED AUTHORITY.—

(1) IN GENERAL.—Section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 is repealed.

(2) SUBMITTAL OF FINAL REPORT ON EXERCISE OF AUTHORITY.—If the Secretary of Defense exercised the authority in section 1207 of the John Warner National Defense Authorization Act for Fiscal Year 2007 during fiscal year 2008, the Secretary shall submit the report required by subsection (g) of such section for such fiscal year in accordance with the provisions of such subsection (g) without regard to the repeal of such section under paragraph (1).

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 2008.

SEC. 1203. EXTENSION AND EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) IN GENERAL.—Subsection (a) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2086) is amended—

(1) by inserting ", with the concurrence of the relevant Chief of Mission," after "may"; and

(2) by striking "$25,000,000" and inserting "$35,000,000".

(b) TIMING OF NOTICE ON PROVISION OF SUPPORT.—Subsection (c) of such section is amended by

striking ''in not less than 48 hours'' and inserting ''within 48 hours''.

(c) EXTENSION.—Subsection (h) of such section, as amended by section 1202(c) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 364), is further amended by striking ''2010'' and inserting ''2011''.

(d) TECHNICAL AMENDMENT.—The heading of such section is amended by striking ''**MILITARY OPERATIONS**'' and inserting ''**SPECIAL OPERATIONS**''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 1204. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) BUILDING OF CAPACITY OF ADDITIONAL FOREIGN FORCES.—Subsection (a) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418), is further amended by striking ''a program'' and all that follows and inserting ''a program or programs as follows:

"(1) To build the capacity of a foreign country's national military forces in order for that country to—

"(A) conduct counterterrorism operations; or

"(B) participate in or support military and stability operations in which the United States Armed Forces are participating.

"(2) To build the capacity of a foreign country's coast guard, border protection, and other security forces engaged primarily in counterterrorism missions in order for that country to conduct counterterrorism operations.".

(b) DISCHARGE THROUGH GRANTS.—Subsection (b)(1) of such section, as so amended, is further amended by inserting "may be carried out by grant and" before "may include the provision".

(c) FUNDING.—Subsection (c) of such section, as so amended, is further amended—

(1) in paragraph (1), by striking "$300,000,000" and inserting "$400,000,000"; and

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

"(4) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—Amounts available under

this subsection for the authority in subsection (a) for a fiscal year may be used for programs under that authority that begin in such fiscal year but end in the next fiscal year.''.

(d) THREE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as so amended, is further amended—

(1) by striking ''September 30, 2008'' and inserting ''September 30, 2011''; and

(2) by striking ''fiscal year 2006, 2007, or 2008'' and inserting ''fiscal years 2006 through 2011''.

SEC. 1205. EXTENSION OF AUTHORITY AND INCREASED FUNDING FOR SECURITY AND STABILIZATION ASSISTANCE.

(a) INCREASE IN MAXIMUM AMOUNT OF ASSISTANCE.—Subsection (b) of section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3458) is amended by striking ''$100,000,000'' and inserting ''$200,000,000''.

(b) THREE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section, as amended by section 1210(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369), is further

amended by striking ''September 30, 2008'' and inserting ''September 30, 2011''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 1206. FOUR-YEAR EXTENSION OF TEMPORARY AUTHORITY TO USE ACQUISITION AND CROSS-SERVICING AGREEMENTS TO LEND MILITARY EQUIPMENT FOR PERSONNEL PROTECTION AND SURVIVABILITY.

Section 1202(e) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2412), as amended by section 1252(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 402), is further amended by striking ''September 30, 2009'' and inserting ''September 30, 2013''.

SEC. 1207. AUTHORITY FOR USE OF FUNDS FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) AUTHORITY FOR USE OF FUNDS.—

(1) IN GENERAL.—The Commander of a combatant command may, with the concurrence of the relevant Chief of Mission, expend amounts authorized to be appropriated for a fiscal year by section 301(2) for Operation and Maintenance, Navy to es-

tablish, develop, and maintain non-conventional assisted recovery capabilities in a foreign country if the Commander determines that expenditure of such funds for that purpose is necessary in connection with support of non-conventional assisted recovery efforts in that foreign country.

(2) LIMITATION ON AMOUNT.—The total amount of funds that may be expended under the authority in subsection (a) in each of fiscal years 2009 and 2010 may not exceed $20,000,000.

(b) SCOPE OF EFFORTS SUPPORTABLE.—

(1) IN GENERAL.—In expending funds under the authority in subsection (a), the Commander of a combatant command may provide support to surrogate or irregular groups or individuals in order to facilitate the recovery of military or civilian personnel of the Department of Defense (including the Coast Guard), and other individuals who, while conducting activities in support of United States military operations, become separated or isolated from friendly forces.

(2) SUPPORT.—The support provided under paragraph (1) may include, but is not limited to, the provision of equipment, supplies, training, transportation, and other logistical support or funding to

support operations and activities for the recovery of personnel and individuals as described in that paragraph.

(c) PROCEDURES.—

(1) PROCEDURES REQUIRED.—The Secretary of Defense shall establish procedures for the exercise of the authority in subsection (a).

(2) NOTICE.—The Secretary shall notify the congressional defense committees of the procedures established under paragraph (1) before any exercise of the authority in subsection (a).

(d) NOTICE TO CONGRESS ON USE OF AUTHORITY.—Upon using the authority in subsection (a) to make funds available for support of non-conventional assisted recovery activities, the Secretary of Defense shall notify the congressional defense committees expeditiously, and in any event within 48 hours, of the use of such authority with respect to support of such activities. Such notice need be provided only once with respect to support of particular activities. Any such notice shall be in writing.

(e) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

(f) ANNUAL REPORT.—Not later than 30 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on the support provided under that subsection during such fiscal year. Each such report shall describe the support provided, including a statement of the recipient of the support and the amount obligated to provide the support.

(g) EXPIRATION.—The authority in subsection (a) shall expire on September 30, 2010.

Subtitle B—Department of Defense Participation in Bilateral, Multilateral, and Regional Cooperation Programs

SEC. 1211. AVAILABILITY ACROSS FISCAL YEARS OF FUNDS FOR MILITARY-TO-MILITARY CONTACTS AND COMPARABLE ACTIVITIES.

(a) IN GENERAL.—Section 168(e) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(5) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs or activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2008, and shall apply with respect to programs and activities under section 168 of title 10, United States Code (as so amended), that begin on or after that date.

SEC. 1212. ENHANCEMENT OF AUTHORITIES RELATING TO DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) AVAILABILITY OF FUNDS FOR ACTIVITIES ACROSS FISCAL YEARS.—

(1) IN GENERAL.—Section 184(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(6) Funds available to carry out this section, including funds accepted under paragraph (4) and funds available under paragraph (5), shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2008, and shall apply with respect to programs and activities under section 184 of title 10, United States Code (as so amended), that begin on or after that date.

(b) TEMPORARY WAIVER OF REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL.—

(1) AUTHORITY FOR TEMPORARY WAIVER.—In fiscal years 2009 and 2010, the Secretary of Defense may, with the concurrence of the Secretary of State, waive reimbursement otherwise required under subsection (f) of section 184 of title 10, United States Code, of the costs of activities of Regional Centers under such section for personnel of nongovernmental and international organizations who participate in activities of the Regional Centers that enhance cooperation of nongovernmental organizations and international organizations with United States forces if the Secretary of Defense determines that attendance of such personnel without reimbursement is in the national security interests of the United States.

(2) LIMITATION.—The amount of reimbursement that may be waived under paragraph (1) in any fiscal year may not exceed $1,000,000.

(3) ANNUAL REPORT.—The Secretary of Defense shall include in the annual report under section 184(h) of title 10, United States Code, in 2010 and 2011 information on the attendance of per-

sonnel of nongovernmental and international organizations in activities of the Regional Centers during the preceding fiscal year for which a waiver of reimbursement was made under paragraph (1), including information on the costs incurred by the United States for the participation of personnel of each nongovernmental or international organization that so attended.

SEC. 1213. PAYMENT OF PERSONNEL EXPENSES FOR MULTILATERAL COOPERATION PROGRAMS.

(a) EXPANSION OF AUTHORITY FOR BILATERAL AND REGIONAL PROGRAMS TO COVER MULTILATERAL PROGRAMS.—Section 1051 of title 10, United States Code, is amended—

(1) in subsection (a), by striking ''a bilateral'' and inserting ''a multilateral, bilateral,''; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''to and'' and inserting ''to, from, and''; and

(ii) by striking ''bilateral'' and inserting ''multilateral, bilateral,''; and

(B) in paragraph (2), by striking ''bilateral'' and inserting ''multilateral, bilateral,''.

(b) AVAILABILITY OF FUNDS FOR PROGRAMS AND ACTIVITIES ACROSS FISCAL YEARS.—Such section is further amended by adding at the end the following new subsection:

''(e) Funds available to carry out this section shall be available, to the extent provided in appropriations Acts, for programs and activities under this section that begin in a fiscal year and end in the following fiscal year.''.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 1051. Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1051 and inserting the following new item:

''1051. Multilateral, bilateral, or regional cooperation programs: payment of personnel expenses.''.

SEC. 1214. PARTICIPATION OF THE DEPARTMENT OF DEFENSE IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

(a) PARTICIPATION AUTHORIZED.—

(1) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2350m. Participation in multinational military centers of excellence

''(a) PARTICIPATION AUTHORIZED.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the armed forces and Department of Defense civilian personnel in any multinational military center of excellence hosted by any nation or combination of nations referred to in subsection (b) for purposes of—

''(1) enhancing the ability of military forces and civilian personnel of the nations participating in such center to engage in joint exercises or coalition or international military operations; or

''(2) improving interoperability between the armed forces and the military forces of friendly foreign nations.

''(b) COVERED NATIONS.—The nations referred to in this subsection are the following:

''(1) The United States.

''(2) Any member nation of the North Atlantic Treaty Organization (NATO).

''(3) Any major non-NATO ally.

"(4) Any other friendly foreign nation identified by the Secretary of Defense, with the concurrence of the Secretary of State, for purposes of this section.

"(c) MEMORANDUM OF UNDERSTANDING.—(1) The participation of members of the armed forces or Department of Defense civilian personnel in a multinational military center of excellence under subsection (a) shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the foreign nation or nations concerned.

"(2) If Department of Defense facilities, equipment, or funds are used to support a multinational military center of excellence under subsection (a), the memoranda of understanding under paragraph (1) with respect to that center shall provide details of any cost-sharing arrangement or other funding arrangement.

"(d) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

"(A) To pay the United States share of the operating expenses of any multinational military center of excellence in which the United States participates under this section.

"(B) To pay the costs of the participation of members of the armed forces and Department of Defense civilian personnel in multinational military centers of excellence under this section, including the costs of expenses of such participants.

"(2) No funds may be used under this section to fund the pay or salaries of members of the armed forces and Department of Defense civilian personnel who participate in multinational military centers of excellence under this section.

"(e) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—Facilities and equipment of the Department of Defense may be used for purposes of the support of multinational military centers of excellence under this section that are hosted by the Department.

"(f) ANNUAL REPORTS ON USE OF AUTHORITY.—(1) Not later than October 31, 2009, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the use of the authority in this section during the preceding fiscal year.

"(2) Each report required by paragraph (1) shall include, for the fiscal year covered by such report, the following:

"(A) A detailed description of the participation of the Department of Defense, and of members of the armed forces and civilian personnel of the Department, in multinational military centers of excellence under the authority of this section.

"(B) For each multinational military center of excellence in which the Department of Defense, or members of the armed forces or civilian personnel of the Department, so participated—

"(i) a description of such multinational military center of excellence;

"(ii) a description of the activities participated in by the Department, or by members of the armed forces or civilian personnel of the Department; and

"(iii) a statement of the costs of the Department for such participation, including—

"(I) a statement of the United States share of the expenses of such center and a statement of the percentage of the United States share of the expenses of such center to the total expenses of such center; and

"(II) a statement of the amount of such costs (including a separate statement of the amount of costs paid for under the

authority of this section by category of costs).

"(g) DEFINITIONS.—In this section:

"(1) The term 'multinational military center of excellence' means an entity sponsored by one or more nations that is accredited and approved by the Military Committee of the North Atlantic Treaty Organization (NATO) as offering recognized expertise and experience to personnel participating in the activities of such entity for the benefit of NATO by providing such personnel opportunities to—

"(A) enhance education and training;

"(B) improve interoperability and capabilities;

"(C) assist in the development of doctrine; and

"(D) validate concepts through experimentation.

"(2) The term 'major non-NATO ally' means a country (other than a member nation of the North Atlantic Treaty Organization) that is designated as a major non-NATO ally pursuant to section 517 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321k).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 138 of such title is amended by adding at the end the following new item:

"2350m. Participation in multinational military centers of excellence.".

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1205 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2416) is repealed.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

Subtitle C—Other Authorities and Limitations

SEC. 1221. WAIVER OF CERTAIN SANCTIONS AGAINST NORTH KOREA.

(a) ANNUAL WAIVER AUTHORITY.—

(1) IN GENERAL.—Except as provided in subsection (b), the President may waive in whole or in part, with respect to North Korea, the application of any sanction under section 102(b) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)) for the purpose of—

(A) assisting in the implementation and verification of the compliance by North Korea with its commitment, undertaken in the Joint Statement of September 19, 2005, to abandon

all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula; and

(B) promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction and their delivery systems.

(2) DURATION OF WAIVER.—Any waiver issued under this subsection shall expire at the end of the calendar year in which issued.

(b) EXCEPTIONS.—

(1) LIMITED EXCEPTION RELATED TO CERTAIN SANCTIONS AND PROHIBITIONS.—The authority under subsection (a) shall not apply with respect to a sanction or prohibition under subparagraph (B), (C), or (G) of section 102(b)(2) of the Arms Export Control Act unless the President determines and certifies to the appropriate congressional committees that—

(A) all reasonable steps will be taken to ensure that the articles or services exported or otherwise provided will not be used to improve the military capabilities of the armed forces of North Korea; and

(B) such waiver is in the national security interests of the United States.

(2) LIMITED EXCEPTION RELATED TO CERTAIN ACTIVITIES.—Unless the President determines and certifies to the appropriate congressional committees that using the authority under subsection (a) is vital to the national security interests of the United States, such authority shall not apply with respect to—

(A) an activity described in subparagraph (A) of section 102(b)(1) of the Arms Export Control Act that occurs after September 19, 2005, and before the date of the enactment of this Act;

(B) an activity described in subparagraph (C) of such section that occurs after September 19, 2005; or

(C) an activity described in subparagraph (D) of such section that occurs after the date of the enactment of this Act.

(3) EXCEPTION RELATED TO CERTAIN ACTIVITIES OCCURRING AFTER DATE OF ENACTMENT.—The authority under subsection (a) shall not apply with respect to an activity described in subparagraph (A) or (B) of section 102(b)(1) of the Arms Export

Control Act that occurs after the date of the enactment of this Act.

(c) NOTIFICATIONS AND REPORTS.—

(1) CONGRESSIONAL NOTIFICATION.—The President shall notify the appropriate congressional committees in writing not later than 15 days before exercising the waiver authority under subsection (a).

(2) ANNUAL REPORT.—Not later than January 31, 2009, and annually thereafter, the President shall submit to the appropriate congressional committees a report that—

(A) lists all waivers issued under subsection (a) during the preceding year;

(B) describes in detail the progress that is being made in the implementation of the commitment undertaken by North Korea, in the Joint Statement of September 19, 2005, to abandon all nuclear weapons and existing nuclear programs as part of the verifiable denuclearization of the Korean Peninsula;

(C) discusses specifically any shortcomings in the implementation by North Korea of that commitment; and

(D) lists and describes the progress and shortcomings, in the preceding year, of all other

programs promoting the elimination of the capability of North Korea to develop, deploy, transfer, or maintain weapons of mass destruction or their delivery systems.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and Foreign Affairs of the House of Representatives.

Subtitle D—Reports

SEC. 1231. EXTENSION AND MODIFICATION OF UPDATES ON REPORT ON CLAIMS RELATING TO THE BOMBING OF THE LABELLE DISCOTHEQUE.

Section 122(b)(2) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465), as amended by section 1262(1)(B) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 405), is further amended—

(1) by striking ''Not later than one year after enactment of this Act, and not later than two years after enactment of this Act'' and inserting ''Not

later than the end of each calendar quarter ending after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009''; and

(2) by adding at the end the following new sentence: ''Each update under this paragraph after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2009 shall be submitted in unclassified form, but may include a classified annex.''.

SEC. 1232. REPORT ON UTILIZATION OF CERTAIN GLOBAL PARTNERSHIP AUTHORITIES.

(a) IN GENERAL.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report on the implementation of the Building Global Partnership authorities during the period beginning on the date of the enactment of this Act and ending on September 30, 2010.

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

(1) A detailed summary of the programs conducted under the Building Global Partnership authorities during the period covered by the report, including, for each country receiving assistance under

such a program, a description of the assistance provided and its cost.

(2) An assessment of the impact of the assistance provided under the Building Global Partnership authorities with respect to each country receiving assistance under such authorities.

(3) A description of—

(A) the processes used by the Department of Defense and the Department of State to jointly formulate, prioritize, and select projects to be funded under the Building Global Partnership authorities; and

(B) the processes, if any, used by the Department of Defense and the Department of State to evaluate the success of each project so funded after its completion.

(4) A statement of the projects initiated under the Building Global Partnership authorities that were subsequently transitioned to and sustained under the authorities of the Foreign Assistance Act of 1961 or other authorities.

(5) An assessment of the utility of the Building Global Partnership authorities, and of any gaps in such authorities, including an assessment of the feasability and advisability of continuing such au-

thorities beyond their current dates of expiration (whether in their current form or with such modifications as the Secretary of Defense and the Secretary of State jointly consider appropriate).

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

(2) BUILDING GLOBAL PARTNERSHIP AUTHORITIES.—The term ''Building Global Partnership authorities'' means the following:

(A) AUTHORITY FOR BUILDING CAPACITY OF FOREIGN MILITARY FORCES.—The authorities provided in section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as amended by section 1206 of the John Warner National Defense Authorization Act for Fiscal

Year 2007 (Public Law 109–364; 120 Stat. 2418) and section 1204 of this Act.

(B) AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.—The authorities provided in section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (119 Stat. 3458), as amended by section 1210 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 369) and section 1205 of this Act.

(C) CIVIC ASSISTANCE AUTHORITIES UNDER COMBATANT COMMANDER INITIATIVE FUND.—The authority to engage in urgent and unanticipated civic assistance under the Combatant Commander Initiative Fund under section 166a(b)(6) of title 10, United States Code, as a result of the amendments made by section 902 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2351).

TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2009 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term ''fiscal year 2009 Cooperative Threat Reduction funds'' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $434,135,000 authorized to be appropriated to the De-

partment of Defense for fiscal year 2009 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $79,985,000.

(2) For nuclear weapons storage security in Russia, $33,101,000.

(3) For nuclear weapons transportation security in Russia, $40,800,000.

(4) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $50,286,000.

(5) For biological threat reduction in the states of the former Soviet Union, $184,463,000.

(6) For chemical weapons destruction in Russia, $1,000,000.

(7) For threat reduction outside the former Soviet Union, $10,000,000.

(8) For defense and military contacts, $8,000,000.

(9) For activities designated as Other Assessments/Administrative Support, $20,100,000.

(10) For strategic offensive arms elimination in Ukraine, $6,400,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2009 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2009 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2009 for a purpose listed in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (10) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:

(1) For the Defense Working Capital Funds, $198,150,000.

(2) For the Defense Working Capital Fund, Defense Commissary, $1,291,084,000.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the National Defense Sealift Fund in the amount of $1,608,553,000.

SEC. 1403. DEFENSE HEALTH PROGRAM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $24,802,202,000, of which—

(1) $24,301,359,000 is for Operation and Maintenance;

(2) $196,938,000 is for Research, Development, Test, and Evaluation; and

(3) $303,905,000 is for Procurement.

(b) SOURCE OF CERTAIN FUNDS.—Of the amount available under subsection (a), $1,300,000,000 shall, to the extent provided in advance in an Act making appropriations for fiscal year 2009, be available by transfer from the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h).

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Depart-

ment of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,485,634,000, of which—

(1) $1,152,668,000 is for Operation and Maintenance;

(2) $268,881,000 is for Research, Development, Test, and Evaluation; and

(3) $64,085,000 is for Procurement.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1405. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,060,463,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $273,845,000, of which—

(1) $270,445,000 is for Operation and Maintenance; and

(2) $3,400,000 is for Procurement.

SEC. 1407. REDUCTION IN CERTAIN AUTHORIZATIONS DUE TO SAVINGS FROM LOWER INFLATION.

(a) REDUCTION.—The aggregate amount authorized to be appropriated by this division is the amount equal to the sum of all the amounts authorized to be appropriated by the provisions of this division reduced by $1,048,000,000, to be allocated as follows:

(1) PROCUREMENT.—The aggregate amount authorized to be appropriated by title I is hereby reduced by $313,000,000.

(2) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—The aggregate amount authorized to be appropriated by title II is hereby reduced by $239,000,000.

(3) OPERATION AND MAINTENANCE.—The aggregate amount authorized to be appropriated by title III is hereby reduced by $470,000,000.

(4) OTHER AUTHORIZATIONS.—The aggregate amount authorized to be appropriated by title XIV is hereby reduced by $26,000,000

(b) SOURCE OF SAVINGS.—Reductions required in order to comply with subsection (a) shall be derived from savings resulting from lower-than-expected inflation as a result of the difference between the inflation assumptions used in the Concurrent Resolution on the Budget for Fiscal Year 2009 when compared with the inflation assumptions used in the budget of the President for fiscal year 2009, as submitted to Congress pursuant to section 1005 of title 31, United States Code.

(c) ALLOCATION OF REDUCTIONS.—The Secretary of Defense shall allocate the reductions required by this section among the amounts authorized to be appropriated for accounts in titles I, II, III, and XIV to reflect the extent to which net savings from lower-than-expected inflations are allocable to amounts authorized to be appropriated to such accounts.

Subtitle B—Armed Forces Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2009 from the Armed Forces Retirement Home Trust

Fund the sum of $63,010,000 for the operation of the Armed Forces Retirement Home.

Subtitle C—Other Matters

SEC. 1431. RESPONSIBILITIES FOR CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS IN COLORADO AND KENTUCKY.

Section 172 of the National Defense Authorization Act for Fiscal Year 1993 (50 U.S.C. 1521 note) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

''(f) COLORADO AND KENTUCKY CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.—(1) Notwithstanding subsections (b), (g), and (h), and consistent with section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (50 U.S.C. 1521 note) and section 8122 of the Department of Defense Appropriations Act, 2003 (Public Law 107–248; 116 Stat. 1566; 50 U.S.C. 1521 note), the Secretary of the Army shall transfer responsibilities for the Chemical Demilitarization Citizens' Advisory Commissions in Colorado and Kentucky to the Program Manager for Assembled Chemical Weapons Alternatives.

1 ''(2) In carrying out the responsibilities transferred
2 under paragraph (1), the Program Manager for Assem-
3 bled Chemical Weapons Alternatives shall take appro-
4 priate actions to ensure that each Commission referred to
5 in paragraph (1) retains the capacity to receive citizen and
6 State concerns regarding the ongoing chemical demili-
7 tarization program in the State concerned.

8 ''(3) A representative of the Office of the Assistant
9 to the Secretary of Defense for Nuclear, Chemical, and
10 Biological Defense Programs shall meet with each Com-
11 mission referred to in paragraph (1) not less often than
12 twice a year.

13 ''(4) Funds authorized to be appropriated for the As-
14 sembled Chemical Weapons Alternatives Program shall be
15 available for travel and associated travel cost for Commis-
16 sioners on the Commissions referred to in paragraph (1)
17 when such travel is conducted at the invitation of the Spe-
18 cial Assistant for Chemical and Biological Defense and
19 Chemical Demilitarization Programs of the Department of
20 Defense.''.

SEC. 1432. MODIFICATION OF DEFINITION OF "DEPARTMENT OF DEFENSE SEALIFT VESSEL" FOR PURPOSES OF THE NATIONAL DEFENSE SEALIFT FUND.

Section 2218(l)(2) of title 10, United States Code, is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph (B):

"(B) A maritime prepositioning ship, other than a ship derived from a Navy design for an amphibious ship or auxiliary support vessel."; and

(2) by striking subparagraph (I).

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN AFGHANISTAN

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2009 to provide additional funds for operations in Afghanistan.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Army in amounts as follows:

(1) For aircraft procurement, $250,000,000.

(2) For missile procurement, $12,500,000.

(3) For weapons and tracked combat vehicles procurement, $375,000,000.

(4) For ammunition procurement, $87,500,000.

(5) For other procurement, $1,100,000,000.

SEC. 1503. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $25,000,000.

(2) For weapons procurement, $12,500,000.

(3) For other procurement, $25,000,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for the Marine Corps in the amount of $250,000,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for ammunition for the Navy and the Marine Corps in the amount of $75,000,000.

SEC. 1504. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $400,000,000.

(2) For missile procurement, $12,500,000.

(3) For ammunition procurement, $12,500,000.

(4) For other procurement, $150,000,000.

SEC. 1505. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year 2009 for the Joint Improvised Explosive Device Defeat Fund in the amount of $750,000,000.

(b) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as amended by subsection (c) of this section, shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a).

(c) MODIFICATION OF FUNDS TRANSFER AUTHORITY.—Subsection (c)(1) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) through (E) as subparagraphs (A) through (D), respectively.

(d) PRIOR NOTICE OF TRANSFER OF FUNDS.—Funds authorized to be appropriated to the Joint Improvised Explosive Device Defeat Fund by subsection (a) may not be obligated from the Fund or transferred in accordance with the provisions of subsection (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007, as amended by subsection (c) of this section, until five days after the date on which the Secretary of Defense notifies the congressional defense committees of the proposed obligation or transfer.

(e) MODIFICATION OF SUBMITTAL DATE OF REPORTS.—Subsection (e) of such section 1514 is amended by striking ''30 days'' and inserting ''60 days''.

SEC. 1506. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for Defense-wide activities as follows:

(1) For Defense-wide procurement, $62,500,000.

(2) For the Mine Resistant Ambush Protected Vehicle Fund, $100,000,000.

SEC. 1507. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $15,000,000.

(2) For the Navy, $15,000,000.

(3) For the Air Force, $15,000,000.

(4) For Defense-wide activities, $15,000,000.

SEC. 1508. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $9,000,000,000.

(2) For the Navy, $500,000,000.

(3) For the Marine Corps, $1,000,000,000.

(4) For the Air Force, $500,000,000.

(5) For Defense-wide activities, $668,750,000.

(6) For the Army Reserve, $12,500,000.

(7) For the Navy Reserve, $7,500,000.

(8) For the Marine Corps Reserve, $10,000,000.

(9) For the Air Force Reserve, $3,750,000.

(10) For the Army National Guard, $75,000,000.

(11) For the Air National Guard, $12,500,000.

SEC. 1509. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel in amounts as follows:

(1) For the Army, $500,000,000.

(2) For the Navy, $25,000,000.

(3) For the Marine Corps, $62,500,000.

(4) For the Air Force, $25,000,000.

(5) For the Army Reserve, $25,000,000.

(6) For the Navy Reserve, $7,500,000.

(7) For the Marine Corps Reserve, $5,000,000.

(8) For the Army National Guard, $100,000,000.

SEC. 1510. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in the amount of $250,000,000, for the Defense Working Capital Funds.

SEC. 1511. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise

provided for, for the Defense Health Program in the amount of $155,000,000 for operation and maintenance.

(b) DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2009 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $150,000,000.

SEC. 1512. AFGHANISTAN SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Afghanistan Security Forces Fund in the amount of $3,000,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds authorized to be appropriated by subsection (a) shall be available to the Secretary of Defense to provide assistance to the security forces of Afghanistan.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and funds.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Afghanistan Security Forces Fund to any of the following accounts and funds of the Department of Defense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to

any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO FUND.—Upon a determination that all or part of the funds transferred from the Afghanistan Security Forces Fund under paragraph (1) are not necessary for the purpose for which transferred, such funds may be transferred back to the Afghanistan Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) PRIOR NOTICE TO CONGRESS OF OBLIGATION OR TRANSFER.—Funds may not be obligated from the Afghanistan Security Forces Fund, or transferred under subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Afghanistan Security Forces Fund for the purposes provided

in subsection (b) from any foreign government or international organization. Any amounts so accepted shall be credited to the Afghanistan Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense commit-

tees a report summarizing the details of any obligation or transfer of funds from the Afghanistan Security Forces Fund during such fiscal-year quarter.

(h) EXPIRATION OF AUTHORITY.—The authority in this section shall expire on September 30, 2010.

SEC. 1513. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1514. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title and title XVI for fiscal year 2009 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $3,000,000,000, of which not more than

$300,000,000 may be transferred to the Iraq Security Forces Fund.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

SEC. 1515. LIMITATION ON USE OF FUNDS.

(a) REPORT.—Amounts authorized to be appropriated by this title may not be obligated until 15 days after the Secretary of Defense has transmitted to the congressional defense committees a report setting forth the proposed allocation of such amounts at the program, project, or activity level.

(b) EFFECT OF REPORT.—The report required by subsection (a) shall serve as a base for reprogramming for the purposes of sections 1514 and 1001.

SEC. 1516. REQUIREMENT FOR SEPARATE DISPLAY OF BUDGET FOR AFGHANISTAN.

(a) IN GENERAL.—In any annual or supplemental budget request for the Department of Defense that is submitted to Congress after the date of the enactment of this Act, the Secretary of Defense shall set forth separately

any funding requested in such budget request for operations of the Department of Defense in Afghanistan.

(b) SPECIFICITY OF DISPLAY.—Each budget request under subsection (a) shall—

(1) clearly display the amounts requested in the budget request for the Department of Defense for Afghanistan at the appropriation account level and at the program, project, or activity level; and

(2) also include a detailed description of the assumptions underlying the funding requested in the budget request for the Department of Defense for Afghanistan for the period covered by the budget request, including anticipated troop levels, operating tempos, and reset requirements.

TITLE XVI—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OPERATIONS IN IRAQ

SEC. 1601. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2009 to provide additional funds for operations in Iraq.

SEC. 1602. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Army in amounts as follows:

(1) For aircraft procurement, $750,000,000.

(2) For missile procurement, $37,500,000.

(3) For weapons and tracked combat vehicles procurement, $1,125,000,000.

(4) For ammunition procurement, $262,500,000.

(5) For other procurement, $3,300,000,000.

SEC. 1603. NAVY AND MARINE CORPS PROCUREMENT.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Navy in amounts as follows:

(1) For aircraft procurement, $75,000,000.

(2) For weapons procurement, $37,500,000.

(3) For other procurement, $75,000,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for the Marine Corps in the amount of $750,000,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for ammunition for the

Navy and the Marine Corps in the amount of $225,000,000.

SEC. 1604. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for procurement accounts for the Air Force in amounts as follows:

(1) For aircraft procurement, $400,000,000.

(2) For missile procurement, $37,500,000.

(3) For ammunition procurement, $37,500,000.

(4) For other procurement, $450,000,000.

SEC. 1605. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized for fiscal year 2009 for the Joint Improvised Explosive Device Defeat Fund in the amount of $2,250,000,000.

(b) RULE OF CONSTRUCTION.—The provisions of section 1505 and the amendments made by that section shall apply to the use of funds authorized to be appropriated by this section.

SEC. 1606. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the procurement account for Defense-wide activities as follows:

(1) For Defense-wide procurement, $187,500,000.

(2) For the Mine Resistant Ambush Protected Vehicle Fund, $500,000,000.

SEC. 1607. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Department of Defense for research, development, test, and evaluation as follows:

(1) For the Army, $35,000,000.

(2) For the Navy, $35,000,000.

(3) For the Air Force, $35,000,000.

(4) For Defense-wide activities, $35,000,000.

SEC. 1608. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, $27,000,000,000.

(2) For the Navy, $1,500,000,000.

(3) For the Marine Corps, $3,000,000,000.

(4) For the Air Force, $1,500,000,000.

(5) For Defense-wide activities, $1,811,250,000.

(6) For the Army Reserve, $37,500,000.

(7) For the Navy Reserve, $22,500,000.

(8) For the Marine Corps Reserve, $30,000,000.

(9) For the Air Force Reserve, $11,250,000.

(10) For the Army National Guard, $225,000,000.

(11) For the Air National Guard, $37,500,000.

SEC. 1609. MILITARY PERSONNEL.

There is hereby authorized to be appropriated for fiscal year 2009 for the Department of Defense for military personnel in amounts as follows:

(1) For the Army, $1,500,000,000.

(2) For the Navy, $75,000,000.

(3) For the Marine Corps, $187,500,000.

(4) For the Air Force, $75,000,000.

(5) For the Army Reserve, $75,000,000.

(6) For the Navy Reserve, $22,500,000.

(7) For the Marine Corps Reserve, $15,000,000.

(8) For the Army National Guard, $300,000,000.

SEC. 1610. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the use of the Armed Forces and other activities and agencies of the Department of Defense for

1 providing capital for working capital and revolving funds
2 in the amount of $750,000,000, for the Defense Working
3 Capital Funds.

4 **SEC. 1611. DEFENSE HEALTH PROGRAM.**

5 Funds are hereby authorized to be appropriated for
6 the Department of Defense for fiscal year 2009 for ex-
7 penses, not otherwise provided for, for the Defense Health
8 Program in the amount of $460,000,000 for operation and
9 maintenance.

10 **SEC. 1612. IRAQ FREEDOM FUND.**

11 (a) IN GENERAL.—Funds are hereby authorized to
12 be appropriated for fiscal year 2009 for the Iraq Freedom
13 Fund in the amount of $150,000,000.

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.

(E) Accounts providing funding for classified programs.

(F) The operating expenses account of the Coast Guard.

(2) NOTICE TO CONGRESS.—A transfer may not be made under the authority in paragraph (1) until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the transfer.

(3) TREATMENT OF TRANSFERRED FUNDS.—Amounts transferred to an account under the authority in paragraph (1) shall be merged with amounts in such account and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in such account.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

SEC. 1613. IRAQ SECURITY FORCES FUND.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2009 for the Iraq Security Forces Fund in the amount of $200,000,000.

(b) USE OF FUNDS.—

(1) IN GENERAL.—Funds appropriated pursuant to subsection (a) shall be available to the Secretary of Defense for the purpose of allowing the Commander, Multi-National Security Transition Command–Iraq, to provide assistance to the security forces of Iraq.

(2) TYPES OF ASSISTANCE AUTHORIZED.—Assistance provided under this section may include the provision of equipment, supplies, services, and training.

(3) SECRETARY OF STATE CONCURRENCE.—Assistance may be provided under this section only with the concurrence of the Secretary of State.

(c) AUTHORITY IN ADDITION TO OTHER AUTHORITIES.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.

(d) TRANSFER AUTHORITY.—

(1) TRANSFERS AUTHORIZED.—Subject to paragraph (2), amounts authorized to be appropriated by subsection (a) may be transferred from the Iraq Security Forces Fund to any of the following accounts and funds of the Department of De-

fense to accomplish the purposes provided in subsection (b):

(A) Military personnel accounts.

(B) Operation and maintenance accounts.

(C) Procurement accounts.

(D) Research, development, test, and evaluation accounts.

(E) Defense working capital funds.

(F) Overseas Humanitarian, Disaster, and Civic Aid account.

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to any other transfer authority available to the Department of Defense.

(3) TRANSFERS BACK TO THE FUND.—Upon determination that all or part of the funds transferred from the Iraq Security Forces Fund under paragraph (1) are not necessary for the purpose provided, such funds may be transferred back to the Iraq Security Forces Fund.

(4) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer of an amount to an account under the authority in paragraph (1) shall be deemed to increase the amount authorized for such account by an amount equal to the amount transferred.

(e) NOTICE TO CONGRESS.—Funds may not be obligated from the Iraq Security Forces Fund, or transferred under the authority provided in subsection (d)(1), until five days after the date on which the Secretary of Defense notifies the congressional defense committees in writing of the details of the proposed obligation or transfer.

(f) CONTRIBUTIONS.—

(1) AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subject to paragraph (2), the Secretary of Defense may accept contributions of amounts to the Iraq Security Forces Fund for the purposes provided in subsection (b) from any foreign government or international organization. Any amounts so accepted shall be credited to the Iraq Security Forces Fund.

(2) LIMITATION.—The Secretary may not accept a contribution under this subsection if the acceptance of the contribution would compromise or appear to compromise the integrity of any program of the Department of Defense.

(3) USE.—Amounts accepted under this subsection shall be available for assistance authorized by subsection (b), including transfer under subsection (d) for that purpose.

(4) NOTIFICATION.—The Secretary shall notify the congressional defense committees, the Committee

on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, in writing, upon the acceptance, and upon the transfer under subsection (d), of any contribution under this subsection. Such notice shall specify the source and amount of any amount so accepted and the use of any amount so accepted.

(g) QUARTERLY REPORTS.—Not later than 30 days after the end of each fiscal-year quarter, the Secretary of Defense shall submit to the congressional defense committees a report summarizing the details of any obligation or transfer of funds from the Iraq Security Forces Fund during such fiscal-year quarter.

(h) EXPIRATION OF AUTHORITY.—The authority in this section shall expire on September 30, 2010.

SEC. 1614. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1615. LIMITATION ON USE OF FUNDS.

(a) REPORT.—Amounts authorized to be appropriated by this title may not be obligated until 15 days after the Secretary of Defense has transmitted to the congressional defense committees a report setting forth the

proposed allocation of such amounts at the program, project, or activity level.

(b) EFFECT OF REPORT.—The report required by subsection (a) shall serve as a base for reprogramming for the purposes of sections 1514 and 1001.

SEC. 1616. CONTRIBUTIONS BY THE GOVERNMENT OF IRAQ TO LARGE-SCALE INFRASTRUCTURE PROJECTS, COMBINED OPERATIONS, AND OTHER ACTIVITIES IN IRAQ.

(a) FINDING.—The Senate finds that the financial contributions of the Government of Iraq to the reconstruction and stability of Iraq have been increasing.

(b) LARGE-SCALE INFRASTRUCTURE PROJECTS.—

(1) LIMITATION ON AVAILABILITY OF UNITED STATES FUNDS FOR PROJECTS.—Amounts authorized to be appropriated by this Act (other than amounts described in paragraph (3)) may not be obligated or expended for any large-scale infrastructure project in Iraq that is commenced after the date of the enactment of this Act.

(2) FUNDING OF RECONSTRUCTION PROJECTS BY THE GOVERNMENT OF IRAQ.—The United States Government shall work with the Government of Iraq to provide that the Government of Iraq shall obligate and expend funds of the Government of Iraq for re-

construction projects in Iraq that are not large-scale infrastructure projects before obligating and expending United States assistance (other than amounts described in paragraph (3)) for such projects.

(3) EXCEPTION FOR CERP.—The limitations in paragraphs (1) and (2) do not apply to amounts authorized to be appropriated by this Act for the Commanders' Emergency Response Program (CERP).

(4) LARGE-SCALE INFRASTRUCTURE PROJECT DEFINED.—In this subsection, the term ''large-scale infrastructure project'' means any construction project for infrastructure in Iraq that is estimated by the United States Government at the time of the commencement of the project to cost at least $2,000,000.

(c) COMBINED OPERATIONS.—

(1) IN GENERAL.—The United States Government shall initiate negotiations with the Government of Iraq on an agreement under which the Government of Iraq shall share with the United States Government the costs of combined operations of the Government of Iraq and the Multinational Forces Iraq undertaken as part of Operation Iraqi Freedom.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall, in conjunction with the Secretary of Defense, submit to Congress a report describing the status of negotiations under paragraph (1).

(d) IRAQI SECURITY FORCES.—

(1) IN GENERAL.—The United States Government shall take actions to ensure that Iraq funds are used to pay the following:

(A) The costs of the salaries, training, equipping, and sustainment of Iraqi Security Forces.

(B) The costs associated with the Sons of Iraq.

(2) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to Congress a report setting forth an assessment of the progress made in meeting the requirements of paragraph (1).

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the ''Military Construction Authorization Act for Fiscal Year 2009''.

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2012.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Se-

curity Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2011; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2012 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

SEC. 2003. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXIX shall take effect on the later of—

(1) October 1, 2008; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alabama	Anniston Army Depot	$45,000,000
	Redstone Arsenal	$16,500,000
Alaska	Fort Richardson	$18,100,000
	Fort Wainright	$110,400,000
Arizona	Fort Huachuca	$11,200,000
	Yuma Proving Ground	$3,800,000
California	Fort Irwin	$39,600,000
	Presidio, Monterey	$15,000,000
	Sierra Army Depot	$12,400,000
Colorado	Fort Carson	$534,000,000
Georgia	Fort Benning	$267,800,000
	Fort Stewart/Hunter Army Air Field	$432,300,000
Hawaii	Pohakuloa Training Area	$21,300,000
	Schofield Barracks	$279,000,000
	Wahiawa	$40,000,000
Indiana	Crane Army Ammunition Activity	$8,300,000
Kansas	Fort Riley	$132,000,000
Kentucky	Fort Campbell	$118,113,000
Louisiana	Fort Polk	$29,000,000
Michigan	Detroit Arsenal	$6,100,000
Missouri	Fort Leonard Wood	$31,650,000
New York	Fort Drum	$90,000,000
	United States Military Academy, West Point.	$67,000,000
North Carolina	Fort Bragg	$36,900,000
Oklahoma	Fort Sill	$63,000,000
Pennsylvania	Carlisle Barracks	$13,400,000
	Letterkenny Army Depot	$7,500,000
	Tobyhanna Army Depot	$15,000,000
South Carolina	Fort Jackson	$30,000,000
Texas	Corpus Christi Storage Complex	$39,000,000
	Fort Bliss	$1,031,800,000
	Fort Hood	$32,000,000
	Fort Sam Houston	$96,000,000
	Red River Army Depot	$6,900,000
Virginia	Fort Belvoir	$7,200,000
	Fort Eustis	$28,000,000
	Fort Lee	$100,600,000
	Fort Myer	$14,000,000
Washington	Fort Lewis	$158,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Air Base	$67,000,000
Germany	Katterbach	$19,000,000
	Wiesbaden Air Base	$119,000,000
Japan	Camp Zama	$2,350,000
	Sagamihara	$17,500,000
Korea	Camp Humphreys	$20,000,000

SEC. 2102. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Army: Family Housing

Country	Installation or Location	Units	Amount
Germany	Wiesbaden Air Base	326	$133,000,000
Korea	Camp Humphreys	216	$125,000,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $579,000.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $420,001,000.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $6,042,210,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $4,007,863,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $202,250,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For host nation support and architectural and engineering services and construction design

under section 2807 of title 10, United States Code, $200,807,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $678,580,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $716,110,000.

(6) For the construction of increment 3 of a barracks complex at Fort Lewis, Washington, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2445), as amended by section 20814 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289), as added by section 2 of the Revised Continuing Resolution, 2007 (Public Law 110–5; 121 Stat. 41), $102,000,000.

(7) For the construction of increment 2 of the SOUTHCOM Headquarters at Miami Doral, Florida, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2008

(division B of Public Law 110–181; 122 Stat. 504), $81,600,000.

(8) For the construction of increment 2 of the BDE Complex-Barracks/Community at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $15,000,000.

(9) For the construction of increment 2 of the BDE Complex-Operations Support Facility, at Vicenza, Italy, authorized by section 2101(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 505), $15,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $42,600,000 (the balance of the amount authorized under section 2101(b) for construction of a

command and battle center at Wiesbaden, Germany).

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), the authorizations set forth in the table in subsection (b), as provided in sections 2101 of that Act (118 Stat. 2101), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) 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
Virginia	Fort Belvoir	Defense Access Road	$18,000,000

SEC. 2106. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorization set forth in the table in subsection (b), as provided in section 2101 of that Act (119

Stat. 3485), shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
Hawaii	Schofield Barracks.	Combined Arms Collective Training Facility.	$32,542,000

TITLE XXII—NAVY

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Inside the United States

State	Installation or Location	Amount
Arizona	Marine Corps Air Station, Yuma	$19,490,000
California	Marine Corps Base, Camp Pendleton	$799,870,000
	Marine Corps Logistics Base, Barstow	$7,830,000
	Marine Corps Air Station, Miramar	$48,770,000
	Naval Air Facility, El Centro	$8,900,000
	Naval Facility, San Clemente Island	$34,020,000
	Naval Air Station, North Island	$53,262,000
	Marine Corps Recruit Depot, San Diego	$51,200,000
	Marine Corps Base, Twentynine Palms	$145,550,000
Connecticut	Naval Submarine Base, Groton	$46,060,000
	Submarine Base, New London	$11,000,000
District of Columbia	Naval Support Activity, Washington	$24,220,000

Inside the United States—Continued

State	Installation or Location	Amount
Florida	Naval Air Station, Jacksonville	$12,890,000
	Naval Station, Mayport	$14,900,000
	Naval Support Activity, Tampa	$29,000,000
Georgia	Marine Corps Logistics Base, Albany	$15,320,000
Hawaii	Marine Corps Base, Kaneohe	$28,200,000
	Pacific Missile Range, Barking Sands	$28,900,000
	Naval Station, Pearl Harbor	$80,290,000
Illinois	Recruit Training Command, Great Lakes	$62,940,000
Maine	Portsmouth Naval Shipyard	$20,660,000
Maryland	Naval Surface Warfare Center, Indian Head.	$25,980,000
Mississippi	Naval Air Station, Meridian	$6,340,000
	Naval Construction Battalion Center, Gulfport.	$12,770,000
New Jersey	Naval Air Warfare Center, Lakehurst	$15,440,000
	Naval Weapons Station, Earle	$8,160,000
North Carolina	Marine Corps Air Station, Cherry Point	$77,420,000
	Marine Corps Air Station, New River	$86,280,000
	Marine Corps Base, Camp Lejeune	$353,090,000
Pennsylvania	Naval Support Activity, Philadelphia	$22,020,000
Rhode Island	Naval Station, Newport	$29,900,000
South Carolina	Marine Corps Air Station, Beaufort	$5,940,000
	Marine Corps Recruit Depot, Parris Island	$64,750,000
Virginia	Marine Corps Base, Quantico	$150,290,000
	Naval Station, Norfolk	$53,330,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Cuba	Naval Air Station, Guantanamo Bay	$20,600,000
Diego Garcia	Diego Garcia	$35,060,000
Djibouti	Camp Lemonier	$18,580,000
Guam	Naval Activities, Guam	$88,430,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(3), the Secretary of the Navy may

acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Navy: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Unspecified	Unspecified Worldwide	$66,020,000

SEC. 2202. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amount set forth in the following table:

Navy: Family Housing

Location	Installation or Location	Units	Amount
Cuba	Naval Air Station, Guantanamo Bay	146	$62,598,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $2,169,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(6)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $318,011,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $3,884,469,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $2,455,002,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $162,670,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2201(c), $66,020,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $13,670,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $239,128,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $382,778,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $376,062,000.

(7) For the construction of increment 2 of kilo wharf extension at Naval Forces Marianas Islands, Guam, authorized by section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $50,912,000.

(8) For the construction of increment 2 of the sub drive-in magnetic silencing facility at Naval Submarine Base, Pearl Harbor, Hawaii, authorized in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 510), $41,088,000.

(9) For the construction of increment 3 of the National Maritime Intelligence Center, Suitland, Maryland, authorized by section 2201(a) of the Mili-

tary Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $12,439,000.

(10) For the construction of increment 2 of hangar 5 recapitalizations at Naval Air Station, Whidbey Island, Washington, authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), $34,000,000.

(11) For the construction of increment 5 of the limited area production and storage complex at Naval Submarine Base, Kitsap, Bangor, Washington (formerly referred to as a project at the Strategic Weapons Facility Pacific, Bangor), authorized by section 2201(a) of the Military Construction Authorization Act of Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2106), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514) $50,700,000.

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2005 PROJECT INSIDE THE UNITED STATES.

The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2105), as amended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3493) and section 2206 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 514), is further amended—

(1) in the item relating to Strategic Weapons Facility Pacific, Bangor, Washington, by striking ''$295,000,000'' in the amount column and inserting ''$311,670,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$1,084,497,000''.

SEC. 2206. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECTS INSIDE THE UNITED STATES.

(a) MODIFICATIONS.—The table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2448), as amended by section 2205(a)(17) of the Military

Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 513) is amended—

(1) in the item relating to NMIC/Naval Support Activity, Suitland, Maryland, by striking ''$67,939,000'' in the amount column and inserting ''$76,288,000''; and

(2) in the item relating to Naval Air Station, Whidbey Island, Washington, by striking ''$57,653,000'' in the amount column and inserting ''$60,500,000''.

(b) CONFORMING AMENDMENTS.—Section 2204(b) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2452), is amended—

(1) in paragraph (2), by striking ''$56,159,000'' and inserting ''$64,508,000''; and

(2) in paragraph (3), by striking ''$31,153,000'' and inserting ''$34,000,000''.

TITLE XXIII—AIR FORCE

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force

1 may acquire real property and carry out military construc-
2 tion projects for the installations or locations inside the
3 United States, and in the amounts, set forth in the fol-
4 lowing table:

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	$15,556,000
Alaska	Elmendorf Air Force Base	$138,300,000
Arizona	Davis Monthan Air Force Base	$15,000,000
California	Edwards Air Force Base	$3,100,000
	Travis Air Force Base	$12,100,000
Colorado	Peterson Air Force Base	$4,900,000
	United States Air Force Academy	$18,000,000
Delaware	Dover Air Force Base	$19,000,000
Florida	Cape Canaveral Air Station	$8,000,000
	Eglin Air Force Base	$19,000,000
	MacDill Air Force Base	$21,000,000
Georgia	Robins Air Force Base	$24,100,000
Hawaii	Hickam Air Force Base	$8,700,000
Louisiana	Barksdale Air Force Base	$14,600,000
Maryland	Andrews Air Force Base	$77,648,000
Mississippi	Columbus Air Force Base	$8,100,000
	Keesler Air Force Base	$6,600,000
Montana	Malmstrom Air Force Base	$10,000,000
Nebraska	Offutt Air Force Base	$11,800,000
Nevada	Creech Air Force Base	$48,500,000
	Nellis Air Force Base	$63,100,000
New Mexico	Holloman Air Force Base	$25,450,000
North Carolina	Seymour Johnson Air Force Base	$12,200,000
North Dakota	Grand Forks Air Force Base	$13,000,000
Oklahoma	Altus Air Force Base	$10,200,000
	Tinker Air Force Base	$48,600,000
South Carolina	Charleston Air Force Base	$4,500,000
	Shaw Air Force Base	$9,900,000
South Dakota	Ellsworth Air Force Base	$11,000,000
Texas	Dyess Air Force Base	$21,000,000
	Fort Hood	$10,800,000
	Lackland Air Force Base	$75,515,000
Utah	Hill Air Force Base	$41,400,000
Washington	McChord Air Force Base	$5,500,000
Wyoming	Francis E. Warren Air Force Base.	$8,600,000

5 (b) OUTSIDE THE UNITED STATES.—Using amounts
6 appropriated pursuant to the authorization of appropria-
7 tions in section 2304(2), the Secretary of the Air Force
8 may acquire real property and carry out military construc-
9 tion projects for the installations or locations outside the

United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Afghanistan	Bagram Airfield	$57,200,000
Guam	Andersen Air Force Base	$5,200,000
Kyrgyzstan	Manas Air Base	$6,000,000
United Kingdom	Royal Air Force Lakenheath	$7,400,000

(c) UNSPECIFIED WORLDWIDE.—Using the amounts appropriated pursuant to the authorization of appropriations in section 2304(3), the Secretary of the Air Force may acquire real property and carry out military construction projects for unspecified installations or locations in the amounts set forth in the following table:

Air Force: Unspecified Worldwide

Location	Installation or Location	Amount
Worldwide Classified	Classified Location	$891,000
Worldwide Unspecified	Unspecified Worldwide Locations	$52,500,000

SEC. 2302. FAMILY HOUSING.

(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

Air Force: Family Housing

Location	Installation or Location	Purpose	Amount
United Kingdom	Royal Air Force Lakenheath	182 Units	$71,828,000

(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $7,708,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $316,343,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $2,057,408,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $844,769,000.

(2) For military construction projects outside the United States authorized by section 2301(b), $75,800,000.

(3) For the military construction projects at unspecified worldwide locations authorized by section 2301(c), $53,391,000.

(4) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $15,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $73,104,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $395,879,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $599,465,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection

(b), as provided in section 2302 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) 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
		Purchase Build/Lease Housing (300 units)	$18,144,000
California	Edwards Air Force Base	Replace Family Housing (226 units)	$59,699,000
Florida	MacDill Air Force Base	Replace Family Housing (109 units)	$40,982,000
Missouri	Whiteman Air Force Base	Replace Family Housing (111 units)	$26,917,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (255 units)	$48,868,000
North Dakota	Grand Forks Air Force Base	Replace Family Housing (150 units)	$43,353,000

SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2005 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2116), authorizations set forth in the table in subsection (b), as provided in sections 2301 and 2302 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2005 Project Authorizations

State/Country	Installation or Location	Project	Amount
Arizona	Davis-Monthan Air Force Base	Replace Family Housing (250 units)	$48,500,000
California	Vandenberg Air Force Base	Replace Family Housing (120 units)	$30,906,000
Florida	MacDill Air Force Base	Construct Housing Maintenance Facility	$1,250,000
Missouri	Whiteman Air Force Base	Replace Family Housing (160 units)	$37,087,000
North Carolina	Seymour Johnson Air Force Base	Replace Family Housing (167 units)	$32,693,000
Germany	Ramstein Air Base	USAFE Theater Aerospace Operations Support Center	$24,204,000

TITLE XXIV—DEFENSE AGENCIES

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following tables:

Defense Education Activity

State	Installation or Location	Amount
Kentucky	Fort Campbell	$21,400,000
North Carolina	Fort Bragg	$78,471,000

Defense Intelligence Agency

State	Installation or Location	Amount
Illinois	Scott Air Force Base	$13,977,000

Defense Logistics Agency

State	Installation or Location	Amount
California	Defense Distribution Depot, Tracy	$50,300,000
Delaware	Defense Fuel Supply Center, Dover Air Force Base.	$3,373,000
Florida	Defense Fuel Support Point, Jacksonville	$34,000,000
Georgia	Hunter Army Air Field	$3,500,000
Hawaii	Pearl Harbor	$27,700,000
New Mexico	Kirtland Air Force Base	$14,400,000
Oklahoma	Altus Air Force Base	$2,850,000
Pennsylvania	Philadelphia	$1,200,000
Utah	Hill Air Force Base	$20,400,000
Virginia	Craney Island	$39,900,000

National Security Agency

State	Installation or Location	Amount
Maryland	Fort Meade	$31,000,000

Special Operations Command

State	Installation or Location	Amount
California	Naval Amphibious Base, Coronado	$9,800,000
Florida	Eglin Air Force Base	$40,000,000
	Hurlburt Field	$8,900,000
	MacDill Air Force Base	$10,500,000
Kentucky	Fort Campbell	$15,000,000
New Mexico	Cannon Air Force Base	$26,400,000
North Carolina	Fort Bragg	$38,250,000
Virginia	Fort Story	$11,600,000
Washington	Fort Lewis	$38,000,000

TRICARE Management Activity

State	Installation or Location	Amount
Alaska	Fort Richardson	$6,300,000
Colorado	Buckley Air Force Base	$3,000,000
Georgia	Fort Benning	$3,900,000
Kansas	Fort Riley	$52,000,000
Kentucky	Fort Campbell	$24,000,000
Maryland	Aberdeen Proving Ground	$430,000,000
Missouri	Fort Leonard Wood	$22,000,000
Oklahoma	Tinker Air Force Base	$65,000,000
Texas	Fort Sam Houston	$13,000,000

Washington Headquarters Services

State	Installation or Location	Amount
Virginia	Pentagon Reservation	$38,940,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following tables:

Defense Logistics Agency

Country	Installation or Location	Amount
Germany	Germersheim	$48,000,000
Greece	Souda Bay	$27,761,000

Special Operations Command

Country	Installation or Location	Amount
Qatar	Al Udeid	$9,200,000

TRICARE Management Activity

Country	Installation or Location	Amount
Guam	Naval Activities	$30,000,000

Missile Defense Agency

Country	Installation or Location	Amount
Poland	Various Locations	$661,380,000
Czech Republic	Various Locations	$176,100,000

SEC. 2402. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(6), the Secretary of Defense may carry out energy conservation

projects under chapter 173 of title 10, United States Code, in the amount of $80,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of $1,821,379,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $792,811,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $356,121,000.

(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $31,853,000.

(4) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $155,793,000.

(6) For energy conservation projects authorized by section 2402 of this Act, $80,000,000.

(7) For support of military family housing, including functions described in section 2833 of title 10, United States Code, and credits to the Department of Defense Family Housing Improvement Fund under section 2883 of title 10, United States Code, and the Homeowners Assistance Fund established under section 1013 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374), $54,581,000.

(8) For the construction of increment 4 of the National Security Agency regional security operations center at Augusta, Georgia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3497), as amended by section 7016 of the Emergency Supplemental Appropriation Act for Defense, Global War on Terrorism and Hurricane Relief (Public Law 109–234; 120 Stat. 485), $100,220,000.

(9) For the construction of increment 2 of the Army Medical Research Institute of Infectious Diseases Stage 1 at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Au-

thorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $209,000,000.

(10) For the construction of increment 2 of the SOF Operational Facility at Dam Neck, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521), $31,000,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(2) $528,780,000 (the balance of the amount authorized for the Missile Defense Agency under section 2401(b) for the European interceptor site in Poland.

(3) $67,540,000 (the balance of the amount authorized for the Missile Defense Agency under sec-

tion 2401(b) for the European midcourse radar site in the Czech Republic.

(c) LIMITATION ON EUROPEAN MISSILE DEFENSE CONSTRUCTION PROJECTS.—Funds appropriated pursuant to the authorization of appropriations in subsection (a)(2) for the projects authorized for the Missile Defense Agency under section 2401(b) may only be obligated or expended in accordance with the conditions specified in section 232 of this Act.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2007 PROJECT.

(a) MODIFICATION.—The table relating to TRICARE Management Activity in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), is amended in the item relating to Fort Detrick, Maryland, by striking ''$550,000,000'' in the amount column and inserting ''$683,000,000''.

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act of Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2461) is amended by striking ''$521,000,000'' and inserting ''$654,000,000''.

SEC. 2405. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2006 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), authorizations set forth in the tables in subsection (b), as provided in section 2401 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Defense Logistics Agency: Extension of 2006 Project Authorization

Installation or Location	Project	Amount
Defense Logistics Agency ...	Defense Distribution Depot Susquehanna, New Cumberland, Pennsylvania.	$6,500,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZED CHEMICAL DEMILITARIZATION PROGRAM CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2412(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations

inside the United States, and in the amounts, set forth in the following table:

Chemical Demilitarization Program: Inside the United States

Army	Installation or Location	Amount
Army	Blue Grass Army Depot, Kentucky	$12,000,000

SEC. 2412. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction and land acquisition for chemical demilitarization in the total amount of $134,278,000, as follows:

(1) For military construction projects inside the United States authorized by section 2411(a), $12,000,000.

(2) For the construction of phase 10 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B

of Public Law 107–314; 116 Stat. 2698), $65,060,000.

(3) For the construction of phase 9 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), $67,218,000.

SEC. 2413. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839) and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2699), is amended—

(1) under the agency heading relating to the Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking ''$261,000,000'' in the amount column and inserting ''$484,000,000''; and

(2) by striking the amount identified as the total in the amount column and inserting ''$830,454,000''.

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking ''$261,000,000'' and inserting ''$484,000,000''.

SEC. 2414. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is amended—

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking "$290,325,000" in the amount column and inserting "$492,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$949,920,000".

(b) CONFORMING AMENDMENT.—Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107–107; 115 Stat. 1298) and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2698), is further amended by striking "$267,525,000" and inserting "$469,200,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501, in the amount of $240,867,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations, and in the amounts, set forth in the following table:

Army National Guard

State	Location	Amount
Alabama	Fort McClellan	$3,000,000
Alaska	Bethel Armory	$16,000,000
Arizona	Camp Navajo	$13,000,000
	Florence	$13,800,000
	Papago Military Reservation	$24,000,000
Colorado	Denver	$9,000,000
	Grand Junction	$9,000,000
Connecticut	Camp Rell	$28,000,000
	East Haven	$13,800,000
Delaware	New Castle	$28,000,000
Florida	Camp Blanding	$12,400,000
Georgia	Dobbins Air Reserve Base	$45,000,000
Idaho	Orchard Training Area	$1,850,000
Illinois	Urbana Armory	$16,186,000
Indiana	Camp Atterbury	$5,800,000
	Lawrence	$21,000,000
Maine	Bangor	$20,000,000
Maryland	Edgewood	$28,000,000
	Salisbury	$9,800,000
Massachusetts	Methuen	$21,000,000
Michigan	Camp Grayling	$18,943,000
Minnesota	Arden Hills	$15,000,000
Nevada	Elko	$11,375,000
New York	Fort Drum	$11,000,000
	Queensbury	$5,900,000
South Carolina	Anderson	$12,000,000
	Beaufort	$3,400,000
	Eastover	$28,000,000
South Dakota	Rapid City	$43,463,000
Utah	Camp Williams	$17,500,000
Virginia	Arlington	$15,500,000
	Fort Pickett	$2,950,000
Vermont	Ethan Allen Range Jericho	$10,200,000

Army National Guard—Continued

State	Location	Amount
Washington	Fort Lewis (Gray Army Airfield)	$32,000,000

1 **SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION**
2 **AND LAND ACQUISITION PROJECTS.**

3 Using amounts appropriated pursuant to the author-
4 ization of appropriations in section 2606(1)(B), the Sec-
5 retary of the Army may acquire real property and carry
6 out military construction projects for the Army Reserve
7 locations, and in the amounts, set forth in the following
8 table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	$3,950,000
Hawaii	Fort Shafter	$19,199,000
Idaho	Hayden Lake	$9,580,000
Kansas	Dodge City	$8,100,000
Maryland	Baltimore	$11,600,000
Massachusetts	Fort Devens	$1,900,000
Michigan	Saginaw	$11,500,000
Missouri	Weldon Springs	$11,700,000
Nevada	Las Vegas	$33,900,000
New Jersey	Fort Dix	$3,825,000
New York	Kingston	$13,494,000
	Shoreham	$15,031,000
	Staten Island	$18,550,000
North Carolina	Raleigh	$25,581,000
Pennsylvania	Letterkenny Army Depot	$14,914,000
Tennessee	Chattanooga	$10,600,000
Texas	Sinton	$9,700,000
Washington	Seattle	$37,500,000
Wisconsin	Fort McCoy	$4,000,000

9 **SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE**
10 **CORPS RESERVE CONSTRUCTION AND LAND**
11 **ACQUISITION PROJECTS.**

12 Using amounts appropriated pursuant to the author-
13 ization of appropriations in section 2606(a)(2), the Sec-

retary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
California	Lemoore	$15,420,000
Delaware	Wilmington	$11,530,000
Georgia	Marietta	$7,560,000
Virginia	Norfolk	$8,170,000
	Williamsburg	$12,320,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(A), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
Arkansas	Little Rock Air Force Base	$4,000,000
Colorado	Buckley Air Force Base	$4,200,000
Delaware	New Castle County Airport	$14,800,000
Iowa	Fort Dodge	$5,600,000
Kansas	Smoky Hill Air National Guard Range	$7,100,000
Massachusetts	Otis Air National Guard Base	$14,300,000
Minnesota	Duluth 148th Fighter Wing Base	$4,500,000
Mississippi	Gulfport-Biloxi International Airport	$3,400,000
New York	Gabreski Airport, Westhampton	$7,500,000
	Hancock Field	$5,000,000
Rhode Island	Quonset State Airport	$7,700,000
Tennessee	Knoxville	$8,000,000
Vermont	Burlington International Airport	$6,600,000
Washington	McChord Air Force Base	$8,600,000
West Virginia	Yeager Airport, Charleston	$27,000,000
Wisconsin	Truax Field	$6,300,000
Wyoming	Cheyenne Municipal Airport	$7,000,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3)(B), the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air Force Reserve locations, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
Georgia	Dobbins Air Reserve Base	$6,450,000
Oklahoma	Tinker Air Force Base	$9,900,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), in the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $634,407,000; and

(B) for the Army Reserve, $281,687,000.

(2) For the Department of the Navy, for the Navy and Marine Corps Reserve, $57,045,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $156,124,000; and

(B) for the Air Force Reserve, $26,615,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3501), the authorizations set forth in the table in subsection (b), as provided in section 2601 of that Act, shall remain in effect until October 1, 2009, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2010, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army National Guard: Extension of 2006 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Roberts	Urban Assault Course.	$1,485,000
Idaho	Gowen Field	Railhead, Phase 1	$8,331,000
Mississippi	Biloxi	Readiness Center	$16,987,000
	Camp Shelby	Modified Record Fire Range.	$2,970,000
Montana	Townsend	Automated Qualification Training Range.	$2,532,000
Pennsylvania	Philadelphia	Stryker Brigade Combat Team Readiness Center.	$11,806,000

Army National Guard: Extension of 2006 Project Authorizations—Continued

State	Installation or Location	Project	Amount
	Philadelphia	Organizational Maintenance Shop #7.	$6,144,930

1 **SEC. 2608. EXTENSION OF AUTHORIZATION OF CERTAIN**
2 **FISCAL YEAR 2005 PROJECT.**

3 (a) EXTENSION.—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal
5 Year 2005 (division B of Public Law 108–375; 118 Stat.
6 2116), the authorization set forth in the table in sub-
7 section (b), as provided in section 2601 of that Act, shall
8 remain in effect until October 1, 2009, or the date of the
9 enactment of an Act authorizing funds for military con-
10 struction for fiscal year 2010, whichever is later.

11 (b) TABLE.—The table referred to in subsection (a)
12 is as follows:

Army National Guard: Extension of 2005 Project Authorization

State	Installation or Location	Project	Amount
California	Dublin	Readiness Center, Add/Alt (ADRS).	$11,318,000

13 **SEC. 2609. MODIFICATION OF AUTHORITY TO CARRY OUT**
14 **CERTAIN FISCAL YEAR 2008 PROJECT.**

15 The table in section 2601 of the Military Construc-
16 tion Authorization Act for Fiscal Year 2008 (division B
17 of Public Law 110–181; 122 Stat. 527) is amended in
18 the item relating to North Kingstown, Rhode Island, by

striking "$33,000,000" in the amount column and inserting "$38,000,000".

TITLE XXVII—BASE CLOSURE AND REALIGNMENT ACTIVITIES

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act, in the total amount of $393,377,000, as follows:

(1) For the Department of the Army, $72,855,000.

(2) For the Department of the Navy, $178,700,000.

(3) For the Department of the Air Force, $139,155,000.

(4) For the Defense Agencies, $2,667,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Using amounts appropriated pursuant to the authorization of appropriations in section 2703, the Secretary of Defense may carry out base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act, in the amount of $6,982,334,000.

SEC. 2703. AUTHORIZATION OF APPROPRIATIONS FOR BASE CLOSURE AND REALIGNMENT ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for base closure and realignment activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by sec-

tion 2906A of such Act, in the total amount of $9,065,386,000, as follows:

(1) For the Department of the Army, $4,486,178,000.

(2) For the Department of the Navy, $871,492,000.

(3) For the Department of the Air Force, $1,072,925,000.

(4) For the Defense Agencies, $2,634,791,000.

SEC. 2704. MODIFICATION OF ANNUAL BASE CLOSURE AND REALIGNMENT REPORTING REQUIREMENTS.

Section 2907 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended—

(1) by striking ''As part of the budget request for fiscal year 2007 and for each fiscal year thereafter'' and inserting ''(a) REPORTING REQUIREMENT.—As part of the budget request for fiscal year 2007 and for each fiscal year thereafter through fiscal year 2016''; and

(2) by adding at the end the following new subsection:

''(b) TERMINATION OF REPORTING REQUIREMENTS RELATED TO REALIGNMENT ACTIONS.—The reporting requirements under subsection (a) shall terminate with re-

spect to realignment actions after the report submitted with the budget for fiscal year 2014.''.

SEC. 2705. TECHNICAL CORRECTIONS REGARDING AUTHORIZED COST AND SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING PROJECTS RELATED TO BASE CLOSURES AND REALIGNMENTS.

(a) CORRECTION OF CITATION IN AMENDATORY LANGUAGE.—

(1) IN GENERAL.—Section 2704(a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) is amended by striking ''section 2905A'' both places it appears and inserting ''section 2906A''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on January 28, 2008, as if included in the enactment of section 2704 of the Military Construction Authorization Act for Fiscal Year 2008.

(b) CORRECTION OF SCOPE OR WORK VARIATION LIMITATION.—Section 2906A(f) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as added by section 2704(a) of the Military Construction Authoriza-

tion Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 532) and amended by subsection (a), is amended by striking ''20 percent or $2,000,000, whichever is greater'' and inserting ''20 percent or $2,000,000, whichever is less''.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. INCREASE IN THRESHOLD FOR UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.

Section 2805(a)(1) of title 10, United States Code, is amended by striking ''$2,000,000'' in the first sentence and all that follows through the period at the end of the second sentence and inserting ''$3,000,000.''.

SEC. 2802. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

(a) ONE-YEAR EXTENSION OF AUTHORITY.—Subsection (a) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act

for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128), section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–163; 119 Stat. 3508), section 2802 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2466), and section 2801 of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 538), is further amended by striking ''2008'' and inserting ''2009''.

(b) EXCEPTION FOR PROJECTS IN AFGHANISTAN FROM LIMITATION ON AUTHORITY RELATED TO LONG-TERM UNITED STATES PRESENCE.—Such subsection, as so amended, is further amended by inserting before the period at the end of paragraph (2) the following: '', unless the military installation is located in Afghanistan, in which case the condition shall not apply''.

(c) QUARTERLY REPORTS.—Subsection (d)(1) of section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as amended by section 2810 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2128) and section 2809 of the Military Construction Authorization Act for Fiscal Year 2006 (division B of Public Law 109–

163; 119 Stat. 3508), is further amended by striking ''30 days'' and inserting ''45 days''.

SEC. 2803. IMPROVED OVERSIGHT AND ACCOUNTABILITY FOR MILITARY HOUSING PRIVATIZATION INITIATIVE PROJECTS.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2885. Oversight and accountability for privatization projects

''(a) OVERSIGHT AND ACCOUNTABILITY MEASURES.—Each Secretary concerned shall prescribe regulations to effectively oversee and manage military housing privatization projects carried out under this subchapter. The regulations shall include the following requirements for each privatization project:

''(1) The installation asset manager shall conduct monthly site visits and provide reports on the progress of the construction or renovation of the housing units. The reports shall be endorsed by the commander at such installation and submitted quarterly to the assistant secretary for installations and environment of the respective military department and the Deputy Under Secretary of Defense (Installations and Environment).

"(2) The installation asset manager, and, as applicable, the resident construction manager, privatization asset manager, bondholder representative, project owner, developer, general contractor, and construction consultant for the project shall conduct monthly meetings to ensure that the construction or renovation of the units meets performance and schedule requirements and that appropriate operating and ground lease agreements are in place and adhered to.

"(3) If a project is 90 days or more behind schedule or otherwise appears to be substantially failing to adhere to the obligations or milestones under the contract, the assistant secretary for installations and environment of the respective military department shall submit a notice of deficiency to the Deputy Under Secretary of Defense (Installations and Environment), the Secretary concerned, the managing member, and the trustee for the project.

"(4)(A) Not later than 15 days after the submittal of a notice of deficiency under paragraph (3), the Secretary concerned shall submit to the project owner, developer, or general contractor responsible for the project a summary of deficiencies related to the project.

"(B) If the project owner, developer, or general contractor responsible for the project is unable, within 30 days after receiving a notice of deficiency under subparagraph (A), to make progress on the issues outlined in such notice, the Secretary concerned shall submit to the project owner, developer, or general contractor, the bondholder representative, and the trustee an official letter of concern addressing the deficiencies and detailing the corrective actions that should be taken to correct the deficiencies.

"(C) If the project owner, developer, or general contractor responsible for the privatization project is unable, within 60 days after receiving a notice of deficiency under subparagraph (A), to make progress on the issues outlined in such notice, the Deputy Under Secretary of Defense (Installations and Environment) shall notify the congressional defense committees of the status of the project, and shall provide a recommended course of action to correct the problems.

"(b) COMMUNITY MEETINGS.—(1) Prior to the commencement of privatization project, the assistant secretary for installations and environment of the respective military department and the commanding officer of the local mili-

tary installation shall hold a meeting with the local community to communicate the following information:

"(A) The nature of the project.

"(B) Any contractual arrangements.

"(C) Potential liabilities to local construction management companies and subcontractors.

"(2) The requirement under paragraph (1) may be met by publishing the information described in such paragraph on the Federal Business Opportunities (FedBizOpps) Internet website.

"(c) REQUIRED QUALIFICATIONS.—The Secretary concerned shall certify that the project owner, developer, or general contractor that is selected for each military housing privatization initiative project has construction experience commensurate with that required to complete the project.

"(d) BONDING LEVELS.—The Secretary concerned shall ensure that the project owner, developer, or general contractor responsible for a military housing privatization initiative project has sufficient payment and performance bonds or suitable instruments in place for each phase of a construction or renovation portion of the project to ensure successful completion of the work in amounts as agreed to in the project's legal documents, but in no case less than 50 percent of the total value of the active phases

of the project, prior to the commencement of work for that phase.

"(e) CERTIFICATIONS REGRADING PREVIOUS BANKRUPTCY DECLARATIONS.—If a military department awards a contract or agreement for a military housing privatization initiative project to a project owner, developer, or general contractor that has previously declared bankruptcy, the Secretary concerned shall specify in the notification to Congress of the project award the extent to which the issues related to the previous bankruptcy are expected to impact the ability of the project owner, developer, or general contractor to complete the project.

"(f) COMMUNICATION REGARDING POOR PERFORMANCE.—The Deputy Under Secretary of Defense (Installations and Environment) shall prescribe policies to provide for regular and appropriate communication between representatives of the military departments and bondholders for military housing privatization initiative projects to ensure timely action to address inadequate performance in carrying out projects.

"(g) REPORTING OF EFFORTS TO SELECT SUCCESSOR IN EVENT OF DEFAULT.—In the event a military housing privatization initiative project enters into default, the assistant secretary for installations and environment of the respective military department shall submit a report

to the congressional defense committees every 90 days detailing the status of negotiations to award the project to a new project owner, developer, or general contractor.

"(h) EFFECT OF UNSATISFACTORY PERFORMANCE RATING ON AFFILIATED ENTITIES.—In the event the project owner, developer, or general contractor for a military construction project receives an unsatisfactory performance rating due to poor performance, each parent, subsidiary, affiliate, or other controlling entity of such owner, developer, or contractor shall also receive an unsatisfactory performance rating.

"(i) EFFECT OF NOTICES OF DEFICIENCY ON CONTRACTORS AND AFFILIATED ENTITIES.—(1) The Deputy Under Secretary of Defense (Installations and Environment) shall keep a record of all plans of action or notices of deficiency issued to a project owner, developer, or general contractor under subsection (a)(4), including the identity of each parent, subsidiary, affiliate, or other controlling entity of such owner, developer, or contractor.

"(2) CONSULTATION.—Each military department shall consult the records maintained under paragraph (1) when reviewing the past performance of owners, developers, and contractors in the bidding process for a contract or other agreement for a military housing privatization initiative project.

"(j) PROCEDURES FOR IDENTIFYING AND COMMUNICATING BEST PRACTICES FOR TRANSACTIONS.—(1) The Secretary of Defense shall identify best practices for military housing privatization projects, including—

"(A) effective means to track and verify proper performance, schedule, and cash flow;

"(B) means of overseeing the actions of bondholders to properly monitor construction progress and construction draws;

"(C) effective structuring of transactions to ensure the United States Government has adequate abilities to oversee project owner performance; and

"(D) ensuring that notices to proceed on new work are not issued until proper bonding is in place.

"(2) The Secretary shall prescribe regulations to implement the best practices developed pursuant to paragraph (1).".

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

"2885. Oversight and accountability for privatization projects.".

SEC. 2804. LEASING OF MILITARY FAMILY HOUSING TO SECRETARY OF DEFENSE.

(a) LEASING OF HOUSING.—Subchapter II of chapter 169 of title 10, United States Code, is amended by inserting after section 2837 the following new section:

"§ 2838. Leasing of military family housing to Secretary of Defense

''(a) AUTHORITY.—(1) The Secretary of a military department may lease to the Secretary of Defense military family housing in the National Capital Region (as defined in section 2674(f) of this title).

''(2) In determining the military housing unit to lease under this section, the Secretary of Defense should first consider any available military housing units that are already substantially equipped for executive communications and security.

''(b) RENTAL RATE.—A lease under subsection (a) shall provide for the payment by the Secretary of Defense of consideration in an amount equal to 105 percent of the monthly rate of basic allowance for housing prescribed under section 403(b) of title 37 for a member of the uniformed services in the pay grade of O–10 with dependents assigned to duty at the military installation on which the leased housing unit is located. A rate so established shall be considered the fair market value of the lease interest.

''(c) TREATMENT OF PROCEEDS.—(1) The Secretary of a military department shall deposit all amounts received pursuant to leases entered into by the Secretary under this section into a special account in the Treasury established for such military department.

"(2) The proceeds deposited into the special account of a military department pursuant to paragraph (1) shall be available to the Secretary of that military department, without further appropriation, for the maintenance, protection, alteration, repair, improvement, or restoration of military housing on the military installation at which the housing leased pursuant to subsection (a) is located.".

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

"2838. Leasing of military family housing to Secretary of Defense.".

SEC. 2805. COST-BENEFIT ANALYSIS OF DISSOLUTION OF PATRICK FAMILY HOUSING LLC.

(a) COST-BENEFIT ANALYSIS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a cost-benefit analysis of dissolving Patrick Family Housing LLC without exercising the full range of rights available to the United States Government to recover damages from the partnership.

(b) CONTENT.—The analysis required under subsection (a) shall include an evaluation of the best practices for executing military housing privatization projects as determined by the Department of Defense and the Secretaries concerned and the other options available to restore

the financial health of nonperforming or defaulting projects.

(c) TEMPORARY MORATORIUM ON CERTAIN ACTIONS.—The Secretary of the Air Force may not, in carrying out a military housing privatization project initiated at Patrick Air Force Base, Florida, dissolve the Patrick Family Housing LLC until the Secretary of the Air Force submits the cost-benefit analysis required under subsection (a).

Subtitle B—Real Property and Facilities Administration

SEC. 2811. PARTICIPATION IN CONSERVATION BANKING PROGRAMS.

(a) IN GENERAL.—Chapter 159 of title 10, United States Code, is amended by inserting after section 2694b the following new section:

"§ 2694c. Participation in conservation banking programs

''(a) AUTHORITY TO PARTICIPATE.—The Secretary of a military department, and the Secretary of Defense with respect to matters concerning a Defense Agency, when engaged or proposing to engage in an authorized activity that may or will result in an adverse impact on one or more species protected (or pending protection) under any applicable provision of law, or on a habitat for such

species, may make payments to a conservation banking program or 'in-lieu-fee' mitigation sponsor approved in accordance with the Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Fed. Reg. 58605; November 28, 1995) or the Guidance for the Establishment, Use, and Operation of Conservation Banks (68 Fed. Reg. 24753; May 2, 2003), or any successor or related administrative guidance or regulation.

''(b) FACILITATION OF TESTING OR TRAINING ACTIVITIES OR MILITARY CONSTRUCTION.—Participation in conservation banking and 'in-lieu-fee' programs under subsection (a) shall be for the purposes of facilitating—

''(1) military testing or training activities; or

''(2) military construction.

''(c) TREATMENT OF PAYMENTS.—Payments made under subsection (a) to a conservation banking program or 'in-lieu-fee' mitigation sponsor for the purpose of facilitating military construction may be treated as eligible project costs for such military construction.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2694b the following new item:

''2694c. Participation in conservation banking programs.''.

SEC. 2812. CLARIFICATION OF CONGRESSIONAL REPORTING REQUIREMENTS FOR CERTAIN REAL PROPERTY TRANSACTIONS.

Section 2662(c) of title 10, United States Code, is amended by striking ''river and harbor projects or flood control projects'' and inserting ''water resource development projects of the Corps of Engineers''.

SEC. 2813. MODIFICATION OF LAND MANAGEMENT RESTRICTIONS APPLICABLE TO UTAH NATIONAL DEFENSE LANDS.

Section 2815 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 852) is amended—

(1) in subsection (a), by striking ''that are adjacent to or near the Utah Test and Training Range and Dugway Proving Ground or beneath'' and inserting ''that are beneath''; and

(2) by adding at the end the following new subsection:

''(e) SUNSET DATE.—This section shall expire on October 1, 2013.''.

Subtitle C—Land Conveyances

SEC. 2821. TRANSFER OF PROCEEDS FROM PROPERTY CONVEYANCE, MARINE CORPS LOGISTICS BASE, ALBANY, GEORGIA.

(a) TRANSFER AUTHORIZED.—The Secretary of Defense may transfer any proceeds from the sale of approximately 120.375 acres of improved land located at the former Boyett Village Family Housing Complex at the Marine Corps Logistics Base, Albany, Georgia, into the Department of Defense Family Housing Improvement Fund established under section 2883(a)(1) of title 10, United States Code, for carrying out activities under subchapter IV of chapter 169 of that title with respect to military family housing.

(b) NOTIFICATION REQUIREMENT.—A transfer of proceeds under subsection (a) may be made only after the end of the 30-day period beginning on the date the Secretary of Defense submits written notice of the transfer to the congressional defense committees.

Subtitle D—Energy Security

SEC. 2831. EXPANSION OF AUTHORITY OF THE MILITARY DEPARTMENTS TO DEVELOP ENERGY ON MILITARY LANDS.

(a) DEVELOPMENT OF ANY RENEWABLE ENERGY RESOURCE.—Section 2917 of title 10, United States Code, is amended—

(1) by inserting ''(a) DEVELOPMENT OF RENEWABLE ENERGY RESOURCES.—'' before ''The Secretary of a military department'';

(2) in subsection (a), as designated by paragraph (1), by striking ''geothermal energy resource'' and inserting ''renewable energy resource''; and

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

''(b) RENEWABLE ENERGY RESOURCE DEFINED.—In this section, the term 'renewable energy resource' has the meaning given the term 'renewable energy' in section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)).''.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

"§ 2917. Development of renewable energy resources on military lands".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 173 of such title is amended by striking the item relating to section 2917 and inserting the following new item:

"2917. Development of renewable energy resources on military lands.".

Subtitle E—Other Matters

SEC. 2841. REPORT ON APPLICATION OF FORCE PROTECTION AND ANTI-TERRORISM STANDARDS TO GATES AND ENTRY POINTS ON MILITARY INSTALLATIONS.

(a) REPORT REQUIRED.—Not later than February 1, 2009, the Secretary of Defense shall submit to the congressional defense committees a report on the implementation of Department of Defense Anti-Terrorism/Force Protection standards at gates and entry points of military installations.

(b) CONTENT.—The report required under subsection (a) shall include the following:

(1) A description of the anti-terrorism/force protection standards for gates and entry points.

(2) An assessment, by installation, of whether the gates and entry points meet anti-terrorism/force protection standards.

(3) An assessment of whether the standards are met with either temporary or permanent measures, facilities, or equipment.

(4) A description and cost estimate of each action to be taken by the Secretary of Defense for each installation to ensure compliance with Department of Defense Anti-Terrorism/Force Protection standards using permanent measures and construction methods.

(5) An investment plan to complete all action required to ensure compliance with the standards described under paragraph (1).

TITLE XXIX—WAR-RELATED MILITARY CONSTRUCTION AUTHORIZATIONS

Subtitle A—Fiscal Year 2008 Projects

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United

1 States, and in the amounts, set forth in the following
2 table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$17,000,000
California	Fort Irwin	$11,800,000
Colorado	Fort Carson	$8,400,000
Georgia	Fort Gordon	$7,800,000
Hawaii	Schofield Barracks	$12,500,000
Kentucky	Fort Campbell	$9,900,000
	Fort Knox	$7,400,000
North Carolina	Fort Bragg	$8,500,000
Oklahoma	Fort Sill	$9,000,000
Texas	Fort Bliss	$17,300,000
	Fort Hood	$7,200,000
	Fort Sam Houston	$7,000,000
Virginia	Fort Lee	$7,400,000

3 (b) OUTSIDE THE UNITED STATES.—Using amounts
4 appropriated pursuant to the authorization of appropria-
5 tions in subsection (c)(2), the Secretary of the Army may
6 acquire real property and carry out military construction
7 projects for the installations or locations outside the
8 United States, and in the amounts, set forth in the fol-
9 lowing table:

Army: Outside the United States

Country	Installation or Location	Amount
Iraq	Camp Adder	$13,200,000
	Camp Ramadi	$6,200,000
	Fallujah	$5,500,000

10 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-
11 tion to funds authorized to be appropriated under 2901(c)
12 of the Military Construction Authorization Act for Fiscal
13 Year 2008 (division B of Public Law 110–181; 122 Stat.
14 571), funds are hereby authorized to be appropriated for
15 fiscal years beginning after September 30, 2007, for mili-

tary construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $162,100,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $131,200,000.

(2) For military construction projects outside the United States authorized by subsection (b), $24,900,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $6,000,000.

SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
California	Camp Pendleton	$9,270,000
	China Lake	$7,210,000
	Point Mugu	$7,250,000
	San Diego	$12,299,000
	Twentynine Palms	$11,250,000
Florida	Eglin Air Force Base	$780,000
Mississippi	Gulfport	$6,570,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
North Carolina	Camp Lejeune	$27,980,000
Virginia	Yorktown	$8,070,000

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2902(d) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 572), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $94,731,000 as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $90,679,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $4,052,000.

SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the

United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

Country	Installation or Location	Amount
California	Beale Air Force Base	$17,600,000
Florida	Eglin Air Force Base	$11,000,000
New Mexico	Cannon Air Force Base	$8,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (c)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Qatar	Al Udeid	$60,400,000

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to funds authorized to be appropriated under 2903(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 573), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2007, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $98,427,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $36,600,000.

(2) For military construction projects outside the United States authorized by subsection (b), $60,400,000.

(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $1,427,000.

SEC. 2904. TERMINATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 2008 ARMY PROJECTS.

(a) TERMINATION OF AUTHORITY.—The table in section 2901(b) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 570), is amended—

(1) in the item relating to Camp Adder, Iraq, by striking ''$80,650,000'' in the amount column and inserting ''$75,800,000'';

(2) in the item relating to Camp Anaconda, Iraq, by striking ''$53,500,000'' in the amount column and inserting ''$10,500,000'';

(3) in the item relating to Camp Victory, Iraq, by striking ''$65,400,000'' in the amount column and inserting ''$60,400,000'';

(4) by striking the item relating to Tikrit, Iraq; and

(5) in the item relating to Camp Speicher, Iraq, by striking "$83,900,000" in the amount column and inserting "$74,100,000".

(b) CONFORMING AMENDMENTS.—Section 2901(c) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 571) is amended—

(1) by striking "$1,257,750,000" and inserting "$1,152,100,000"; and

(2) in paragraph (2), by striking "$1,055,450,000" and inserting "$949,800,000".

Subtitle B—Fiscal Year 2009 Projects

SEC. 2911. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Army may acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations inside the United States set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Various	Various locations	$400,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $450,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $400,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $50,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

SEC. 2912. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), the Secretary of the Navy may

acquire real property and carry out military construction projects to construct or renovate warrior transition unit facilities at the installations or locations inside the United States set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Various	Various locations	$40,000,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Subject to section 2825 of title 10, United States Code, funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2008, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $50,000,000, as follows:

(1) For military construction projects inside the United States authorized by subsection (a), $40,000,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $10,000,000.

(c) REPORT REQUIRED BEFORE COMMENCING CERTAIN PROJECTS.—Funds may not be obligated for the projects authorized by this section until 14 days after the date on which the Secretary of Defense submits to the congressional defense committees a report containing a detailed justification for the projects.

SEC. 2913. LIMITATION ON AVAILABILITY OF FUNDS FOR CERTAIN PURPOSES RELATING TO IRAQ.

No funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control of the oil resources of Iraq.

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for the activities of the National Nuclear Security Administration in carrying

out programs necessary for national security in the amount of $9,641,892,000, to be allocated as follows:

(1) For weapons activities, $6,610,701,000.

(2) For defense nuclear nonproliferation activities, including $538,782,000 for fissile materials disposition, $1,799,056,000.

(3) For naval reactors, $828,054,000.

(4) For the Office of the Administrator for Nuclear Security, $404,081,000.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

(1) For readiness in technical base and facilities, the following new plant projects:

Project 09–D–404, Test Capabilities Revitalization Phase 2, Sandia National Laboratory, Albuquerque, New Mexico, $3,200,000.

Project 08–D–806, Ion Beam Laboratory Project, Sandia National Laboratory, Albuquerque, New Mexico, $10,014,000.

(2) For naval reactors, the following new plant projects:

Project 09–D–902, Naval Reactors Facility Production Support Complex, Naval Reactors Facility, Idaho Falls, Idaho, $8,300,000.

Project 09–D–190, Project engineering and design, Knolls Atomic Power Laboratory infrastructure upgrades, Knolls Atomic Power Laboratory, Kesselring Site, Schenectady, New York, $1,000,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,297,256,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for other defense activities in carrying out programs necessary for national security in the amount of $826,453,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2009 for defense nuclear waste disposal for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste

Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $197,371,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. MODIFICATION OF FUNCTIONS OF ADMINISTRATOR FOR NUCLEAR SECURITY TO INCLUDE ELIMINATION OF SURPLUS FISSILE MATERIALS USABLE FOR NUCLEAR WEAPONS.

Section 3212(b)(1) of the National Nuclear Security Administration Act (50 U.S.C. 2402(b)(1)) is amended—

(1) by redesignating paragraph (18) as paragraph (19); and

(2) by inserting after paragraph (17) the following new paragraph (18):

''(18) Eliminating inventories of surplus fissile materials usable for nuclear weapons.''.

SEC. 3112. REPORT ON COMPLIANCE WITH DESIGN BASIS THREAT ISSUED BY THE DEPARTMENT OF ENERGY IN 2005.

(a) IN GENERAL.—Not later than January 2, 2009, the Secretary of Energy shall submit to the congressional defense committees a report setting forth the status of the compliance of Department of Energy sites with the Design

1 Basis Threat issued by the Department in November 2005
2 (in this section referred to as the "2005 Design Basis
3 Threat").

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

6 (1) For each Department of Energy site subject
7 to the 2005 Design Basis Threat, an assessment of
8 whether the site has achieved compliance with the
9 2005 Design Basis Threat.

10 (2) For each such site that has not achieved
11 compliance with the 2005 Design Basis Threat—

12 (A) a description of the reasons for the
13 failure to achieve compliance;

14 (B) a plan to achieve compliance;

15 (C) a description of the actions that will be
16 taken to mitigate any security shortfalls until
17 compliance is achieved; and

18 (D) an estimate of the annual funding re-
19 quirements to achieve compliance.

20 (3) A list of such sites with Category I nuclear
21 materials that the Secretary determines will not
22 achieve compliance with the 2005 Design Basis
23 Threat.

(4) For each site identified under paragraph (3), a plan to remove all Category I nuclear materials from such site, including—

(A) a schedule for the removal of such nuclear materials from such site;

(B) a clear description of the actions that will be taken to ensure the security of such nuclear materials; and

(C) an estimate of the annual funding requirements to remove such nuclear materials from such site.

(5) An assessment of the adequacy of the 2005 Design Basis Threat in addressing security threats at Department of Energy sites, and a description of any plans for updating, modifying, or otherwise revising the approach taken by the 2005 Design Basis Threat to establish enhanced security requirements for Department of Energy sites.

SEC. 3113. MODIFICATION OF SUBMITTAL OF REPORTS ON INADVERTENT RELEASES OF RESTRICTED DATA.

(a) IN GENERAL.—Section 4522 of the Atomic Energy Defense Act (50 U.S.C. 2672) is amended—

(1) in subsection (e), by striking ''on a periodic basis'' and inserting ''in each even-numbered year''; and

(2) in subsection (f), by striking paragraph (2) and inserting the following new paragraph (2):

''(2) The Secretary of Energy shall, in each even-numbered year beginning in 2010, submit to the committees and Assistant to the President specified in subsection (d) a report identifying any inadvertent releases of Restricted Data or Formerly Restricted Data under Executive Order No. 12958 discovered in the two-year period preceding the submittal of the report.''.

(b) TECHNICAL CORRECTION.—Subsection (e) of such section, as amended by subsection (a)(1) of this section, is further amended by striking ''subsection (b)(4)'' and inserting ''subsection (b)(5)''.

SEC. 3114. NONPROLIFERATION SCHOLARSHIP AND FELLOWSHIP PROGRAM.

(a) ESTABLISHMENT.—The Administrator for Nuclear Security shall carry out a program to provide scholarships and fellowships for the purpose of enabling individuals to qualify for employment in the nonproliferation programs of the Department of Energy.

(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible for a scholarship or fellowship under the program established under this section if the individual—

(1) is a citizen or national of the United States or an alien lawfully admitted to the United States for permanent residence;

(2) has been accepted for enrollment or is currently enrolled as a full-time student at an institution of higher education (as defined in section 102(a) of the Higher Education Act of 1965 (20 U.S.C. 1002(a));

(3) is pursuing a program of education that leads to an appropriate higher education degree in a qualifying field of study, as determined by the Administrator;

(4) enters into an agreement described in subsection (c); and

(5) meets such other requirements as the Administrator prescribes.

(c) AGREEMENT.—An individual seeking a scholarship or fellowship under the program established under this section shall enter into an agreement, in writing, with the Administrator that includes the following:

(1) The agreement of the Administrator to provide such individual with a scholarship or fellowship

in the form of educational assistance for a specified number of school years (not to exceed five school years) during which such individual is pursuing a program of education in a qualifying field of study, which educational assistance may include payment of tuition, fees, books, laboratory expenses, and a stipend.

(2) The agreement of such individual—

(A) to accept such educational assistance;

(B) to maintain enrollment and attendance in a program of education described in subsection (b)(2) until such individual completes such program;

(C) while enrolled in such program, to maintain satisfactory academic progress in such program, as determined by the institution of higher education in which such individual is enrolled; and

(D) after completion of such program, to serve as a full-time employee in a nonproliferation position in the Department of Energy or at a laboratory of the Department for a period of not less than 12 months for each school year or part of a school year for which such individual

receives a scholarship or fellowship under the program established under this section.

(3) The agreement of such individual with respect to the repayment requirements specified in subsection (d).

(d) REPAYMENT.—

(1) IN GENERAL.—An individual receiving a scholarship or fellowship under the program established under this section shall agree to pay to the United States the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), if such individual—

(A) does not complete the program of education agreed to pursuant to subsection (c)(2)(B);

(B) completes such program of education but declines to serve in a position in the Department of Energy or at a laboratory of the Department as agreed to pursuant to subsection (c)(2)(D); or

(C) is voluntarily separated from service or involuntarily separated for cause from the Department of Energy or a laboratory of the Department before the end of the period for which

such individual agreed to continue in the service of the Department pursuant to subsection (c)(2)(D).

(2) FAILURE TO REPAY.—If an individual who received a scholarship or fellowship under the program established under this section is required to repay, pursuant to an agreement under paragraph (1), the total amount of educational assistance provided to such individual under such program, plus interest at the rate prescribed by paragraph (4), and fails repay such amount, a sum equal to such amount (plus such interest) is recoverable by the United States Government from such individual or the estate of such individual by—

(A) in the case of an individual who is an employee of the United States Government, setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; or

(B) such other method as is provided by law for the recovery of amounts owed to the Government.

(3) WAIVER OF REPAYMENT.—The Administrator may waive, in whole or in part, repayment by an individual under this subsection if the Adminis-

trator determines that seeking recovery under paragraph (2) would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) RATE OF INTEREST.—For purposes of repayment under this subsection, the total amount of educational assistance provided to an individual under the program established under this section shall bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(e) PREFERENCE FOR COOPERATIVE EDUCATION STUDENTS.—In evaluating individuals for the award of a scholarship or fellowship under the program established under this section, the Administrator may give a preference to an individual who is enrolled in, or accepted for enrollment in, an institution of higher education that has a cooperative education program with the Department of Energy.

(f) COORDINATION OF BENEFITS.—A scholarship or fellowship awarded under the program established under this section shall be taken into account in determining the eligibility of an individual receiving such scholarship or fellowship for Federal student financial assistance provided

under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(g) REPORT TO CONGRESS.—Not later than January 1, 2010, the Administrator shall submit to the congressional defense committees a report on the activities carried out under the program established under this section, including any recommendations for future activities under such program.

(h) FUNDING.—Of the amounts authorized to be appropriated by section 3101(a)(2) for defense nuclear nonproliferation activities, $3,000,000 shall be available to carry out the program established under this section.

SEC. 3115. REVIEW OF AND REPORTS ON GLOBAL INITIATIVES FOR PROLIFERATION PREVENTION PROGRAM.

(a) REVIEW OF PROGRAM.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall conduct a review of the Global Initiatives for Proliferation Prevention program.

(2) REPORT REQUIRED.—Not later than February 1, 2009, the Administrator shall submit to the congressional defense committees a report setting forth the results of the review required under paragraph (1). The report shall include the following:

(A) A description of the goals of the Global Initiatives for Proliferation Prevention program and the criteria for partnership projects under the program.

(B) Recommendations regarding the following:

(i) Whether to continue or bring to a close each of the partnership projects under the program in existence on the date of the enactment of this Act, and, if any such project is recommended to be continued, a description of how that project will meet the criteria under subparagraph (A).

(ii) Whether to enter into new partnership projects under the program with Russia or other countries of the former Soviet Union.

(iii) Whether to enter into new partnership projects under the program in countries other than countries of the former Soviet Union.

(C) A plan for completing partnership projects under the program with the countries of the former Soviet Union by 2012.

(b) REPORT ON FUNDING FOR PROJECTS UNDER PROGRAM.—

(1) IN GENERAL.—The Administrator shall submit to the congressional defense committees a report on—

(A) the purposes for which amounts made available for the Global Initiatives for Proliferation Prevention program for fiscal year 2009 will be obligated or expended; and

(B) the amount to be obligated or expended for each partnership project under the program in fiscal year 2009.

(2) LIMITATION ON FUNDING BEFORE SUBMITTAL OF REPORT.—None of the amounts authorized to be appropriated for fiscal year 2009 by section 3101(a)(2) for defense nuclear nonproliferation activities and available for the Global Initiatives for Proliferation Prevention program may be obligated or expended until the date that is 30 days after the date on which the Administrator submits to the congressional defense committees the report required under paragraph (1).

(c) LIMITATION ON FUNDING FOR GLOBAL NUCLEAR ENERGY PARTNERSHIP.—None of the amounts authorized to be appropriated for fiscal year 2009 by section

3101(a)(2) for defense nuclear nonproliferation activities and available for the Global Initiatives for Proliferation Prevention program may be used for projects related to energy security that could promote the Global Nuclear Energy Partnership.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2009, $28,968,574 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

Calendar No. 732

110TH CONGRESS
2D SESSION

S. 3001

[Report No. 110–335]

A BILL

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

MAY 12, 2008

Read twice and placed on the calendar