AN ACT

To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

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

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

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

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thorizations.

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

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

(4) Division D—Disabled Military Retiree Re-

division A—Department of Defense Author-

(b) TABLE OF CONTENTS.—The table of contents for

this Act is as follows:

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Sec. 3. Congressional defense committees.

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For purposes of this Act, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

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Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

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

(1) For aircraft, $4,828,632,000.
(2) For missiles, $1,320,109,000.
(3) For weapons and tracked combat vehicles, $2,500,952,000.
(4) For ammunition, $2,070,095,000.
(5) For other procurement, $9,762,539,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Navy as follows:

(1) For aircraft, $18,102,112,000.
(2) For weapons, including missiles and torpedoes, $3,453,455,000.
(3) For shipbuilding and conversion, $13,786,867,000.
(4) For other procurement, $5,689,176,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Marine Corps in the amount of $1,712,138,000.
(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement of ammunition for the Navy and the Marine Corps in the amount of $840,675,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement for the Air Force as follows:

(1) For aircraft, $11,991,991,000.
(2) For ammunition, $822,462,000.
(3) For missiles, $6,211,628,000.
(4) For other procurement, $17,299,841,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

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

SEC. 105. NATIONAL GUARD AND RESERVE EQUIPMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement of aircraft, missiles, wheeled and tracked combat vehicles, tactical wheeled vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces in the amount of $600,000,000.
SEC. 106. RAPID ACQUISITION FUND.

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

Subtitle B—Army Programs

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

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

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

(1) A tactical radio system that is approved by the joint program executive officer of the joint tactical radio system if the Secretary of Defense notifies the congressional defense committees in writing of such approval.

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

(A) an operational need (as described in Army Regulation 71–9 or a successor regulation); or
(B) a joint urgent operational need (as described in Chairman of the Joint Chiefs of Staff Instruction 3470.01 or a successor instruction).

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

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

SEC. 112. PROCUREMENT OF FUTURE COMBAT SYSTEMS SPIN OUT EARLY-INFANTRY BRIGADE COMBAT TEAM EQUIPMENT.

(a) LIMITATION ON LOW-RATE INITIAL PRODUCTION QUANTITIES.—Notwithstanding section 2400 of title 10, United States Code, with respect to covered Future Combat Systems equipment, the Secretary of Defense may procure for low-rate initial production only such equipment that is necessary for one brigade.

(b) LIMITATION ON OBLIGATION OF FUNDS.—Of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal years 2010 or 2011 for the procurement of covered Future Combat Systems equipment, the Secretary of Defense may obligate or expend funds only for the procurement of such equipment that is necessary for one brigade.

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

(d) COVERED FUTURE COMBAT SYSTEMS EQUIPMENT DEFINED.—For the purposes of this section, the term “covered Future Combat Systems equipment” means the following:

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

(2) Future Combat Systems unattended ground sensors.

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

(4) Future Combat Systems small unmanned ground vehicles.

(5) Future Combat Systems integrated control system computers.

(6) Any vehicular kits needed to integrate and operate a system listed in paragraph (1), (2), (3), (4), or (5).
Subtitle C—Navy Programs

SEC. 121. LITTORAL COMBAT SHIP PROGRAM.

(a) Limitation of Costs.—Except as provided in subsection (b) or (c), of the amounts authorized to be appropriated in this Act or otherwise made available for fiscal year 2010 or any fiscal year thereafter for the procurement of Littoral Combat Ship vessels, not more than $460,000,000 may be obligated or expended for each vessel procured (not including amounts obligated or expended for elements designated by the Secretary of the Navy as a mission package).

(b) Specific Requirement for Fiscal Year 2010.—Of the amounts authorized to be appropriated in this Act or otherwise made available for fiscal year 2010 or any fiscal year thereafter for shipbuilding conversion, Navy, the Secretary of the Navy may obligate not more than $80,000,000 to produce a technical data package for each type of Littoral Combat Ship vessel, if the Secretary—

(1) is unable to—

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

(B) enter into a contract for the construction of a Littoral Combat Ship vessel in fiscal
year 2010 because of the limitation of costs in section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157), as amended; or

(2) is unable to enter into a contract for the construction of a Littoral Combat Ship vessel in fiscal year 2010 because of the limitation of costs in subsection (a) after submitting to the congressional defense committees a certification under subsection (g).

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

(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2009.

(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2009.

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

(4) The amounts of increases or decreases in costs attributable to the insertion of new technology
into the vessel, as compared to the technology used in the first and second Littoral Combat Ship vessels procured by the Secretary, if the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology—

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

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

(d) **Annual Reports.**—At the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for each fiscal year, the Secretary shall submit to the congressional defense committees a report on Littoral Combat Ship vessels. Such report shall include the following:

(1) Written notice of any change in the amount set forth in subsection (a) that is made under subsection (c).

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

(A) the content of any element of the vessels that is designated as a mission package;
(B) the estimated cost of any such element; and

(C) the total number of such elements anticipated.

(3) Actual and estimated costs associated with—

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

(B) the material and equipment for propulsion, weapons, and communications systems of each vessel.

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

(5) Actual and estimated fees paid to contractors for meeting contractually obligated cost and schedule performance milestones.

(c) DEFINITIONS.—In this section:

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

(2) The term “technical data package” means a compilation of detailed engineering plans for construction of a Littoral Combat Ship vessel.
(f) CONFORMING REPEAL.—Section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) is repealed.

(g) EFFECTIVE DATE.—

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

(A) The Secretary has accepted delivery of the USS Freedom (LCS 1) and the USS Independence (LCS 2) following successful completion of acceptance trials.

(B) The repeal of section 124 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3157) made by subsection (f) is necessary for the Secretary to—

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

(ii) maintain sufficient government oversight of the Littoral Combat Ship vessel program.
(C) The Secretary has conducted a thorough analysis of the requirements for the performance, system, and design of both Littoral Combat Ship variants and determined that further changes to such requirements will not reduce—

(i) the cost of either such variant; and

(ii) the warfighting utility of such vessel.

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

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

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

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

(ii) based on the data available from the developmental and operational assessment testing of such contractor’s vessel and associated mission packages, the Sec-
retary, in consultation with the Chief of Naval Operations, has determined that it is in the best interest of the Navy to procure such additional Littoral Combat Ship vessels prior to the completion of operational test and evaluation.

(E) With respect to funds that are available for shipbuilding and conversion, Navy, for fiscal year 2010 for the procurement of Littoral Combat Ship vessels—

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

(ii) if such funds are insufficient to award contracts for three additional Littoral Combat Ship vessels, the Secretary has the ability to promote competition for the Littoral Combat Ship vessels that are procured in order to ensure the best value to the Government.

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

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

(a) REPORT REQUIRED.—Not later than February 1, 2010, the Secretary of the Navy shall submit to the congressional defense committees a report on the effects of using a five-year interval for the construction of Ford-class aircraft carriers. The report shall include, at a minimum, an assessment of the effects of such interval on the following:

(1) With respect to the supplier base—

(A) the viability of the base, including suppliers exiting the market or other potential reductions in competition; and

(B) cost increases to the Ford-class aircraft carrier program.

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

(3) Loss of expertise associated with ship construction.

(4) The costs of—

(A) any additional technical support or production planning associated with the start of construction;
(B) material and labor;
(C) overhead; and
(D) other ship construction programs, including the costs of existing and future contracts.

(b) LIMITATION ON USE OF FUNDS.—With respect to the aircraft carrier designated CVN–79, none of the amounts authorized to be appropriated for fiscal year 2010 for research, development, test, and evaluation or advance procurement for such aircraft carrier may be obligated or expended for activities that would limit the ability of the Secretary of the Navy to award a construction contract for—

(1) such aircraft carrier in fiscal year 2012; or
(2) the aircraft carrier designated CVN–80 in fiscal year 2016.

SEC. 123. ADVANCE PROCUREMENT FUNDING.

(a) ADVANCE PROCUREMENT.—With respect to a naval vessel for which amounts are authorized to be appropriated or otherwise made available for fiscal year 2010 or any fiscal year thereafter for advance procurement in shipbuilding and conversion, Navy, the Secretary of the Navy may enter into a contract, in advance of a contract for construction of any vessel, for any of the following:

(1) Components, parts, or materiel.
(2) Production planning and other related support services that reduce the overall procurement lead time of such vessel.

(b) Aircraft Carrier Designated CVN–79.—With respect to components of the aircraft carrier designated CVN–79 for which amounts are authorized to be appropriated or otherwise made available for fiscal year 2010 or any fiscal year thereafter for advance procurement in shipbuilding and conversion, Navy, the Secretary of the Navy may enter into a contract for the advance construction of such components if the Secretary determines that cost savings, construction efficiencies, or workforce stability may be achieved for such aircraft carrier through the use of such contracts.

(c) Condition of Out-Year Contract Payments.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under such contract for any fiscal year after fiscal year 2010 is subject to the availability of appropriations for that purpose for such fiscal year.


(a) Authority for Multiyear Procurement.—Notwithstanding paragraphs (1) and (7) of section 2306b(i) of title 10, United States Code, the Secretary
of the Navy may enter into a multiyear contract, begin-
ning with the fiscal year 2010 program year, for the pro-
curement of F/A–18E, F/A–18F, or EA–18G aircraft and
Government-furnished equipment associated with such
aircraft.

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

SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR
DDG–51 BURKE-CLASS DESTROYERS.

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

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

SEC. 126. CONVERSION OF CERTAIN VESSELS; LEASING RATES.

(a) USE OF FUNDS FOR CONVERSION.—Of the funds authorized to be appropriated or otherwise made available for fiscal year 2010 for weapons procurement, Navy, for Mk–46 torpedo modifications, the Secretary of the Navy may obligate not more than $35,000,000 for lease and conversion of any covered vessel that, as a result of default on a loan guaranteed for the vessels under chapter 537 of title 46, United States Code, has become the property of the United States, such that the Maritime Administrator has rights to dispose of the financial interest of the United States in the covered vessels.

(b) DETERMINATION OF LEASING RATES.—The Maritime Administrator shall coordinate with the Secretary of the Navy to determine leasing rates that meet the obligation of the United States with respect to any loan guarantee for the vessels.

(c) MODIFICATION TO A COVERED VESSEL.—The Secretary of the Navy may make necessary modifications to a covered vessel for military utility as the Secretary considers appropriate.
(d) COVERED VESSEL DEFINED.—In this section the term “covered vessel” means each of—

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

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

Subtitle D—Air Force Programs

SEC. 131. REPEAL OF CERTIFICATION REQUIREMENT FOR F–22A FIGHTER AIRCRAFT.


SEC. 132. PRESERVATION AND STORAGE OF UNIQUE TOOLING FOR F–22 FIGHTER AIRCRAFT.

(a) PLAN.—The Secretary of the Air Force shall develop a plan for the preservation and storage of unique tooling related to the production of hardware and end items for F–22 fighter aircraft. The plan shall—

(1) ensure that the Secretary preserves and stores such tooling in a manner that allows the production of such hardware and end items to be restarted after a period of idleness;

(2) with respect to the supplier base of such hardware and end items, identify the costs of restarting production; and
(3) identify any contract modifications, additional facilities, or funding that the Secretary determines necessary to carry out the plan.

(b) Restriction on the Use of Funds.—None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2010 for aircraft procurement, Air Force, for F–22 fighter aircraft may be obligated or expended for activities related to disposing of F–22 production tooling until a period of 45 days has elapsed after the date on which the Secretary submits to Congress a report describing the plan required by subsection (a).

SEC. 133. REPORT ON 4.5 GENERATION FIGHTER PROCUREMENT.

(a) In General.—Not later than 90 days after the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on 4.5 generation fighter aircraft procurement. The report shall include the following:

(1) The number of 4.5 generation fighter aircraft for procurement for fiscal years 2011 through 2025 necessary to fulfill the requirement of the Air Force to maintain not less than 2,200 tactical fighter aircraft.
(2) The estimated procurement costs for those aircraft if procured through single year procurement contracts.

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

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

(5) A discussion comparing the costs and benefits of obtaining those aircraft through annual procurement contracts with the costs and benefits of obtaining those aircraft through a multiyear procurement contract.

(6) A discussion regarding the availability and feasibility of F–35s in fiscal years 2015 through fiscal year 2025 to proportionally and concurrently recapitalize the Air National Guard.

(7) The recommendations of the Secretary regarding whether Congress should authorize a multiyear procurement contract for 4.5 generation fighter aircraft.
(b) CERTIFICATIONS.—If the Secretary recommends under subsection (a)(7) that Congress authorize a multiyear procurement contract for 4.5 generation fighter aircraft, the Secretary shall submit to Congress the certifications required by section 2306b of title 10, United States Code, at the same time that the budget is submitted under section 1105(a) of title 31, United States Code, for fiscal year 2011.

(e) 4.5 GENERATION FIGHTER AIRCRAFT DEFINED.—In this section, the term “4.5 generation fighter aircraft” means current fighter aircraft, including the F–15, F–16, and F–18, that—

(1) have advanced capabilities, including—

(A) AESA radar;

(B) high capacity data-link; and

(C) enhanced avionics; and

(2) have the ability to deploy current and reasonably foreseeable advanced armaments.

SEC. 134. REPORTS ON STRATEGIC AIRLIFT AIRCRAFT.

At least 120 days before the date on which a C–5 aircraft is retired, the Secretary of the Air Force, in coordination with the Director of the Air National Guard, shall submit to the congressional defense committees a report on the proposed force structure and basing of strategic airlift aircraft (as defined in section 8062(g)(2) of
title 10, United States Code). Each report shall include
the following:

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

(A) the type;
(B) the variant; and
(C) the military installation where such
aircraft is based.

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

(A) the type;
(B) the variant; and
(C) the military installation where such
aircraft is based.

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

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

(5) Any anticipated reductions in manpower as
a result of a proposed retirement listed under para-
graph (2).
(6) Any anticipated increases in manpower or military construction at a military installation as a result of an increase in force structure related to a proposed retirement listed under paragraph (2).

SEC. 135. STRATEGIC AIRLIFT FORCE STRUCTURE.

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

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

and

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

SEC. 136. REPEAL OF REQUIREMENT TO MAINTAIN CERTAIN RETIRED C–130E AIRCRAFT.

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

(1) by striking subsection (e);

(2) by redesignating subsection (d) as subsection (c); and

(3) in subsection (b), by striking “subsection (d)” and inserting “subsection (e)”.
Subtitle E—Joint and Multiservice Matters

SEC. 141. BODY ARMOR PROCUREMENT.

(a) PROCUREMENT.—The Secretary of Defense shall ensure that body armor is procured using funds authorized to be appropriated by this title.

(b) PROCUREMENT LINE ITEM.—In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within each procurement account, a separate, dedicated procurement line item is designated for body armor.

SEC. 142. UNMANNED CARGO-CARRYING-CAPABLE AERIAL VEHICLES.

None of the amounts authorized to be appropriated for procurement may be obligated or expended for an unmanned cargo-carrying-capable aerial vehicle until a period of 15 days has elapsed after the date on which the Vice Chairman of the Joint Chiefs of Staff and the Under Secretary of Defense for Acquisition, Technology, and Logistics certify to the congressional defense committees that the Joint Requirements Oversight Council has approved
a joint and common requirement for an unmanned cargo-
carrying-capable aerial vehicle type.

TITLE II—RESEARCH, DEVELOP-
MENT, TEST, AND EVALUA-
TION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Limitation on obligation of funds for the Navy Next Generation Enterprise Network.
Sec. 212. Limitation on expenditure of funds for Joint Multi-Mission Submersible program.
Sec. 213. Separate program elements required for research and development of individual body armor and associated components.
Sec. 214. Separate procurement and research, development, test and evaluation line items and program elements for the F-35B and F-35C joint strike fighter aircraft.
Sec. 215. Restriction on obligation of funds pending submission of Selected Acquisition Report.
Sec. 216. Restriction on obligation of funds for Future Combat Systems program pending receipt of report.
Sec. 217. Limitation of the obligation of funds for the Net-Enabled Command and Control system.
Sec. 218. Limitation on obligation of funds for F-35 Lightning II program.
Sec. 219. Programs required to provide the Army with ground combat vehicle and self-propelled artillery capabilities.

Subtitle C—Missile Defense Programs

Sec. 221. Integrated Air and Missile Defense System project.
Sec. 222. Ground-based midcourse defense sustainment and modernization program.
Sec. 223. Limitation on availability of funds for acquisition or deployment of missile defenses in Europe.
Sec. 224. Sense of Congress reaffirming continued support for protecting the United States against limited ballistic missile attacks whether accidental, unauthorized, or deliberate.
Sec. 225. Ascent phase missile defense strategy.
Sec. 226. Availability of funds for a missile defense system for Europe and the United States.

Subtitle D—Reports

Sec. 231. Comptroller General assessment of coordination of energy storage device requirements and investments.
Sec. 232. Annual Comptroller General report on the F-35 Lightning II aircraft acquisition program.

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

Subtitle E—Other Matters

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

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

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

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

Sec. 245. Executive Agent for Advanced Energetics.

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

Sec. 247. Visiting NIH Senior Neuroscience Fellowship Program.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

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

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

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

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

(4) For Defense-wide activities, $21,016,672,000, of which $190,770,000 is authorized for the Director of Operational Test and Evaluation.
Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. LIMITATION ON OBLIGATION OF FUNDS FOR THE NAVY NEXT GENERATION ENTERPRISE NETWORK.

(a) LIMITATION.—Of the amounts authorized to be appropriated described in subsection (b), not more than 50 percent of the amounts remaining unobligated as of the date of the enactment of this Act may be obligated until the Secretary of the Navy submits to the congressional defense committees a detailed architectural specification for the Next Generation Enterprise Network.

(b) COVERED AUTHORIZATIONS OR APPROPRIATIONS.—The amounts authorized to be appropriated described in this subsection are amounts authorized to be appropriated for fiscal year 2010 for—

(1) operation and maintenance for the Continuity of Service Contract for the Navy-Marine Corps Intranet; and

(2) research, development, test, and evaluation for the Next Generation Enterprise Network.
SEC. 212. LIMITATION ON EXPENDITURE OF FUNDS FOR JOINT MULTI-MISSION SUBMERSIBLE PROGRAM.

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

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

(2) submits to the congressional defense committees and the intelligence committees the assessment referred to in paragraph (1); and

(3) certifies to the congressional defense committees and the intelligence committees that the agreement developed pursuant to the assessment referred to in paragraph (1) represents the most effective and affordable means of delivery for meeting a validated program requirement.
SEC. 213. SEPARATE PROGRAM ELEMENTS REQUIRED FOR RESEARCH AND DEVELOPMENT OF INDIVIDUAL BODY ARMOR AND ASSOCIATED COMPONENTS.

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

SEC. 214. SEPARATE PROCUREMENT AND RESEARCH, DEVELOPMENT, TEST AND EVALUATION LINE ITEMS AND PROGRAM ELEMENTS FOR THE F–35B AND F–35C JOINT STRIKE FIGHTER AIRCRAFT.

In the budget materials submitted to the President by the Secretary of Defense in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2011, and each subsequent fiscal year, the Secretary shall ensure that within the Navy research, development, test, and evaluation account and the Navy aircraft procurement account, a separate, dedicated line item and program ele-
ment is assigned to each of the F–35B aircraft and the F–35C aircraft, to the extent such accounts include funding for each such aircraft.

SEC. 215. RESTRICTION ON OBLIGATION OF FUNDS PENDING SUBMISSION OF SELECTED ACQUISITION REPORT.

(a) Restriction on Obligation of Funds.—Of the amounts authorized to be appropriated for fiscal year 2010 for Research and Development, Army, for the defense acquisition programs specified in subsection (b), not more than 50 percent may be obligated prior to the date on which the Secretary of Defense submits to the congressional defense committees the comprehensive annual Selected Acquisition Report for each such program for fiscal year 2009, as required by section 2432 of title 10, United States Code.

(b) Programs Specified.—The defense acquisition programs specified in this subsection are the following:

(1) Future Combat Systems program.

(2) Warfighter information network tactical program.

(3) Stryker vehicle program.

(4) Joint Air-to-Ground Missile program.

(5) Bradley Base Sustain program.

(6) Abrams Tank Improvement program.
(7) Javelin program.

SEC. 216. RESTRICTION ON OBLIGATION OF FUNDS FOR FUTURE COMBAT SYSTEMS PROGRAM PENDING RECEIPT OF REPORT.

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

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

(a) LIMITATION.—Of the amounts authorized to be appropriated described in subsection (b), not more than 25 percent of the amounts remaining unobligated as of the date of the enactment of this Act may be obligated until the Secretary of Defense submits to the congressional defense committees a plan for reorganizing and consolidating the management of the Net-Enabled Command and Control system and the Global Command and Control System family of systems.
(b) **Covered Authorizations or Appropriations.**—The amounts authorized to be appropriated described in this subsection are amounts authorized to be appropriated for fiscal year 2010 for the Net-Enabled Command and Control system in the following program elements:

1. (1) 33158k.
2. (2) 33158a.
3. (3) 33158n.
4. (4) 33158m.
5. (5) 33158f.

**SEC. 218. LIMITATION ON OBLIGATION OF FUNDS FOR F–35 LIGHTNING II PROGRAM.**

Of the amounts authorized to be appropriated or otherwise made available for fiscal year 2010 for research, development, test, and evaluation for the F–35 Lightning II program, not more than 75 percent may be obligated until the date that is 15 days after the later of the following dates:

1. The date on which the Under Secretary of Defense for Acquisition, Technology, and Logistics submits to the congressional defense committees certification in writing that all funds made available for fiscal year 2010 for the continued development and
procurement of a competitive propulsion system for
the F–35 Lightning II have been obligated.

(2) The date on which the Secretary of Defense
submits to the congressional defense committees the
report required by section 123 of the Duncan
Year 2009 (Public Law 110–417; 122 Stat.
4376).

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

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

(a) Program Required.—In accordance with the
Weapons Systems Acquisition Reform Act of 2009 (Public
Law 111–43), the Secretary of Defense shall carry out
programs to develop, test, and, when demonstrated oper-
ationally effective, suitable, survivable, and affordable,
field new or upgraded Army ground combat vehicle and
self-propelled artillery capabilities.
(b) REPORT REQUIRED.—Not later than February 1, 2010, the Secretary of Defense shall deliver a report to the congressional defense committees that—

(1) specifies what vehicles, or upgraded vehicles, will constitute the Army’s ground combat vehicle fleet in 2015;

(2) includes the status, schedule, cost estimates, and requirements for the programs specified in paragraph (1);

(3) includes any Army force structure modifications planned that impact the requirements for new ground combat vehicles;

(4) specifies, for each program included, the alternatives considered during any analysis of alternatives, and why those alternatives were not selected as the preferred program option;

(5) quantifies and describes the loss of knowledge to the industrial base should a future self-propelled artillery cannon not be developed immediately following the cancellation of the Non-Line-of-Sight Cannon, a Manned Ground Vehicle of Future Combat Systems; and

(6) with respect to the Army’s future self-propelled howitzer artillery fleet, explains the Army’s plan to develop and field—
(A) automated ammunition handling;

(B) laser ignition;

(C) improved ballistic accuracy;

(D) automated crew compartments;

(E) hybrid-electric power; and

(F) band track.

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

(d) PROGRAMS SPECIFIED.—The restriction on use of funds in subsection (c) covers the following Army program elements:

(1) Combat Vehicle Improvement Program, program element 0203735A.

(2) Advanced Tank Armament System, program element 0603653A.

(3) Artillery Systems, program element 0604854A.
Subtitle C—Missile Defense

Programs

SEC. 221. INTEGRATED AIR AND MISSILE DEFENSE SYSTEM

PROJECT.

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

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

SEC. 222. GROUND-BASED MIDCOURSE DEFENSE

SUSTAINMENT AND MODERNIZATION PRO-
GRAM.

(a) PROGRAM REQUIRED.—The Secretary of Defense
shall carry out a sustainment and modernization program
to ensure the long-term reliability, availability, maintain-
ability, and supportability of the ground-based midcourse
defense system to protect the United States against lim-
ited ballistic missile attacks whether accidental, unauthor-
ized, or deliberate.

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

(1) Sustainment and operations.

(2) Aging and surveillance.

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

(4) Ground and flight testing.

(5) Readiness exercises.

(6) Modernization and enhancement.

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

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

(d) BUDGET SUBMISSION REQUIREMENT.—For each
budget submitted by the President to Congress under sec-
tion 1105 of title 31, the Secretary of Defense shall con-
currently submit to the congressional defense committees a report that clearly identifies the amounts requested for each of the program elements referred to in subsection (b).

(e) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report outlining the long-term sustainment and modernization plan of the Department of Defense for the ground-based midcourse defense system.

SEC. 223. LIMITATION ON AVAILABILITY OF FUNDS FOR ACQUISITION OR DEPLOYMENT OF MISSILE DEFENSES IN EUROPE.

No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2010 or any fiscal year thereafter 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 the congressional defense committees a report certifying that the proposed interceptor and the proposed radars to be deployed as part of such missile defense system has demonstrated, through successful, operationally realistic flight testing, a high probability of working in an
operationally effective manner and the ability to accomplish the mission.

SEC. 224. SENSE OF CONGRESS REAFFIRMING CONTINUED SUPPORT FOR PROTECTING THE UNITED STATES AGAINST LIMITED BALLISTIC MISSILE ATTACKS WHETHER ACCIDENTAL, UNAUTHORIZED, OR DELIBERATE.

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

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

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

(3) Congress has fully funded the President’s budget request for the GMD sites in Alaska and California in fiscal years 2008 and 2009, as well as
continued development of the Standard Missile-3 Block IIA missile with Japan, which will provide the Aegis Ballistic Missile Defense system the capability to engage long-range ballistic missiles like the North Korean Taepo Dong-2.

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

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

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

(7) The Secretary of Defense, the Chairman of the Joint Chiefs, the Commander of the United States Strategic Command’s Joint Functional Component Command for Integrated Missile Defense, and the Director of the Missile Defense Agency have either testified or stated that 30 operationally deployed GMD interceptors would be adequate to defend against any rogue missile threat to the United States in the near- to mid-term.
(8) The Director of the Missile Defense Agency testified that, for the first time since the establishment of the Missile Defense Agency in 2002, key elements of the Department of Defense, such as the combatant commanders and the military services, played a major role in shaping the missile defense budget for fiscal year 2010.

(9) There is currently no existing military requirement justifying the need to deploy 44 GMD interceptors, nor has that number been validated by the Department of Defense’s requirements process.

(10) In testimony before Congress this year, the Director of the Missile Defense Agency indicated that a number of GMD interceptors were removed from their silos for unscheduled maintenance and refurbishment because of unanticipated problems with the interceptors were discovered.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States—

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

(2) should continue to fund robust research, development, test, and evaluation of the current GMD system deployed in Alaska in California to ensure that the system will work in an operationally effec-
tive, suitable, maintainable, and survivable manner
to defend the territory of the United States against
limited ballistic missile attack (whether accidental,
unauthorized, or deliberate);
(3) should continue the development of the
Standard Missile-3 Block IIA missile with Japan,
which will provide the Aegis Ballistic Missile Defense
system a capability to counter long-range ballistic
missiles like the North Korean Taepo Dong-2; and
(4) should set future missile defense force
structure and inventory requirements based on a
clear linkage to the threat and the military require-
ments process that takes into account the views of
key Department of Defense stakeholders such as the
combatant commanders and the military services.

SEC. 225. ASCENT PHASE MISSILE DEFENSE STRATEGY.
(a) Department of Defense Strategy for As-
cent Phase Missile Defense.—Not later than 180
days after the date of the enactment of this Act, the Sec-
retary of Defense shall submit to the congressional defense
committees a strategy for ascent phase missile defense.
(b) Matters Included.—The strategy required by
subsection (a) shall include each of the following:
(1) A description of the programs and activities
contained, as of the date of the submission of the
strategy, in the program of record of the Missile Defense Agency that provide or are planned to provide a capability to intercept ballistic missiles in their ascent phase.

(2) A description of the capabilities that are needed to accomplish the intercept of ballistic missiles in their ascent phase, including—

(A) the key technologies and associated technology readiness levels, plans for maturing such technologies, and any technology demonstrations for such capabilities;

(B) concepts of operation for how ascent phase capabilities would be employed, including the dependence of such capabilities on, and integration with, other functions, capabilities, and information, including those provided by other elements of the ballistic missile defense system;

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

(D) a comprehensive plan for development and investment in such capabilities, including an identification of specific program and technology investments to be made in such capabilities;
(E) a description of how, and to what extent, ascent phase missile defense can leverage the capabilities and investments made in boost phase, midcourse, and any other layer or elements of the ballistic missile defense system;

(F) a description of any other challenges or limitations associated with ascent phase missile defense; and

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

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

SEC. 226. AVAILABILITY OF FUNDS FOR A MISSILE DEFENSE SYSTEM FOR EUROPE AND THE UNITED STATES.

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

(1) Missile defense promotes the collective security of the United States and NATO and improves linkages among member nations of NATO by defending all members of NATO against the full range of missile threats.

(2) The Islamic Republic of Iran possesses the largest inventory of short-and medium-range ballistic missiles in the Middle East and these missiles rep-
resent a threat to Europe and United States interests and deployed forces in the region. Neither NATO nor the United States currently possesses sufficient theater missile defense capability to counter this threat from Iran.

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

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

(5) The Director of Operational Test and Evaluation for the Department of Defense has raised concerns about the operational effectiveness, suit-
ability, and survivability of the current GMD sys-
tem, and the Director of the Missile Defense Agency
tested before the House Armed Services Com-
mittee on May 21, 2009, that health and status indi-
cators forced the agency to remove several long-
range interceptors for unscheduled maintenance and
refurbishment.

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

(7) The proposed European locations of the
long-range missile defense system allow for the de-
defense of both Europe and the United States against
long-range threats launched from the Middle East,
but a limited deployment of GMD interceptors on
the east coast of the United States would provide
comparable defense of our homeland and the most
pressing threat to Europe is from medium-range bal-
listic missiles.
(b) Reservation of Funds.—Of the funds made available for fiscal years 2009 and 2010 for the Missile Defense Agency for the purpose of developing missile defenses in Europe, $353,100,000 shall be available only for a missile defense system for Europe and the United States as described in paragraph (1) or (2) of subsection (c).

(e) Use of Funds.—Funds reserved under subsection (b) may be obligated and expended by the Secretary of Defense—

(1) on the research, development, test, and evaluation of—

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

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

(2) on the research, development, test, and evaluation, procurement, site activation, construction, preparation of, equipment for, or deployment of an alternative integrated missile defense system that would protect Europe and the United States from the threats posed by all types of ballistic missiles, if the Secretary submits to the congressional defense
committees a report certifying that the alternative
missile defense system is expected to be—

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

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

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

(D) interoperable with other components of
missile defense and compliments NATO’s mis-
sile defense strategy.
SEC. 227. STUDY ON DISCRIMINATION CAPABILITIES OF MISSILE DEFENSE SYSTEM.

(a) Study.—The Secretary of Defense shall enter into an arrangement with the JASON Defense Advisory Panel under which JASON shall carry out a study on the technical and scientific feasibility of the discrimination capabilities of the missile defense system of the United States, as such system is designed and conceived as of the date of the study.

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

(c) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means the following:

(1) The Committees on Armed Services, Appropriations, and Oversight and Government Reform of the House of Representatives.

(2) The Committees on Armed Services, Appropriations, and Homeland Security and Governmental Affairs of the Senate.
SEC. 228. SENSE OF CONGRESS REAFFIRMING THE REQUIREMENT TO THOROUGHLY CONSIDER THE ROLE OF BALLISTIC MISSILE DEFENSES DURING THE QUADRENNIAL DEFENSE REVIEW AND THE NUCLEAR POSTURE REVIEW.

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

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

(2) Section 118 of title 10, United States Code requires the Secretary of Defense “every four years, during a year following a year evenly divisible by four, to conduct a comprehensive examination (to be known as a ‘Quadrennial Defense Review’) of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with a view toward determining and expressing the defense strategy of the United
States and establishing a defense program for the next 20 years.”.

(3) Among the requirements established by section 118 of title 10, United States Code, for the elements that must be included in the Quadrennial Defense Review are the following:

(A) The threats to the assumed or defined national security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats.

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

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

(4) Section 1070 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–116) requires the Secretary of Defense to conduct a comprehensive review of the nuclear posture of the United States for the next 5 to 10 years “in order to clarify United States nuclear deterrence policy and strategy for the near term.”.
Among the requirements established by section 1070 of the National Defense Authorization Act for Fiscal Year 2008 for the elements that must be included in the nuclear posture review is “[t]he role that missile defense capabilities and conventional strike forces play in determining the role and size of nuclear forces.”.

The Final Report of the Congressional Commission on the Strategic Posture of the United States, issued on May 7, 2009, concluded: “Missile defenses can play a useful role in supporting the basic objectives of deterrence, broadly defined. Defenses that are effective against regional aggressors are a valuable component of the U.S. strategic posture. The United States should develop and, where appropriate, deploy missile defenses against regional nuclear aggressors, including against limited long-range threats. These can also be beneficial for limiting damage if deterrence fails. The United States should ensure that its actions do not lead Russia or China to take actions that increase the threat to the United States and its allies and friends.”.

(b) Sense of Congress.—It is the sense of Congress that the Secretary of Defense should thoroughly con-
consider the role of ballistic missile defenses during the Quad-
reïnial Defense Review and the Nuclear Posture Review.

Subtitle D—Reports

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

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

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

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

(3) assess the process by which a determination
is made by an acquisition official of the Department
of Defense to pursue a commercially available or
custom-made energy storage device;
(4) assess the coordination of Department of Defense-wide activities in energy storage device research, development, and use;

(5) assess whether there is a need for enhanced standardization of the form, fit, and function of energy storage devices, and if so, formulate a recommendation as to how, from an organizational standpoint, the Department should address that need; and

(6) assess whether there are commercial advances in portable power technology, including hybrid systems, fuel cells, and electrochemical capacitors, that could be better leveraged by the Department.

(b) REPORT.—Not later than March 1, 2010, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings and recommendations of the Comptroller General with respect to the assessment conducted under subsection (a).

(c) COORDINATION.—In carrying out subsection (a), the Comptroller General shall coordinate with the Secretary of Energy and the heads of other appropriate Federal agencies.
SEC. 232. ANNUAL COMPTROLLER GENERAL REPORT ON THE F–35 LIGHTNING II AIRCRAFT ACQUISITION PROGRAM.

(a) Annual GAO Review.—The Comptroller General shall conduct an annual review of the F–35 Lightning II aircraft acquisition program and shall, not later than March 15 of each of 2010 through 2015, submit to the congressional defense committees a report on the results of the most recent review.

(b) Matters to Be Included.—Each report on the F–35 program under subsection (a) shall include each of the following:

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

(2) The progress and results of developmental and operational testing and plans for correcting deficiencies in aircraft performance, operational effectiveness, and suitability.

(3) Aircraft procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance.
SEC. 233. REPORT ON INTEGRATION OF DEPARTMENT OF
DEFENSE INTELLIGENCE, SURVEILLANCE,
AND RECONNAISSANCE CAPABILITIES.

Of the amounts authorized to be appropriated in this
Act for program element 35884L for intelligence planning
and review activities, not more than 25 percent of such
amounts may be obligated or expended until the date that
is 30 days after the date on which the Under Secretary
of Defense for Intelligence submits the report required
under section 923(d)(1) of the National Defense Author-
1576), including the elements of the report described in
subparagraphs (D), (E), and (F) of such section
923(d)(1).

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

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

(1) an examination of current requirements for
antiarmor missile systems;
(2) an analysis of battlefield uses other than antiarmor;

(3) an analysis of changes required to the current Javelin and TOW systems to maximize effectiveness and lethality in situations other than antiarmor;

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

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

(6) a description of any missile system design changes required to integrate current missile systems with current manned ground systems;

(7) a detailed and current analysis of the costs associated with the development of next-generation Javelin and TOW systems and additional warheads or family of warheads to address threats other than armor, integration costs for current vehicles, integration costs for future vehicles and possible efficiencies of developing and procuring these systems at low rate and full rate based on current system production; and
(8) an analysis of the ability of the industrial
base to support development and production of cur-
rent and future Javelin and TOW systems.

(b) Restriction on Use of Funds.—Of the
amounts authorized to be appropriated under this Act for
research, test, development, and evaluation for the Army,
for missile and rocket advanced technology (program ele-
ment 0603313A), not more than 70 percent may be obli-
gated or expended until the Secretary of the Army submits
the report required by subsection (a).

Subtitle E—Other Matters

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

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

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

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

“(d) Access to Information.—The Director shall
have access to all records and data of the Department of
Defense (including the records and data of each military
department) that the Director considers necessary to re-
view in order to carry out the duties of the Director under this section.”.

SEC. 242. INCLUSION IN ANNUAL BUDGET REQUEST AND FUTURE-YEARS DEFENSE PROGRAM OF SUFFICIENT AMOUNTS FOR CONTINUED DEVELOPMENT AND PROCUREMENT OF COMPETITIVE PROPULSION SYSTEM FOR F–35 LIGHTNING II.

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

“§ 235. Budget for competitive propulsion system for F–35 Lightning II

“(a) ANNUAL BUDGET.—Effective for the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2011 and each fiscal year thereafter, the Secretary of Defense shall include, in the materials submitted by the Secretary to the President, a request for such amounts as are necessary for the full funding of the continued development and procurement of a competitive propulsion system for the F–35 Lightning II.

“(b) FUTURE-YEARS DEFENSE PROGRAM.—In each future-years defense program submitted to Congress under section 221 of this title, the Secretary of Defense
shall ensure that the estimated expenditures and proposed
appropriations for the F–35 Lighting II, for each fiscal
year of the period covered by that program, include suffi-
cient amounts for the full funding of the continued devel-
opment and procurement of a competitive propulsion sys-
tem for the F–35 Lightning II.

``(c) Requirement to Obligate and Expend
Funds.—Of the amounts authorized to be appropriated
for fiscal year 2010 or any year thereafter, for research,
development, test, and evaluation and procurement for the
F–35 Lightning II Program, the Secretary of Defense
shall ensure the obligation and expenditure in each such
fiscal year of sufficient annual amounts for the continued
development and procurement of two options for the pro-
pulsion system for the F–35 Lightning II in order to en-
sure the development and competitive production for the
propulsion system for the F–35 Lightning II.”.

(b) Clerical Amendment.—The table of sections
at the beginning of such chapter is amended by at the
end the following new item:

``235. Budget for competitive propulsion system for F–35 Lightning II.”.

(c) Conforming Repeal.—The National Defense
Authorization Act for Fiscal Year 2008 (Public Law 110–
181) is amended by striking section 213.
SEC. 243. ESTABLISHMENT OF PROGRAM TO ENHANCE PARTICIPATION OF HISTORICALLY BLACK COLLEGES AND UNIVERSITIES AND MINORITY-SERVING INSTITUTIONS IN DEFENSE RESEARCH PROGRAMS.

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

“§ 2362. Research and educational programs and activities: historically black colleges and universities and minority-serving institutions of higher education

“(a) PROGRAM ESTABLISHED.—The Secretary of Defense, acting through the Director of Defense Research and Engineering and the Secretary of each military department, shall carry out a program to provide assistance to covered educational institutions to assist the Department in defense-related research, development, testing, and evaluation within the science, technology, engineering, and mathematics fields.

“(b) PROGRAM OBJECTIVE.—The objective of the program established under subsection (a) is to enhance science, technology, mathematics, and engineering research and education at covered educational institutions. Such objective shall be accomplished through initiatives designed to—
“(1) enhance research and educational capabilities of the institutions in areas of science, technology, engineering, or mathematics that are important to national defense, as determined by the Secretary;

“(2) encourage the participation of such institutions in the research, development, testing, and evaluation programs and activities of the Department of Defense;

“(3) increase the capacity of such institutions to contribute to the national security functions of the Department of Defense through participation in research, development, testing, and evaluation programs and activities in which such institutions might not otherwise have the opportunity to participate;

“(4) increase the number of graduates engaged in scientific, technological, mathematic, and engineering disciplines important to the national security functions of the Department of Defense, as determined by the Secretary;

“(5) conduct collaborative research and educational opportunities between such institutions and defense research facilities;
“(6) encourage research and educational collaborations between such institutions and other institutions of higher education; or

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

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

“(1) The competitive awarding of grants, cooperative agreements or contracts to establish Centers of Excellence for Research and Education in scientific disciplines important to national defense, as determined by the Secretary.

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

“(3) The competitive awarding of grants, cooperative agreements, or contracts for research in areas of science, technology, engineering, and mathematics that are important to national defense, as determined by the Secretary.
“(4) The competitive awarding of grants, cooperative agreements, or contracts for the acquisition of equipment or instrumentation necessary for the conduct of research, development, testing, evaluation or educational enhancements in scientific disciplines important to national defense, as determined by the Secretary.

“(5) Support to assist in attraction and retention of faculty in scientific disciplines critical to the national security functions of the Department of Defense.

“(6) Making Department of Defense personnel available to advise and assist faculty at such institutions in the performance of defense research in scientific disciplines critical to the national security functions of the Department of Defense.

“(7) Establishing partnerships between defense laboratories and such institutions to encourage involvement of faculty and students in scientific research important to the national security functions of the Department of Defense.

“(8) Encouraging the establishment of a program or programs creating partnerships between such institutions and corporations that have routinely been awarded research, development, testing,
or evaluation contracts by the Secretary of Defense for the purpose of involving faculty and students in scientific research critical to the national security functions of the Department of Defense.

“(9) Encouraging the establishment of a program or programs creating partnerships between such institutions and other institutions of higher education that have experience in conducting research, development, testing, or evaluation programs with the Department of Defense for the purpose of involving faculty and students in scientific research critical to the national security functions of the Department of Defense.

“(10) Other such non-monetary assistance in support of defense research as the Secretary finds appropriate to enhance science, mathematics, or engineering programs at such institutions, which may be provided directly through the Department of Defense or through contracts or other agreements entered into by the Secretary with private-sector entities that have experience and expertise in the development and delivery of technical assistance services to such institutions.

“(d) Definition of Covered Educational Institution.—In this section the term ‘covered educational in-
stitution’ means an institution of higher education eligible
for assistance under title III or V of the Higher Education
Act of 1965 (20 U.S.C. 1051 et seq.).’’.

(b) Clerical Amendment.—The table of sections
at the beginning of such chapter is amended by inserting
after the item relating to section 2361 the following new
item:

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

SEC. 244. EXTENSION OF AUTHORITY TO AWARD PRIZES
FOR ADVANCED TECHNOLOGY ACHIEVE-
MENTS.

Subsection (f) of section 2374a of title 10, United
States Code, is amended by striking ‘‘September 30,
2010’’ and inserting ‘‘September 30, 2013’’.

SEC. 245. EXECUTIVE AGENT FOR ADVANCED ENERGETICS.

(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 Depart-
ment of Defense to act as the executive agent for advanced
energetics.

(b) Roles, Responsibilities, and Authorities.—

(1) Establishment.—Not later than 1 year
after the date of the enactment of this Act, and in
accordance with Directive 5101.1, the Secretary of
Defense shall prescribe the roles, responsibilities, and authorities of the executive agent designated under subsection (a).

(2) Specification.—The roles and responsibilities of the executive agent designated under subsection (a) shall include each of the following:

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

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

(C) Development of recommended funding strategies to retain sufficient explosive domestic production capacity, continue the development of innovative munitions, and recruit the next generation of scientists and engineers of advanced energetics.

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

(E) Such other roles and responsibilities as the Secretary of Defense considers appropriate.
(c) SUPPORT WITHIN DEPARTMENT OF DEFENSE.—In accordance with Directive 5101.1, the Secretary of Defense shall ensure that the military departments, Defense Agencies, and other components of the Department of Defense provide the executive agent designated under subsection (a) with the appropriate support and resources needed to perform the roles, responsibilities, and authorities of the executive agent.

(d) DEFINITIONS.—In this section:


(2) The term “executive agent” had the meaning given the term “DoD Executive Agent” in Directive 5101.1.

SEC. 246. STUDY ON THORIUM-LIQUID FUELED REACTORS FOR NAVAL FORCES.

(a) STUDY REQUIRED.—The Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall jointly carry out a study on the use of thorium-liquid fueled nuclear reactors for naval power needs pursuant to section 1012, of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 303).
(b) CONTENTS OF STUDY.—In carrying out the study required under subsection (a), the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall, with respect to naval power requirements for the Navy strike and amphibious force—

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

(2) identify the benefits to naval operations which thorium-liquid fueled nuclear reactors or uranium reactors would provide to major surface combatants compared to conventionally fueled ships, including such benefits with respect to—

(A) fuel cycle, from mining to waste disposal;

(B) security of fuel supply;

(C) power needs for advanced weapons and sensors;

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

(E) no requirement to refuel and reduced logistics;

(F) ship upgrades and retrofitting;
(G) reduced manning;

(H) global range at flank speed, greater forward presence, and extended combat operations;

(I) power for advanced sensors and weapons, including electromagnetic guns and lasers;

(J) survivability due to increased performance and reduced signatures;

(K) high power density propulsion;

(L) operational tempo;

(M) operational effectiveness; and

(N) estimated cost-effectiveness; and

(3) conduct a ROM cost-effectiveness comparison of nuclear reactors in use by the Navy as of the date of the enactment of this Act, thorium-liquid fueled reactors, and conventional fueled major surface combatants, which shall include a comparison of—

(A) security, safety, and infrastructure costs of fuel supplies;

(B) nuclear proliferation issues;

(C) reactor safety;

(D) nuclear fuel safety, waste handling, and storage;
(E) power requirements and distribution
for sensors, weapons, and propulsion; and

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

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

SEC. 247. VISITING NIH SENIOR NEUROSCIENCE FELLOW-
SHIP PROGRAM.

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

(1) the Defense Advanced Research Projects
Agency; and

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

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

(1) provide a partnership between the National
Institutes of Health and the Defense Advanced Re-
search Projects Agency to enable identification and
funding of the broadest range of innovative, highest
quality clinical and experimental neuroscience stud-
ies for the benefit of members of the Armed Forces;

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

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

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

(e) Period of Fellowship.—The period of any fel-
lowship under the Program shall not last more than 2
years and shall not continue unless agreed upon by the
parties concerned.
SEC. 248. AUTHORITY FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS TO PARTICIPATE IN MERIT-BASED TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAMS.

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

“(C) A federally funded research and development center of the National Aeronautics and Space Administration that functions primarily as a research laboratory may respond to broad agency announcements under programs authorized by the Federal Government for the purpose of promoting the research, development, demonstration, or transfer of technology in a manner consistent with the terms and conditions of such program, for activities including, but not limited to, those conducted by the center under contract with or on behalf of the Department of Defense or through transfer of funds from the Department of Defense to the National Aeronautics and Space Administration.”.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations
Sec. 301. Operation and maintenance funding.

Subtitle B—Environmental Provisions

Sec. 311. Clarification of requirement for use of available funds for Department of Defense participation in conservation banking programs.
Sec. 312. Reauthorization of title I of Sikes Act.
Sec. 313. Authority of Secretary of a military department to enter into inter-agency agreements for land management on Department of Defense installations.
Sec. 314. Reauthorization of pilot program for invasive species management for military installations in Guam.
Sec. 315. Reimbursement of Environmental Protection Agency for certain costs in connection with the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.

Subtitle C—Workplace and Depot Issues

Sec. 321. Public-private competition required before conversion of any Department of Defense function performed by civilian employees to contractor performance.
Sec. 322. Time limitation on duration of public-private competitions.
Sec. 323. Inclusion of installation of major modifications in definition of depot-level maintenance and repair.
Sec. 324. Modification of authority for Army industrial facilities to engage in cooperative activities with non-Army entities.
Sec. 325. Cost-benefit analysis of alternatives for performance of planned maintenance interval events and concurrent modifications performed on the AV–8B Harrier weapons system.
Sec. 326. Termination of certain public-private competitions for conversion of Department of Defense functions to performance by a contractor.
Sec. 327. Temporary suspension of public-private competitions for conversion of Department of Defense functions to performance by a contractor.
Sec. 328. Requirement for debriefings related to conversion of functions from performance by Federal employees to performance by a contractor.
Sec. 329. Amendments to bid protest procedures by Federal employees and agency officials in conversions of functions from performance by Federal employees to performance by a contractor.

Subtitle D—Energy Security

Sec. 331. Authorization of appropriations for Director of Operational Energy.
Sec. 332. Report on implementation of Comptroller General recommendations on fuel demand management at forward-deployed locations.
Sec. 333. Consideration of renewable fuels.
Sec. 334. Department of Defense goal regarding procurement of renewable aviation fuels.

Subtitle E—Reports

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

Subtitle F—Other Matters
Sec. 351. Authority for airlift transportation at Department of Defense rates for non-Department of Defense Federal cargoes.
Sec. 352. Requirements for standard ground combat uniform.
Sec. 353. Restriction on use of funds for counterthreat finance efforts.
Sec. 354. Limitation on obligation of funds pending submission of classified justification material.
Sec. 355. Condition-based maintenance demonstration programs.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2010 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, $31,398,432,000.
(2) For the Navy, $35,330,997,000.
(3) For the Marine Corps, $5,570,823,000.
(4) For the Air Force, $34,451,654,000.
(5) For Defense-wide activities, $29,016,532,000.
(6) For the Army Reserve, $2,572,196,000.
(7) For the Naval Reserve, $1,292,501,000.
(8) For the Marine Corps Reserve, $228,925,000.
(9) For the Air Force Reserve, $3,088,528,000.
(10) For the Army National Guard, $6,268,884,000.
(11) For the Air National Guard, $5,919,461,000.

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

(13) For the Acquisition Development Workforce Fund, $100,000,000.

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

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

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

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

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

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

(20) For Cooperative Threat Reduction programs, $434,093,000.

(21) For the Overseas Contingency Operations Transfer Fund, $5,000,000.
Subtitle B—Environmental Provisions

SEC. 311. CLARIFICATION OF REQUIREMENT FOR USE OF AVAILABLE FUNDS FOR DEPARTMENT OF DEFENSE PARTICIPATION IN CONSERVATION BANKING PROGRAMS.

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

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

(2) by redesignating subsection (d) as subsection (e); and

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

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

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

“(A) Operation and maintenance.

“(B) Military construction.

“(C) Research, development, test, and evaluation.

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

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

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

(b) CLARIFICATION OF AUTHORIZATIONS.—Such section is further amended—

(1) in subsection (b), by striking “There are authorized” and inserting “Of the amounts authorized to be appropriated to the Department of Defense, there are authorized”; and

(2) in subsection (c), by striking “There are authorized” and inserting “Of the amounts authorized to be appropriated to the Department of the Interior, there are authorized”.

SEC. 313. AUTHORITY OF SECRETARY OF A MILITARY DEPARTMENT TO ENTER INTO INTERAGENCY AGREEMENTS FOR LAND MANAGEMENT ON DEPARTMENT OF DEFENSE INSTALLATIONS.

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

(1) in subsection (a)—
(A) by inserting after “and individuals” the following: “, and into interagency agreements with the heads of other Federal departments and agencies,”; and

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

(2) in subsection (b), by inserting “or interagency agreement” after “cooperative agreement”; and

(3) in subsection (c), by inserting “and interagency agreements” after “cooperative agreements” the first place it appears.

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

SEC. 314. REAUTHORIZATION OF PILOT PROGRAM FOR INVASIVE SPECIES MANAGEMENT FOR MILITARY INSTALLATIONS IN GUAM.

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

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SEC. 315. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE FORMER NANSEMOND ORDNANCE DEPOT SITE, SUFFOLK, VIRGINIA.

(a) Authority to Reimburse.—

(1) Transfer Amount.—Using funds described in subsection (b) and notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer not more than $68,623 during fiscal year 2010 to the Former Nansemond Ordnance Depot Site Special Account, within the Hazardous Substance Superfund.

(2) Purpose of Reimbursement.—The payment under paragraph (1) is final payment to reimburse the Environmental Protection Agency for all costs incurred in overseeing a time critical removal action performed by the Department of Defense under the Defense Environmental Restoration Program for ordnance and explosive safety hazards at the Former Nansemond Ordnance Depot Site, Suffolk, Virginia.

(3) Interagency Agreement.—The reimbursement described in paragraph (2) is provided for in an interagency agreement entered into by the Department of the Army and the Environmental Pro-
tection Agency for the Former Nansemond Ord-
nance Depot Site in December 1999.

(b) SOURCE OF FUNDS.—Any payment under sub-
section (a) shall be made using funds authorized to be ap-
propriated by section 301(17) of this Act for operation
and maintenance for Environmental Restoration, For-
merly 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 Former
Nansemond Ordnance Depot Site.

SEC. 316. PROCUREMENT AND USE OF MUNITIONS.

The Secretary of Defense shall—

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

(2) undertake a review of live-fire practices for
the purpose of reducing unexploded ordnance and
munitions-constituent contamination without impeding military readiness; and

(3) not later than 180 days after the date of
the enactment of this Act, and annually thereafter,
submit to Congress a report on the methods devel-
oped pursuant to this section and the progress of the
live-fire review and recommendations for reducing the life-cycle costs of munitions, unexploded ordnance, and munitions-constituent contamination.

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

(a) In General.—The Secretary of Defense shall prohibit the disposal of covered waste in an open-air burn pit during a contingency operation lasting longer than 1 year.

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

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

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

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

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

(B) if the Secretary determines that no such alternative method is feasible, a detailed discussion explaining why open-air burn pits are
the only feasible method of disposing of such
waste.

(d) DEFINITIONS.—In this section:

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

(2) The term “covered waste” includes—

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

(B) medical waste; and

(C) solid waste containing plastic.

SEC. 318. MILITARY MUNITIONS RESPONSE SITES.

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

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

(1) as part of the Secretary’s annual budget
submission to Congress, include the funding levels
requested for Military Munitions Response Program
and Installation Restoration Program; and
(2) evaluate and report on the progress of such programs in the Defense Environmental Program’s Annual Report to Congress.

Subtitle C—Workplace and Depot Issues

SEC. 321. PUBLIC-PRIVATE COMPETITION REQUIRED BEFORE CONVERSION OF ANY DEPARTMENT OF DEFENSE FUNCTION PERFORMED BY CIVILIAN EMPLOYEES TO CONTRACTOR PERFORMANCE.

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

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

(2) by striking “10 or more”; and

(3) by striking “may not be converted” and inserting “may be converted”.

(b) Effective Date.—The amendments made by subsection (a) shall apply with respect to a function for which a public-private competition is commenced on or after the date of the enactment of this Act.
SEC. 322. TIME LIMITATION ON DURATION OF PUBLIC-PRIVATE COMPETITIONS.

(a) Time Limitation.—Section 2461(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5)(A) The duration of a public-private competition conducted pursuant to Office of Management and Budget Circular A–76 or any other provision of law for any function of the Department of Defense performed by Department of Defense civilian employees may not exceed a period of 540 days, commencing on the date on which the preliminary planning for the public-private competition begins through the date on which a performance decision is rendered with respect to the function.

“(B) The time period specified in subparagraph (A) for a public-private competition does not include any day during which the public-private competition is delayed by reason of a protest before the Government Accountability Office or the United States Court of Federal Claims unless the Secretary of Defense determines that the delay is caused by issues being raised during the appellate process that were not previously raised during the competition.

“(C) In this paragraph, the term ‘preliminary planning’ with respect to a public-private competition means any action taken to carry out any of the following activities:
“(i) Determining the scope of the competition.

“(ii) Conducting research to determine the appropriate grouping of functions for the competition.

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

“(iv) Determining the baseline cost of any function for which the competition is conducted.”.

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

SEC. 323. INCLUSION OF INSTALLATION OF MAJOR MODIFICATIONS IN DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.

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

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

(2) by inserting before the period at the end the following: “, and (3) the installation of major modifications, including performance or safety modifications”. 
SEC. 324. MODIFICATION OF AUTHORITY FOR ARMY INDUSTRIAL FACILITIES TO ENGAGE IN COOPERATIVE ACTIVITIES WITH NON-ARMY ENTITIES.

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

SEC. 325. COST-BENEFIT ANALYSIS OF ALTERNATIVES FOR PERFORMANCE OF PLANNED MAINTENANCE INTERVAL EVENTS AND CONCURRENT MODIFICATIONS PERFORMED ON THE AV–8B HARRIER WEAPONS SYSTEM.

(a) COST-BENEFIT ANALYSIS REQUIRED.—The Secretary of the Navy, in consultation with the Commandant of the Marine Corps, shall carry out a thorough economic analysis of the costs and benefits associated with each alternative the Secretary is considering for the performance of planned maintenance interval events and concurrent or stand alone modifications performed on the AV–8B Harrier weapons system. Such analysis shall be performed in accordance with Department of Defense Instruction 7043.1, entitled “Economic Analysis for Decisionmaking”, and Office of Management and Budget Circular A–94, entitled “Guidelines and Discount Rates for Benefit-Cost
1 Analysis of Federal Programs” and dated October 29, 1992, and, for each such alternative, shall include an assessment of the following:

(1) The effect of the loss of workload on organic depot labor rates associated with each alternative.

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

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

(4) The risk to readiness, the aviation safety risk, and the enterprise-wide financial risk associated with each such alternative.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on the cost-benefit analysis required in subsection (a). The report shall include each of the following:

(1) The criteria and rationale used to classify work as organization-level maintenance or depot-level maintenance.
(2) An explanation of the core logistics capabilities and associated workload requirements for the AV–8B weapons system, including an explanation of how such requirements were determined and rationale for classifying the planned maintenance interval events and concurrent or stand alone modifications on the AV–8B as above core workload.

(3) An assessment of the effects of proposed workload transfer on the Department of the Navy’s division of depot maintenance funding between public and private sectors in accordance with section 2466(a) of title 10, United States Code.

(e) PROHIBITION ON CONTRACTING ACTIVITIES.—The Secretary of the Navy may not enter into a contract for the performance of planned maintenance interval events or associated depot-level maintenance activities, including concurrent or stand alone modifications, by non-Federal Government personnel until 90 days after the date on which the Secretary completes the assessment required under subsection (a) and submits the report required under subsection (b).
SEC. 326. TERMINATION OF CERTAIN PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY A CONTRACTOR.

(a) TEMPORARY SUSPENSION OF PENDING STUDIES.—The Secretary of Defense shall halt all pending public-private competitions being conducted pursuant to section 2461 of title 10, United States Code, or Office of Management and Budget Circular A–76 that had not resulted in conversion to performance to a contractor as of March 26, 2009, until such time as the Secretary may review such competitions.

(b) REVIEW AND APPROVAL PROCESS.—

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

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

(B) Certify that the estimated savings are still achievable.
(C) Document the rationale for rejecting an individual command’s request to cancel, defer, or reduce the scope of a decision to conduct the study.

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

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

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

(c) CONGRESSIONAL NOTIFICATION.—The Secretary of Defense may not recommence a study halted pursuant to subsection (a) until the Secretary submits to Congress a report describing the actions taken by the Secretary under paragraphs (1) and (2) of subsection (b).
SEC. 327. TEMPORARY SUSPENSION OF PUBLIC-PRIVATE COMPETITIONS FOR CONVERSION OF DEPARTMENT OF DEFENSE FUNCTIONS TO PERFORMANCE BY A CONTRACTOR.

During the period beginning on the date of the enactment of this Act and ending on September 30, 2012, no study or competition regarding the conversion to performance by a contractor of any Department of Defense function may be begun or announced pursuant to 2461 of title 10, United States Code, or otherwise pursuant to Office of Management and Budget Circular A–76.

SEC. 328. REQUIREMENT FOR DEBRIEFINGS RELATED TO CONVERSION OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.

The Administrator for Federal Procurement Policy shall revise the Federal Acquisition Regulation to allow for pre-award and post-award debriefings of Federal employee representatives in the case of a conversion of any function from performance by Federal employees to performance by a contractor. Such debriefings will conform to the requirements of section 2305(b)(6)(A) of title 10, United States Code, section 303B(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253b(f)), and subparts 15.505 and 15.506 (as in effect...
SEC. 329. AMENDMENTS TO BID PROTEST PROCEDURES BY FEDERAL EMPLOYEES AND AGENCY OFFICIALS IN CONVERSIONS OF FUNCTIONS FROM PERFORMANCE BY FEDERAL EMPLOYEES TO PERFORMANCE BY A CONTRACTOR.

(a) Protest Jurisdiction of the Comptroller General.—Section 3551(1) of title 31, United States Code, is amended by adding at the end the following new subparagraph:

“(E) Conversion of a function that is being performed by Federal employees to private sector performance.”.

(b) Eligibility to Protest Public-Private Competitions.—Clause (i) of paragraph (2)(B) of section 3551 of title 31, United States Code, is amended to read as follows:

“(i) any official who is responsible for submitting the agency tender in such competition; and”.

(c) Prejudice to Federal Employees.—

(1) In general.—Section 3557 of title 31, United States Code, is amended—
(A) by inserting “(A) EXPEDITED AC-
TION.—” before “For any protest”; and

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

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

(2) CONFORMING AND CLERICAL AMEND-
MENTS.—

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

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

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

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

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

(1) by redesignating subparagraphs (F) and

(G) as subparagraphs (G) and (H), respectively;
(2) by inserting after subparagraph (E) the following new subparagraph (F):

“(F) cancel the solicitation issued pursuant to the public-private competition conducted under Office of Management and Budget Circular A–76 or any successor circular;”; and

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

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

(1) to any protest or civil action that relates to a public-private competition conducted after the date of the enactment of this Act under Office of Management and Budget Circular A–76, or any successor circular; or

(2) to a decision made after the date of the enactment of this Act to convert a function performed by Federal employees to private sector performance without a competition under Office of Management and Budget Circular A–76.
Subtitle D—Energy Security

SEC. 331. AUTHORIZATION OF APPROPRIATIONS FOR DIRECTOR OF OPERATIONAL ENERGY.

Of the amounts authorized to be appropriated for Operation and Maintenance, Defense-wide, $5,000,000 is for the Director of Operational Energy Plans and Programs to carry out the duties prescribed for the Director under section 139b of title 10, United States Code, to be made available upon the confirmation of an individual to serve as the Director of Operational Energy Plans and Programs.

SEC. 332. REPORT ON IMPLEMENTATION OF COMPTROLLER GENERAL RECOMMENDATIONS ON FUEL DEMAND MANAGEMENT AT FORWARD-DEPLOYED LOCATIONS.

Not later than February 1, 2010, the Director of Operational Energy Plans and Programs of the Department of Defense (or, in the event that no individual has been confirmed as the Director, the Secretary of Defense) shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any specific actions that have been taken to implement the following three recommendations made by the Comptroller General:
(1) The recommendation that each of the com-
batant commanders establish requirements for man-
aging fuel demand at forward-deployed locations
within their respective areas of responsibility.

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

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

SEC. 333. CONSIDERATION OF RENEWABLE FUELS.

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

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

(1) An assessment of the use of renewable
fuels, including domestically produced algae-based,
biodiesel, and biomass-derived fuels, as alternative fuels in aviation, maritime, and ground transportation fleets (including tactical vehicles and applications). Such assessment shall include technical, logistical, and policy considerations.

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

SEC. 334. DEPARTMENT OF DEFENSE GOAL REGARDING PROCUREMENT OF RENEWABLE AVIATION FUELS.

(a) Subchapter II of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

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

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

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

“(2) to procure fuels from renewable aviation fuel sources whenever the use of such renewable aviation fuels is consistent with the operational en-
ergy strategy required by section 139b(d) of this
title.”.

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

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

SEC. 335. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT
REQUIREMENT.

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

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

(2) by adding at the end the following:

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

“(1) the contract does not specifically require
the contractor to provide an alternative or synthetic
fuel or fuel from a nonconventional petroleum
source;
“(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

“(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.”.

Subtitle E—Reports

SEC. 341. ANNUAL REPORT ON PROCUREMENT OF MILITARY WORKING DOGS.


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

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

“(c) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, and annually thereafter, the Secretary, acting through the Executive Agent, shall submit to the congressional defense committees a report on the procurement of military working dogs for the fiscal year preceding the fiscal year during which the report is submitted. Such a report may be combined with the report...
required under section 2582(f) of title 10, United States Code, for the same fiscal year as the fiscal year covered by the report under this subsection. Each report under this subsection shall include the following for the fiscal year covered by the report:

“(1) The number of military working dogs procured from domestic breeders by each military department or Defense Agency.

“(2) The number of military working dogs procured from non-domestic breeders by each military department or Defense Agency.

“(3) The total cost of procuring military working dogs from domestic breeders and the total cost of procuring such dogs from non-domestic breeders.

“(4) The total cost of procuring military working dogs for each military department or Defense Agency.”.

Subtitle F—Other Matters

SEC. 351. AUTHORITY FOR AIRLIFT TRANSPORTATION AT DEPARTMENT OF DEFENSE RATES FOR NON-DEPARTMENT OF DEFENSE FEDERAL CARGOES.

(a) IN GENERAL.—Section 2642(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:
“(3) During the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010, for military airlift services provided to any element of the Federal Government outside the Department of Defense in circumstances other than those specified in paragraphs (1) and (2), but only if the Secretary of Defense determines that the provision of such services will promote the improved use of airlift capacity without any negative effect on national security objectives or the national security interests contained within the United States commercial air industry.”.

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

(1) how the authority was used;
(2) the frequency of use of the authority;
(3) the Secretary’s rationale for the use of the authority; and
(4) for which agencies the authority was used.
SEC. 352. REQUIREMENTS FOR STANDARD GROUND COMBAT UNIFORM.

The Secretary of Defense, in consultation with the Director of the Defense Logistics Agency, shall standardize the design of future ground combat uniforms. The future ground combat uniforms designed pursuant to this section shall be designed to—

(1) increase the interoperability of ground combat forces;

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

(3) maximize conformance with personal protective gear and body armor;

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

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

(6) minimize production costs; and

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

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

(a) Restriction.—Of the amounts authorized to be appropriated by this Act for fiscal year 2010, not more than 90 percent may be obligated or expended to support personnel and operations for Department of Defense
counterthreat finance efforts, except for activities carried out by Department of Defense personnel and by personnel employed pursuant to a contract entered into by the Secretary of Defense, until the Secretary of Defense, in consultation with the Secretary of State, the Secretary of the Treasury, and the Attorney General, submits to the congressional defense committees a report on—

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

(2) the nature and extent of future cost requirements associated with the mission;

(3) the nature and extent of Department of Defense resources required to support the mission;

(4) the nature and extent of support, including personnel and funding support, from other departments and agencies required to execute the mission, including Department of Defense force planning and funding initiatives; and

(5) the nature and extent of both existing and future contractor support necessary to meet the mission requirements of the mission.

(b) COUNTERTHREAT FINANCE EFFORTS DEFINED.—In this section, the term “counterthreat finance efforts” has the meaning given that term pursuant to the Department of Defense memorandum dated December 2,
2008, and entitled “Directive-Type Memorandum 08–034—DOD Counterthreat Finance Policy” or any successor memorandum or related guidelines or regulations.

SEC. 354. LIMITATION ON OBLIGATION OF FUNDS PENDING SUBMISSION OF CLASSIFIED JUSTIFICATION MATERIAL.

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

SEC. 355. CONDITION-BASED MAINTENANCE DEMONSTRATION PROGRAMS.

(a) Tactical Wheeled Vehicles Program.—The Secretary of the Army may conduct a 12-month condition-based maintenance demonstration program on tactical wheeled vehicles, specifically the high mobility multi-purpose wheeled vehicle, the heavy expanded mobility tactical truck and the family of medium tactical vehicles.

(b) Guided Missile Destroyer Program.—The Secretary of the Navy may conduct a 12-month demonstration program on at least four systems or compo-
ments of the guided missile destroyer class of surface combatant ships.

(c) Issues to be Addressed.—The demonstration programs described in subsections (a) and (b) shall address—

(1) the top 10 maintenance issues;

(2) non-evidence of failures; and

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

(d) Open Architecture.—The demonstration programs’ design, system integration, and operations shall be conducted with an open architecture designed to—

(1) interface with the extensible markup language industry standard to provide diagnostic and prognostic reasoning for systems, subsystems or components;

(2) facilitate common software systems, diagnostics tools, reference models, diagnostics reasoners, electronic libraries, and user interfaces for multiple ship and vehicle types; and

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

(e) Report.—The Secretary of the Army and the Secretary of the Navy shall submit a report to the congressional defense committees, not later than October 1, 2010,
that assesses whether the respective military department
could reduce maintenance costs and improve operational
readiness by implementing condition-based maintenance
for the current and future tactical wheeled vehicle fleets
and Navy surface combatants.

SEC. 356. STUDY ON DISTRIBUTION OF HEMOSTATIC
AGENTS.

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

(b) Sense of Congress.—It is the sense of Con-
gress that all members of the Armed Force deployed in
combat zones should carry life-saving resources with them,
including hemostatic agents.

SEC. 357. EXTENSION OF ARSENAL SUPPORT PROGRAM INI-
TIATIVE.

Section 343 of the Floyd D. Spence National Defense
note) is amended—
(1) in subsection (a), by striking “2010” and inserting “2011”; and

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

**TITLE IV—MILITARY**

**PERSONNEL AUTHORIZATIONS**

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.
Sec. 403. Additional authority for increases of Army active duty end strengths for fiscal years 2011 and 2012.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2010 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.
Sec. 416. Submission of options for creation of Trainees, Transients, Holders, and Students account for Army National Guard.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.
Sec. 422. Repeal of delayed one-time shift of military retirement payments.

**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, 2010, as follows:

(1) The Army, 547,400.

(2) The Navy, 328,800.

(3) The Marine Corps, 202,100.

(4) The Air Force, 331,700.
SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END
STRENGTH MINIMUM LEVELS.

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

“(1) For the Army, 547,400.

“(2) For the Navy, 328,800.

“(3) For the Marine Corps, 202,100.

“(4) For the Air Force, 331,700.”.

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

(a) Authority to Increase Army Active Duty End Strengths.—

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

(2) Purpose of Increases.—The purposes for which increases may be made in Army active
duty end strengths under paragraphs (1) and (2)
are—
(A) to support operational missions; and

(B) to achieve reorganizational objectives, including increased unit manning, force stabilization and shaping, and supporting wounded warriors.

(3) Fiscal-year 2010 baseline.—In this subsection, the term “fiscal-year 2010 baseline”, with respect to the Army, means the active-duty end strength authorized for those services in section 401(1).

(4) Active-duty end strength.—In this subsection, the term “active-duty end strength” means the strength for active-duty personnel of one the Armed Forces as of the last day of a fiscal year.

(b) Relationship to Presidential Waiver Authority.—Nothing in this section shall be construed to limit the President’s authority under section 123a of title 10, United States Code, to waive any statutory end strength in a time of war or national emergency.

(e) Relationship to Other Variance Authority.—The authority under subsection (a) is in addition to the authority to vary authorized end strengths that is provided in subsections (e) and (f) of section 115 of title 10, United States Code.
(d) **Budget Treatment.**—If the Secretary of Defense determines under subsection (a) that an increase in the Army active duty end strength for a fiscal year is necessary, then the budget for the Department of Defense for that fiscal year as submitted to the President shall include the amounts necessary for funding that active duty end strength in excess of the fiscal year 2010 active duty end strength authorized for the Army under section 401(1).

**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, 2010, as follows:

1. The Army National Guard of the United States, 358,200.
2. The Army Reserve, 205,000.
4. The Marine Corps Reserve, 39,600.
5. The Air National Guard of the United States, 106,700.
7. The Coast Guard Reserve, 10,000.

(b) **End Strength Reductions.**—The end strengths prescribed by subsection (a) for the Selected Res-
serve 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.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component 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, 2010, the following num-
ber 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, re-
cruiting, instructing, or training the reserve components:

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

(2) The Army Reserve, 16,261.

(3) The Navy Reserve, 10,818.

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

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

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

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 2010 for the re-
serve components of the Army and the Air Force (notwith-
standing 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

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

(4) For the Air National Guard of the United
States, 22,313.
SEC. 414. FISCAL YEAR 2010 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 techni-
cians employed by the National Guard as of Sep-
tember 30, 2010, may not exceed the following:

(A) For the Army National Guard of the
United States, 2,191.

(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, 2010, 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, 2010, 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.

(c) CONFORMING AMENDMENT TO STATUTORY LIMI-
tATION.—Section 10217(c)(2) of title 10, United States
Code, is amended by striking “1,950” and inserting “2,541”.

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

During fiscal year 2010, 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. SUBMISSION OF OPTIONS FOR CREATION OF TRAINEES, TRANSIENTS, HOLDEES, AND STUDENTS ACCOUNT FOR ARMY NATIONAL GUARD.

(a) REPORT REQUIRED.—Not later than February 1, 2010, the Secretary of the Army shall submit to the congressional defense committees a report evaluating options,
and including a recommendation, for the creation of a
Trainees, Transients, Holdees, and Students Account
within the Army National Guard.

(b) ELEMENTS OF REPORT.—At a minimum, the re-
port shall address—

(1) the timelines, cost, force structure changes, and end strength changes associated with each op-
tion;

(2) the force structure and end strength changes and growth of the Army National Guard needed to support such an account;

(3) how creation of such an account may affect plans under the Grow the Force initiative; and

(4) the impact of such an account on readiness and training ratings for Army National Guard forces.

(c) SENSE OF CONGRESS REGARDING ARMY NA-
tional Guard End Strength.—

(1) FINDINGS.—Congress finds the following:

(A) The President’s budget for fiscal year 2010 included a 2.82 percent increase in end strength for the Army, but only a 1.59 percent end strength increase for the Army National Guard.
(B) The disproportionate growth in the end strengths of the reserve components is inconsistent with the emphasis placed by the Department of Defense on responding to asymmetric threats at home and abroad.

(2) Sense of Congress.—In light of such findings, Congress is concerned about unit readiness and the effect of pre-deployment cross-leveling on the Army National Guard and it is the sense of Congress that an increase in Army National Guard end strength should be considered in the deliberations of the next quadrennial defense review conducted under section 118 of title 10, United States Code.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2010 a total of $135,723,781,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2010.
SEC. 422. REPEAL OF DELAYED ONE-TIME SHIFT OF MILITARY RETIREMENT PAYMENTS.


(b) EFFECT ON EARLIER TRANSFER.—The repeal of section 1002 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 by subsection (a) shall not affect the validity of the transfer of funds made pursuant to subsection (e) of such section before the date of the enactment of this Act.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Military Personnel Policy Generally

Sec. 501. Extension of temporary increase in maximum number of days' leave members may accumulate and carryover.

Sec. 502. Rank requirement for officer serving as Chief of the Navy Dental Corps to correspond to Army and Air Force requirements.

Sec. 503. Computation of retirement eligibility for enlisted members of the Navy who complete the Seaman to Admiral (STA–21) officer candidate program.

Subtitle B—Joint Qualified Officers and Requirements

Sec. 511. Revisions to annual reporting requirement on joint officer management.

Subtitle C—General Service Authorities

Sec. 521. Medical examination required before separation of members diagnosed with or asserting post-traumatic stress disorder or traumatic brain injury.

Sec. 522. Evaluation of test of utility of test preparation guides and education programs in improving qualifications of recruits for the Armed Forces.

Sec. 523. Inclusion of email address on Certificate of Release or Discharge from Active Duty (DD Form 214).

Subtitle D—Education and Training
Sec. 531. Appointment of persons enrolled in Advanced Course of the Army Reserve Officers’ Training Corps at military junior colleges as cadets in Army Reserve or Army National Guard of the United States.

Sec. 532. Increase in number of private sector civilians authorized for admission to National Defense University.

Sec. 533. Appointments to military service academies from nominations made by Delegate from the Commonwealth of the Northern Mariana Islands.

Sec. 534. Pilot program to establish and evaluate Language Training Centers for members of the Armed Forces and civilian employees of the Department of Defense.

Sec. 535. Use of Armed Forces Health Professions Scholarship and Financial Assistance program to increase number of health professionals with skills to assist in providing mental health care.

Sec. 536. Establishment of Junior Reserve Officer’s Training Corps units for students in grades above sixth grade.

Subtitle E—Defense Dependents’ Education

Sec. 551. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 552. Determination of number of weighted student units for local educational agencies for receipt of basic support payments under impact aid.

Sec. 553. Permanent authority for enrollment in defense dependents’ education system of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe.

Subtitle F—Missing or Deceased Persons

Sec. 561. Additional requirements for accounting for members of the Armed Forces and Department of Defense civilian employees listed as missing in conflicts occurring before enactment of new system for accounting for missing persons.

Sec. 562. Clarification of guidelines regarding return of remains and media access at ceremonies for the dignified transfer of remains at Dover Air Force Base.

Subtitle G—Decorations and Awards

Sec. 571. Award of Vietnam Service Medal to veterans who participated in Mayaguez rescue operation.

Sec. 572. Authorization and request for award of Medal of Honor to Anthony T. Koho‘ohanohano for acts of valor during the Korean War.

Sec. 573. Authorization and request for award of distinguished-service cross to Jack T. Stewart for acts of valor during the Vietnam War.

Sec. 574. Authorization and request for award of distinguished-service cross to William T. Miles, Jr., for acts of valor during the Korean War.

Subtitle H—Military Families

Sec. 581. Pilot program to secure internships for military spouses with Federal agencies.

Sec. 582. Report on progress made in implementing recommendations to reduce domestic violence in military families.
Sec. 583. Modification of Servicemembers Civil Relief Act regarding termination or suspension of service contracts and effect of violation of interest rate limitation.

Sec. 584. Protection of child custody arrangements for parents who are members of the armed forces deployed in support of a contingency operation.

Sec. 585. Definitions in Family and Medical Leave Act of 1993 related to active duty, servicemembers, and related matters.

Subtitle I—Other Matters

Sec. 591. Navy grants to Naval Sea Cadet Corps.

Sec. 592. Improved response and investigation of allegations of sexual assault involving members of the Armed Forces.

Sec. 593. Modification of matching fund requirements under National Guard Youth Challenge Program.

Subtitle A—Military Personnel

Policy Generally

SEC. 501. EXTENSION OF TEMPORARY INCREASE IN MAXIMUM NUMBER OF DAYS’ LEAVE MEMBERS MAY ACCUMULATE AND CARRYOVER.

Section 701(d) of title 10, United States Code, is amended by striking “December 31, 2010” and inserting “December 31, 2012”.

SEC. 502. RANK REQUIREMENT FOR OFFICER SERVING AS CHIEF OF THE NAVY DENTAL CORPS TO CORRESPOND TO ARMY AND AIR FORCE REQUIREMENTS.

Section 5138(a) of title 10, United States Code, is amended—

(1) by striking “not below the grade of rear admiral (lower half) shall be detailed” and inserting “shall be appointed”; and
(2) by adding at the end the following new sentence: “An appointee who holds a lower regular grade shall be appointed as Chief of the Dental Corps in the regular grade of rear admiral.”.

SEC. 503. COMPUTATION OF RETIREMENT ELIGIBILITY FOR ENLISTED MEMBERS OF THE NAVY WHO COMPLETE THE SEAMAN TO ADMIRAL (STA–21) OFFICER CANDIDATE PROGRAM.

Section 6328 of title 10, United States Code, is amended by adding the following new subsection:

“(c) Time Spent in Seaman to Admiral Program.—The months of active service after January 1, 2011, in pursuit of a baccalaureate-level degree under the Seaman to Admiral (STA–21) program of the Navy for officer candidates selected for the program after January 11, 2010, shall be excluded in computing the years of service of an officer who was appointed to the grade of ensign in the Navy upon completion of the program to determine the eligibility of the officer for voluntary retirement. Such active service shall be counted in computing the years of active service of the officer for all other purposes.”.
Subtitle B—Joint Qualified Officers and Requirements

SEC. 511. REVISIONS TO ANNUAL REPORTING REQUIREMENT ON JOINT OFFICER MANAGEMENT.

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

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “and their education and experience”; and

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

“(C) A comparison of the number of officers who were designated as a joint qualified officer who had served in a Joint Duty Assignment List billet and completed Joint Professional Military Education Phase II, with the number designated as a joint qualified officer based on their aggregated joint experiences and completion of Joint Professional Military Education Phase II.”.

(2) by striking paragraphs (3), (4), (6), and (12);

(3) by redesignating paragraph (5) as paragraph (3);

(4) by redesignating paragraphs (7) through (11) as paragraphs (4) through (8), respectively;
(5) by inserting after paragraph (8), as so redesignated, the following new paragraph:

“(9) With regard to the principal courses of instruction for Joint Professional Military Education Level II, the number of officers graduating from each of the following:

“(A) The Joint Forces Staff College.

“(B) The National Defense University.

“(C) Senior Service Schools.”; and

(6) by redesignating paragraph (13) as paragraph (10).

Subtitle C—General Service Authorities

SEC. 521. MEDICAL EXAMINATION REQUIRED BEFORE SEPARATION OF MEMBERS DIAGNOSED WITH OR Asserting Post-Traumatic Stress Disorder OR Traumatic Brain Injury.

(a) Medical Examination Required.—

(1) In General.—Chapter 59 of title 10, United States Code, is amended by inserting after section 1176 the following new section:
§ 1177. Members diagnosed with or asserting post-traumatic stress disorder or traumatic brain injury: medical examination required before separation

(a) Medical Examination Required.—(1) If a member of the armed forces who has been deployed overseas in support of a contingency operation is diagnosed by a physician, clinical psychologist, or psychiatrist as experiencing post-traumatic stress disorder or traumatic brain injury or otherwise asserts the influence of such a condition, the Secretary concerned may not authorize the involuntarily separation of the member or separation of the member under conditions other than honorable until after the member receives a medical examination to evaluate a diagnosis of post-traumatic stress disorder or traumatic brain injury.

(2) In a case involving post-traumatic stress disorder, the medical examination shall be performed by a clinical psychologist or psychiatrist. In other cases, the examination may be performed by a physician, clinical psychologist, psychiatrist, or other health care professional, whoever is determined to be most appropriate.

(b) Purpose of Medical Examination.—The medical examination required by subsection (a) shall endeavor to assess the degree to which the behavior of the member, on which the initial recommendation for an invol-
untarily separation or separation under conditions other than honorable is based, has been affected by post-traumatic stress disorder or traumatic brain injury.

“(c) SECRETARIAL DISCRETION.—The Secretary concerned shall review the medical examination performed under subsection (a) with respect to a member, and the findings and conclusions of any physical evaluation board conducted with respect the member, to determine the appropriate course of action with regard to the separation of the member.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1176 the following new item:

“1177. Members diagnosed with or asserting post-traumatic stress disorder or traumatic brain injury: physical evaluation board review before separation.”.

(b) REVIEW OF PREVIOUS DISCHARGES AND DISMIS- SALS.—Section 1553 of such title is amended by adding at the end the following new subsection:

“(d)(1) In the case of a former member of the armed forces who, while a member, was deployed in support of a contingency operation and who, at any time after such deployment, was diagnosed by a physician, clinical psychologist, or psychiatrist as experiencing post-traumatic stress disorder or traumatic brain injury, a board established under this section to review the former member’s
discharge or dismissal shall include a member who is a physician, clinical psychologist, or psychiatrist.

“(2) In the case of a former member described in paragraph (1) or a former member whose case involves personal health care issues as supporting rationale or as justification for priority consideration, the Secretary concerned shall render a final decision within 6 months of the receipt of an application to review a discharge or dismissal. The Secretary may delay a final decision beyond 6 months if the Secretary determines that, due to administrative reasons or to serve the best interest of the former member, a final decision cannot be rendered within such 6-month period.

“(3) When authorized by a former member described in paragraph (1) or (2), a Member of Congress shall be advised of the decision of the board conducting the review of the former member’s discharge or dismissal and the rationale used to support the decision.”.

SEC. 522. EVALUATION OF TEST OF UTILITY OF TEST PREPARATION GUIDES AND EDUCATION PROGRAMS IN IMPROVING QUALIFICATIONS OF RECRUITS FOR THE ARMED FORCES.

Section 546(d) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2215) is amended—
(1) in the second sentence, by striking “in training and unit settings” and inserting “during training and unit assignments”; and

(2) by adding at the end the following new sentence: “Data to make the comparison between the two groups shall be derived from existing sources, which may include performance ratings, separations, promotions, awards and decorations, and reenlistment statistics.”.

SEC. 523. INCLUSION OF EMAIL ADDRESS ON CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

Section 596 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1168 note) is amended—

(1) by inserting “(a) ELECTION TO FORWARD CERTIFICATE TO VA OFFICES.—” before “The Secretary of Defense”; and

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

“(b) INCLUSION OF EMAIL ADDRESS.—The Secretary of Defense shall further modify the DD Form 214 in order to permit a member of the Armed Forces to include an email address on the form.”.
SEC. 524. PROHIBITION ON RECRUITMENT, ENLISTMENT, OR RETENTION OF PERSONS ASSOCIATED OR AFFILIATED WITH GROUPS ASSOCIATED WITH HATE-RELATED VIOLENCE AGAINST GROUPS OR PERSONS OR THE UNITED STATES GOVERNMENT.

Section 504 of title 10, United States Code, is amended by adding at the end the following new subsection:

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"(c) PERSONS ASSOCIATED OR AFFILIATED WITH HATE GROUPS.—

"(1) PROHIBITION.—A person associated or affiliated with a group associated with hate-related violence against groups or persons or the United States Government, as determined by the Attorney General, may not be recruited, enlisted, or retained in the armed forces.

"(2) DEFINITION OF HATE GROUP.—In this subsection, the terms ‘group associated with hate-related violence’ or ‘hate group’ mean the following:

"(A) Groups or organizations that espouse or engage in acts of violence against other groups or minorities based on ideals of hate, ethnic supremacies, white supremacies, racism, anti-Semitism, xenophobia, or other bigotry ideologies.
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“(B) Groups or organizations engaged in criminal gang activity including drug and weapons trafficking and smuggling.

“(C) Groups or organizations that espouse an intention or expectation of armed revolutionary activity against the United States Government, or the violent overthrow of the United States Government.

“(D) Groups or organizations that espouse an intention or expectation of armed activity in a ‘race war’.

“(E) Groups or organizations that encourage members to join the armed forces in order to obtain military training to be used for acts of violence against minorities, other groups, or the United States Government.

“(F) Groups or organizations that espouse violence based on race, creed, religion, ethnicity, or sexual orientation.

“(G) Other groups or organizations that are determined by the Attorney General to be of a violent, extremist nature.

“(3) Evidence of association or affiliation with hate group.—The following shall constitute evidence that a person is associated or affili-
ated with a group associated with hate-related vio-

ience:

“(A) Individuals possessing tattoos or
other body markings indicating association or
affiliation with a hate group.

“(B) Individuals known to have attended
meetings, rallies, conferences, or other activities
sponsored by a hate group.

“(C) Individuals known to be involved in
online activities with a hate group, including
being engaged in online discussion groups or
blog or other postings that support, encourage,
or affirm the group’s extremist or violent views
and goals.

“(D) Individuals who are known to have in
their possession photographs, written
testimonials (including diaries or journals),
propaganda, or other materials indicating in-
volvement or affiliation with a hate group. Such
materials can include photographs, written ma-
terials relating to or referring to extreme hatred
that are clearly not of an academic nature, pos-
session of objects that venerate or glorify hate-
inspired violence, and related materials, as de-
termined by the Attorney General.
“(E) Individuals espousing the intent to acquire military training for the purpose of using such training towards committing acts of violence of a purpose not affiliated with the armed forces.

“(4) REQUIREMENTS FOR RECRUITERS AND ENLISTMENT PROCESSING STATIONS.—A military recruiters may not enlist, or assist in enlisting, a person who is associated or affiliated with a group associated with hate-related violence, as evidenced pursuant to paragraph (3). A person at any military enlistment processing station who, during the screening process, is found to be affiliated or associated with a hate group (including through admitting to any such affiliation or association on any form or document) is automatically prohibited from enlisting.

“(5) SEPARATION.—

“(A) SEPARATION REQUIRED.—A person discovered or determined to be associated or affiliated with a group associated with hate-related violence, as evidenced pursuant to paragraph (3), shall be immediately discharged from the armed forces, in the manner prescribed in regulations regarding discharge from service.
“(B) Exception.—Subparagraph (A) shall not apply to a member of the armed forces who has renounced the member’s previous affiliation or association with a group associated with hate-related violence, as determined by the commanding officer of the member.

“(6) Reporting requirement.—Not later than April 1, 2010, and annually thereafter, the Secretary concerned shall submit to the Committees on Armed Service of the Senate and House of Representatives a report—

“(A) on the presence in the armed forces of members who are associated or affiliated with a group associated with hate-related violence and describing the actions of the Secretary to discharge such members; and

“(B) describing the actions of the Secretary to prevent persons who are associated or affiliated with a hate group from enlisting.”.

SEC. 525. SECURE ELECTRONIC DELIVERY OF CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY (DD FORM 214).

Section 596 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C.}
1168 note), as amended by section 523, is further amended by adding at the end the following new subsection:

“(c) Secure Method of Electronic Delivery.—

“(1) Development and Implementation.—The Secretary of Veterans Affairs, in consultation with the Secretary of Defense, shall develop and implement a secure electronic method of forwarding the DD Form 214 to the appropriate office specified in subsection (a)(2). The Secretary of Veterans Affairs shall ensure that the method permits such offices to access the forms electronically using current computer operating systems.

“(2) Authority to Cease Delivery.—In developing the secure electronic method of forwarding DD Forms 214, the Secretary of Veterans Affairs shall ensure that the information provided is not disclosed or used for unauthorized purposes and may cease forwarding the forms electronically to an office specified in subsection (a)(2) if demonstrated problems arise.”.
Subtitle D—Education and Training

SEC. 531. APPOINTMENT OF PERSONS ENROLLED IN ADVANCED COURSE OF THE ARMY RESERVE OFFICERS’ TRAINING CORPS AT MILITARY JUNIOR COLLEGES AS CADETS IN ARMY RESERVE OR ARMY NATIONAL GUARD OF THE UNITED STATES.

Section 2107a(h) of title 10, United States Code, is amended—

(1) by striking “17 cadets” and inserting “22 cadets”;

(2) by striking “17 members” and inserting “22 members”; and

(3) by striking “17 such members” and inserting “22 such members”.

SEC. 532. INCREASE IN NUMBER OF PRIVATE SECTOR CIVILIANS AUTHORIZED FOR ADMISSION TO NATIONAL DEFENSE UNIVERSITY.

Section 2167(a) of title 10, United States Code, is amended by striking “10 full-time student positions” and inserting “20 full-time student positions”.

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SEC. 533. APPOINTMENTS TO MILITARY SERVICE ACADEMIES FROM NOMINATIONS MADE BY DELEGATE FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) United States Military Academy.—Section 4342(a)(10) of title 10, United States Code, is amended by striking “One cadet” and inserting “Two cadets”.

(b) United States Naval Academy.—Section 6954(a)(10) of such title is amended by striking “One” and inserting “Two”.

(c) United States Air Force Academy.—Section 9342(a)(10) of such title is amended by striking “One cadet” and inserting “Two cadets”.

(d) Effective Date.—The amendments made by this section shall apply with respect to appointments to the United States Military Academy, the United States Naval Academy, and the United States Air Force Academy beginning with the first class of candidates nominated for appointment to these military service academies after the date of the enactment of this Act.
SEC. 534. PILOT PROGRAM TO ESTABLISH AND EVALUATE LANGUAGE TRAINING CENTERS FOR MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE.

(a) Pilot Program Required.—The Secretary of Defense shall carry out a pilot program to establish at least three Language Training Centers at accredited universities, senior military colleges, or other similar institutions of higher education to create the foundational critical and strategic language and regional area expertise, as defined by the Secretary of Defense, for members of the Armed Forces, including reserve component members and Reserve Officers’ Training Corps candidates, and civilian employees of the Department of Defense.

(b) Duration.—

(1) Termination Date.—The Language Training Centers under the pilot program shall be established not later than October 1, 2010, and the authority to support the Language Training Centers under the pilot program shall terminate on September 30, 2015.

(2) Effect on Participants.—Students participating in the pilot program before the termination date specified in paragraph (1) may be al-
allowed to complete their studies under the program after that date.

(c) PILOT PROGRAM REQUIREMENTS.—At a minimum, the Language Training Centers shall—

(1) develop a program to graduate members of the Armed Forces and civilian employees of the Department who are skilled in critical and strategic languages from beginning through advanced skill levels;

(2) develop language proficiency training programs in designated critical and strategic languages tailored to meet operational readiness requirements;

(3) develop alternative training delivery systems and modalities to meet language and regional area requirements, prior to deployment, during deployment, and post-deployment;

(4) develop critical and strategic language programs that can be incorporated into Reserve Officers’ Training Corps units to develop language skills among future military officers;

(5) develop training and education programs that would expand the pool of qualified instructors and educators for the Armed Forces; and

(6) develop a program to encourage native and heritage speakers of critical and strategic languages
for recruitment into the Department of Defense or support the Civilian Linguist Reserve Corps.

(d) PROGRAM EXPANSION.—The Language Training Centers may partner with elementary and secondary educational institutions to help develop critical and strategic language skills in students who may pursue a military career.

(e) PROGRAM COORDINATION.—The Secretary of Defense shall ensure that the Language Training Centers build upon and take advantage of the experience and leadership of the National Security Education Program and the Defense Language Institute.

(f) EVALUATION.—The Secretary of Defense shall evaluate each Language Training Center in order to assess the cost and the effectiveness of the pilot program, including the following:

(1) The success of the Language Training Center in providing critical and strategic language capabilities to members and Department of Defense employees.

(2) The ability of the Language Training Center to create foundational critical and strategic language and regional area expertise in support of the Defense Language Transformation Roadmap;
(g) REPORT TO CONGRESS.—Not later than December 31, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the pilot program. The report shall include the following:

1. A description of each Language Training Center.

2. An assessment of the effectiveness and the cost of the pilot program taken to create the foundational critical and strategic language and regional area expertise in support of the Defense Language Transformation Roadmap.

3. The success of each Language Training Center to provide critical and strategic language capabilities to members and Department of Defense employees.

4. Recommendations as to whether the pilot programs should be continued, and any modifications that may be necessary to continue the program.
SEC. 535. USE OF ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM TO INCREASE NUMBER OF HEALTH PROFESSIONALS WITH SKILLS TO ASSIST IN PROVIDING MENTAL HEALTH CARE.

(a) ADDITIONAL ELEMENT WITHIN SCHOLARSHIP PROGRAM.—Section 2121(a) of title 10, United States Code, is amended—

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

(2) by striking ``(in the various health professions'' and inserting ``(A) in the various health professions or (B) as a health professional with specific skills to assist in providing mental health care to members of the armed forces''; and

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

``(2) Under the program of a military department, the Secretary of that military department shall allocate a portion of the total number of scholarships to members of the program described in paragraph (1)(B) for the purpose of assisting such members to pursue a degree at the masters and doctoral level in any of the following disciplines:

(A) Social work.

(B) Clinical psychology.''

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“(C) Psychiatry.

“(D) Other disciplines that contribute to mental health care programs in that military department.”.

(b) AUTHORIZED NUMBER OF MEMBERS OF THE PROGRAM.—Section 2124 of such title is amended—

(1) by striking “The number” and inserting “(a) AUTHORIZED NUMBER OF MEMBERS OF THE PROGRAM.—The number”;

(2) by striking “6,000” and inserting “6,300”; and

(3) by adding at the end the following new sub-section:

“(b) MENTAL HEALTH PROFESSIONALS.—Of the number of persons designated as members of the program at any time, 300 may be members of the program described in section 2121(a)(1)(B) of this title.”.

(c) FUNDING SOURCE.—Of the amounts authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2010, not more than $20,000,000 shall be available to cover the additional costs incurred to implement the amendments made by this section.
SEC. 536. ESTABLISHMENT OF JUNIOR RESERVE OFFICER'S TRAINING CORPS UNITS FOR STUDENTS IN GRADES ABOVE SIXTH GRADE.

Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g)(1) In addition to units of the Junior Reserve Officers’ Training Corps established at public and private secondary educational institutions under subsection (a), the Secretary of each military department may carry out a pilot program to establish and support units at public and private educational institutions that are not secondary educational institutions to permit the enrollment of students in the Corps who, notwithstanding the limitation in subsection (b)(1), are in a grade above the sixth grade.

“(2) A unit of the Junior Reserve Officers’ Training Corps established and supported under the pilot program must meet the requirements of this section, except—

“(A) as provided in paragraph (1) with respect to the grades in which students are enrolled; and

“(B) that the Secretary of the military department concerned may authorize a course of military instruction of not less than two academic years’ duration, notwithstanding subsection (b)(3).

“(3) The Secretary of the military department concerned shall conduct a review of the pilot program. The
review shall include an evaluation of what impacts, if any,
the pilot program may have on the operation of the Junior
Reserve Officers’ Training Corps in secondary educational
institutions.”.

SEC. 537. AIR FORCE ACADEMY ATHLETIC ASSOCIATION.

(a) IN GENERAL.—Chapter 903 of title 10, United
States Code, is amended by inserting after section 9359
the following new section:

“§ 9359a. Air Force Academy Athletic Association: au-
thorization, purpose, and governance

“(a) Establishment Authorized.—The Secretary
of the Air Force may establish a nonprofit corporation,
to be known as the ‘Air Force Academy Athletic Associa-
tion’, to support the athletic program of the Air Force
Academy.

“(b) Organization and Duties.—(1) The Air
Force Academy Athletic Association (in this section re-
ferred to as the ‘Association’) shall be organized and oper-
ated as a nonprofit corporation under section 501(c)(3)
of the Internal Revenue Code of 1986 and under the pow-
ers and authorities set forth in this section and the provi-
sions of the laws of the State of incorporation. The Asso-
ciation shall operate on a nonpartisan basis exclusively for
charitable, educational, and civic purposes consistent with
the authorities referred to in this subsection to support
the athletic program of the Academy.

“(2) Subject to the approval of the Secretary of the
Air Force, the Association may—

“(A) operate and manage athletic and revenue
generating facilities on Academy property;

“(B) use Government facilities, utilities, and
services on the Academy, without charge, in support
of its mission;

“(C) sell products to the general public on or
off Government property;

“(D) charge market-based fees for admission to
Association events and other athletic or athletic-re-
lated events at the Academy and for use of Academy
athletic facilities and property; and

“(E) engage in other activities, consistent with
the Academy athletic mission as determined by the
Board of Directors.

“(c) BOARD OF DIRECTORS.—(1) The Association
shall be governed by a Board of Directors made up of at
least nine members. The members, other than the member
referred to in paragraph (2), shall serve without com-
pensation, except for reasonable travel and other related
expenses for attendance at required meetings.
“(2) The Director of Athletics at the Academy shall be a standing member of the Board as part of the Director’s duties as the Director of Athletics.

“(3) Subject to the prior approval of all nominees for appointment by the Secretary of the Air Force, the Superintendent shall appoint the remaining members of the Board.

“(4) The Secretary of the Air Force shall select one of the members of the Board appointed under paragraph (3) to serve as chairperson of the Board.

“(d) Bylaws.—Not later than July 1, 2010, the Association shall propose its by-laws. The Association shall submit the by-laws, and all future changes to the by-laws, to the Secretary of the Air Force for review and approval. The by-laws shall be made available to Congress for review.

“(e) Transition From Nonappropriated Fund Operation.—(1) Until September 30, 2011, the Secretary of the Air Force may provide for parallel operations of the Association and the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic program of the Academy. Not later than that date, the Secretary shall dissolve the nonappropriated fund instrumentality and transfer its assets and liabilities to the Association.
“(2) The Secretary may transfer title and ownership
to all the assets and liabilities of the nonappropriated fund
instrumentality referred to in paragraph (1), including
bank accounts and financial reserves in its accounts,
equipment, supplies, and other personal property without
cost or obligation to the Association.

“(f) CONTRACTING AUTHORITIES.—(1) The Super-
intendent may procure, at fair and reasonable prices, such
athletic goods, services, human resources, and other sup-
port from the Association as the Superintendent considers
appropriate to support the athletic program of the Acad-
emy. The Association shall be exempt from the require-
ments of section 2533a of this title and the Buy American
Act (41 U.S.C. 10a et seq.).

“(2) The Superintendent may accept from the Asso-
ciation funds, goods, and services for use by cadets and
Academy personnel during participation in, or in support
of, Academy or Association contests, events, and pro-
grams.

“(g) USE OF AIR FORCE PERSONNEL.—Air Force
personnel may participate in—

“(1) the management, operation, and oversight
of the Association;

“(2) events and athletic contests sponsored by
the Association; and
“(3) management and sport committees for the National Collegiate Athletic Association and other athletic conferences and associations.

“(h) FUNDING AUTHORITY.—The authorization of appropriations for the operation and maintenance of the Academy includes Association operations in support of the Academy athletic program, as approved by the Secretary of the Air Force.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 9359 the following new item:

“9359a. Air Force Academy Athletic Association: authorization, purpose, and governance.”.

Subtitle E—Defense Dependents’ Education

SEC. 551. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $50,000,000 shall be available

(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 2010 pursuant to section 301(5) for operation and maintenance for Defense-wide activities, $15,000,000 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. 552. DETERMINATION OF NUMBER OF WEIGHTED STUDENT UNITS FOR LOCAL EDUCATIONAL AGENCIES FOR RECEIPT OF BASIC SUPPORT PAYMENTS UNDER IMPACT AID.

7703(a)(2)(C)(i)) is amended by striking “6,500” and inserting “5,000”.

SEC. 553. PERMANENT AUTHORITY FOR ENROLLMENT IN DEFENSE DEPENDENTS’ EDUCATION SYSTEM OF DEPENDENTS OF FOREIGN MILITARY MEMBERS ASSIGNED TO SUPREME HEADQUARTERS ALLIED POWERS, EUROPE.

(a) PERMANENT ENROLLMENT AUTHORITY.—Subsection (a)(2) of section 1404A of the Defense Dependents’ Education Act of 1978 (20 U.S.C. 923a) is amended by striking “, and only through the 2010-2011 school year”.

(b) COMBATANT COMMANDER ADVICE AND ASSISTANCE.—Subsection (c)(1) of such section is amended by adding at the end the following new sentence: “The Secretary shall prescribe such methodology with the advice and assistance of the commander of the geographic combatant command with jurisdiction over Mons, Belgium.”.
Subtitle F—Missing or Deceased Persons

SEC. 561. ADDITIONAL REQUIREMENTS FOR ACCOUNTING FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING IN CONFLICTS OCCURRING BEFORE ENACTMENT OF NEW SYSTEM FOR ACCOUNTING FOR MISSING PERSONS.

(a) Imposition of Additional Requirements.—

Section 1509 of title 10, United States Code, is amended to read as follows:

§ 1509. Program to resolve preenactment missing person cases

“(a) Program Required; Covered Conflicts.—

The Secretary of Defense shall implement a comprehensive, coordinated, integrated, and fully resourced program to account for persons described in subparagraph (A) or (B) of section 1513(1) of this title who are unaccounted for from the following conflicts:

“(1) World War II during the period beginning on December 7, 1941, and ending on December 31, 1946, including members of the Armed Forces who were lost during flight operations in the Pacific theater of operations covered by section 576 of the Na-

“(2) The Cold War during the period beginning on September 2, 1945, and ending on August 21, 1991.


“(4) The Indochina War era during the period beginning on July 8, 1959, and ending on May 15, 1975.


“(6) Such other conflicts in which members of the armed forces served as the Secretary of Defense may designate.

“(b) IMPLEMENTATION PROCESS.—(1) The Secretary of Defense shall implement the program within the Department of Defense POW/MIA accounting community.

“(2) For purposes of paragraph (1), the term ‘POW/MIA accounting community’ means—

“(B) The Joint POW/MIA Accounting Command (JPAC).

“(C) The Armed Forces DNA Identification Laboratory (AFDIL).

“(D) The Life Sciences Equipment Laboratory of the Air Force (LSEL).

“(E) The casualty and mortuary affairs offices of the military departments.

“(F) Any other element of the Department of Defense the mission of which (as designated by the Secretary of Defense) involves the accounting for and recovery of members of the armed forces who are missing in action or prisoners of war or who are unaccounted for, such as the Stony Beach Program.

“(c) Treatment as Missing Persons.—Each unaccounted for person covered by subsection (a) shall be considered to be a missing person for purposes of the applicability of other provisions of this chapter to the person.

“(d) Establishment of Personnel Files.—(1) The Secretary of Defense shall ensure that a personnel file is established and maintained for each person covered by subsection (a) if the Secretary—

“(A) possesses any information relevant to the status of the person; or
“(B) receives any new information regarding the missing person as provided in subsection (d).

“(2) The Secretary of Defense shall ensure that each file established under this subsection contains all relevant information pertaining to a person covered by subsection (a) and is readily accessible to all elements of the department, the combatant commands, and the armed forces involved in the effort to account for the person.

“(3) Each file established under this subsection shall be handled in accordance with, and subject to the provisions of, section 1506 of this title in the same manner as applies to the file of a missing person otherwise subject to such section.

“(e) Review of Status Requirements.—(1) If new information (as described in paragraph (3)) is found or received that may be related to one or more unaccounted for persons covered by subsection (a), whether or not such information specifically relates (or may specifically relate) to any particular such unaccounted for person, that information shall be provided to the Secretary of Defense.

“(2) Upon receipt of new information under paragraph (1), the Secretary shall ensure that—

“(A) the information is treated under paragraph (2) of subsection (c) of section 1505 of this
title, relating to addition of the information to the personnel file of a person and notification requirements, in the same manner as information received under paragraph (1) under such subsection; and

“(B) the information is treated under paragraph (3) of subsection (c) and subsection (d) of such section, relating to a board review under such section, in the same manner as information received under paragraph (1) of such subsection (e).

“(3) For purposes of this subsection, new information is information that is credible and that—

“(A) is found or received after November 18, 1997, by a United States intelligence agency, by a Department of Defense agency, or by a person specified in section 1504(g) of this title; or

“(B) is identified after November 18, 1997, in records of the United States as information that could be relevant to the case of one or more unaccounted for persons covered by subsection (a).

“(f) COORDINATION REQUIREMENTS.—(1) In establishing and carrying out the program, the Secretary of Defense shall coordinate with the Secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, and the combatant commanders.
“(2) In carrying out the program, the Secretary of Defense shall establish close coordination with the Department of State, the Central Intelligence Agency, and the National Security Council to enhance the ability of the Department of Defense POW/MIA accounting community to account for persons covered by subsection (a).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 76 of such title is amended by striking the item relating to section 1509 and inserting the following new section:

“1509. Program to resolve preenactment missing person cases.”.

(c) CONFORMING AMENDMENT.—Section 1513(1) of such title is amended in the matter after subparagraph (B) by striking “section 1509(b) of this title who is required by section 1509(a)(1) of this title” and inserting “subsection (a) of section 1509 of this title who is required by subsection (b) of such section”.

(d) IMPLEMENTATION.—

(1) PRIORITY.—A priority of the program required by section 1509 of title 10, United States Code, as amended by subsection (a), to resolve missing person cases arising before the enactment of chapter 76 of such title by section 569 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 336) shall be
the return of missing persons to United States control alive.

(2) ACCOUNTING FOR GOAL.—In implementing the program, the Secretary of Defense, in coordination with the officials specified in subsection (f)(1) of section 1509 of title 10, United States Code, shall take such measures as the Secretary considers appropriate to increase significantly the capability and capacity of the Department of Defense, the Armed Forces, and combatant commanders to account for missing persons, as defined by section 1513(3)(B) of such title. Such measures shall include fully funding, manning, and resourcing the Department of Defense-wide effort to ensure that, at a minimum—

(A) 200 missing persons are accounted for under the program annually beginning with fiscal year 2015; and

(B) 350 missing persons are accounted for under the program annually beginning with fiscal year 2020.
SEC. 562. CLARIFICATION OF GUIDELINES REGARDING RETURN OF REMAINS AND MEDIA ACCESS AT CEREMONIES FOR THE DIGNIFIED TRANSFER OF REMAINS AT DOVER AIR FORCE BASE.

(a) Prompt Return.—The remains of a deceased member of the Armed Forces shall be recovered from the theater of combat operations and returned to the United States via the Dover Port Mortuary without delay unless very specific extenuating circumstances presented by the person designated pursuant to section 1482(c) of title 10, United States Code, to direct disposition of the remains of the decedent (in this section referred to as the “primary next of kin”) dictate otherwise and can reasonably be accommodated by the Department.

(b) Media Access.—

(1) Decision of Primary Next of Kin.—The primary next of kin of a deceased member of the Armed Forces shall make the family decision regarding media access at ceremonies for the dignified transfer of the remains of the decedent at Dover Air Force Base. The option to allow media access shall be briefed to the primary next of kin at the time of initial notification or as soon as practicable thereafter. Media access to dignified transfers shall only be permitted with the approval of the primary next of kin. Media contact, filming or recording of family
members shall be permitted only if specifically re-
quested by the primary next of kin.

(2) Relation to current DOD casualty in-
formation policy.—Media access approved by the
primary next of kin shall waive the Department of
Defense policy on 24-hour delay in release of cas-
ualty information to the media and general public
for that specific case.

(3) Member preference.—The Secretary of
Defense shall develop a long-term plan to obtain the
preference of members of the Armed Forces regard-
ing media access at ceremonies for the dignified
transfer of the remains of the member if they ever
become a casualty.

(c) Travel and Transportation Allowance.—
The Secretary of a military department shall provide the
primary next of kin and two additional family members
of a deceased member of the Armed Forces with travel
to, and from, Dover Air Force Base via Invitational Travel
Authorizations to attend the dignified transfer ceremony.
The Secretary may include additional family members on
a case-by-case basis. At the discretion of the Secretary,
and at the request of the primary next of kin, the service
casualty assistance officer or family liaison officer may es-
cort and accompany the primary next of kin to the dignified transfer ceremony.

(d) **Effective Date.**—This section shall take effect 1 year after the date of the enactment of this Act.

SEC. 563. REPORT ON EXPANSION OF AUTHORITY OF A MEMBER TO DESIGNATE PERSONS TO DIRECT DISPOSITION OF THE REMAINS OF A DECEASED MEMBER.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report evaluating the potential effects of expanding the list of persons under section 1482(c) of title 10, United States Code, who may be designated by a member of the Armed Forces as the person authorized to direct disposition of the remains of the member if the member is deceased.

SEC. 564. SENSE OF CONGRESS REGARDING THE RECOVERY OF THE REMAINS OF MEMBERS OF THE ARMED FORCES WHO WERE KILLED DURING WORLD WAR II IN THE BATTLE OF TARAWA ATOLL.

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

(1) On November 20, 1943, units of the United States Marine Corps, supported by units of the
United States Army and warships and aircraft of the United States Navy, conducted an amphibious landing on the Island of Betio, Tarawa Atoll, in the Gilbert Islands in the Pacific Ocean.

(2) The United States military forces faced an entrenched force of 5,000 Japanese soldiers.

(3) The Tarawa landing was the first American amphibious assault on a fortified beachhead in World War II.

(4) Just 76 hours later, the American flag was raised at Tarawa.

(5) More than 1,100 Marines and other members of the Armed Forces were killed during the battle.

(6) Most of the Marines, soldiers, and sailors who were killed during the battle were buried in hastily dug graves and cemeteries on Tarawa.

(7) Between 1943 and 1946, the remains of some of the Marines and other members of the Armed Forces were disinterred and reinterred in temporary graves by the Navy.

(8) After World War II, the remains of some of these Marines and other members of the Armed Forces were recovered and returned to the United States for burial.
(9) Due to mistakes in reinterment, poor records, as well as other causes, the remains of 564 Marines and other members of the Armed Forces killed in the battle of Tarawa are in unmarked, unknown graves.

(10) Since 1980, the Department of Defense has recovered remains from some unmarked graves that have been found through construction or other activity on Tarawa.

(11) The remains of members of the Armed Forces on Tarawa continue to be threatened by construction or other land disturbing activity.

(12) Recent research has shed new light on the locations of unmarked and lost graves of members of the Armed Forces on Tarawa.

(13) It is the responsibility of the Federal Government to return to the United States for proper burial and respect all members of the Armed Forces killed at Tarawa who lie in unmarked and lost graves.

(b) SENSE OF CONGRESS.—In light of these findings, Congress—

(1) reaffirms its support for the recovery and return to the United States of the remains of members of the Armed Forces killed in battle, and for
the efforts by the Joint POW-MIA Accounting Com-
mand to recover the remains of members of the
Armed Forces from all wars;

(2) recognizes the courage and sacrifice of the
members of the Armed Forces who fought on
Tarawa;

(3) acknowledges the dedicated research and ef-
forts by persons to identify, locate, and advocate for
the recovery of remains from Tarawa; and

(4) encourages the Department of Defense to
review this research and, as appropriate, pursue new
efforts to conduct field studies, new research, and
undertake all feasible efforts to recover, identify, and
return remains of members of the Armed Forces
from Tarawa.

Subtitle G—Decorations and
Awards

SEC. 571. AWARD OF VIETNAM SERVICE MEDAL TO VET-
ERANS WHO PARTICIPATED IN MAYAGUEZ
RESCUE OPERATION.

(a) IN GENERAL.—The Secretary of the military de-
partment concerned shall, upon the application of an indi-
vidual who is an eligible veteran, award that individual the
Vietnam Service Medal, notwithstanding any otherwise ap-
licable requirements for the award of that medal. Any
such award shall be made in lieu of any Armed Forces Expeditionary Medal awarded the individual for the individual’s participation in the Mayaguez rescue operation.

(b) **Eligible Veteran.**—For purposes of this section, the term “eligible veteran” means a member or former member of the Armed Forces who was awarded the Armed Forces Expeditionary Medal for participation in military operations known as the Mayaguez rescue operation of May 12–15, 1975.

**SEC. 572. AUTHORIZATION AND REQUEST FOR AWARD OF MEDAL OF HONOR TO ANTHONY T. KOHO'OHANOHANO FOR ACTS OF VALOR DURING THE KOREAN WAR.**

(a) **Authorization.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized and requested to award the Medal of Honor under section 3741 of such title to former Private First Class Anthony T. Koho’ohanohano for the acts of valor during the Korean War described in subsection (b).

(b) **Acts of Valor Described.**—The acts of valor referred to in subsection (a) are the actions of then Private First Class Anthony T. Koho’ohanohano of Company
H of the 17th Infantry Regiment of the 7th Infantry Division on September 1, 1951, during the Korean War for which he was originally awarded the distinguished-service cross.

SEC. 573. AUTHORIZATION AND REQUEST FOR AWARD OF DISTINGUISHED-SERVICE CROSS TO JACK T. STEWART FOR ACTS OF VALOR DURING THE VIETNAM WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the Secretary of the Army is authorized and requested to award the distinguished-service cross under section 3742 of such title to former Captain Jack T. Stewart of the United States Army for the acts of valor during the Vietnam War described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Captain Jack T. Stewart as commander of a two-platoon Special Forces Mike Force element in combat with two battalions of the North Vietnamese Army on March 24, 1967, during the Vietnam War.
SEC. 574. AUTHORIZATION AND REQUEST FOR AWARD OF
DISTINGUISHED-SERVICE CROSS TO WILLIAM
T. MILES, JR., FOR ACTS OF VALOR DURING
THE KOREAN WAR.

(a) AUTHORIZATION.—Notwithstanding the time lim-
itations specified in section 3744 of title 10, United States
Code, or any other time limitation with respect to the
awarding of certain medals to persons who served in the
Armed Forces, the Secretary of the Army is authorized
and requested to award the distinguished-service cross
under section 3742 of such title to former Sergeant First William T. Miles, Jr., of the United States
Army for the acts of valor during the Korean War de-
scribed in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor
referred to in subsection (a) are the actions of Sergeant
First Class William T. Miles, Jr., as a member of United
States Special Forces from June 18, 1951, to July 6,
1951, during the Korean War, when he fought a delaying
action against enemy forces in order to allow other mem-
ers of his squad to escape an ambush.

SEC. 575. RETROACTIVE AWARD OF ARMY COMBAT ACTION
BADGE.

(a) AUTHORITY TO AWARD.—The Secretary of the
Army may award the Army Combat Action Badge (estab-
lished by order of the Secretary of the Army through

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Headquarters, Department of the Army Letter 600–05–1, dated June 3, 2005) to a person who, while a member of the Army, participated in combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001 (the date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

(b) PROCUREMENT OF BADGE.—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

SEC. 576. ESTABLISHMENT OF COMBAT MEDEVAC BADGE.

(a) ARMY.—

(1) IN GENERAL.—Chapter 357 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 3757. Combat Medevac Badge

“(a) ISSUANCE.—The Secretary of the Army shall issue a badge of appropriate design, to be known as the
Combat Medevac Badge, to each person who while a member of the Army served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

“(b) Eligibility Requirements.—The Secretary of the Army shall prescribe requirements for eligibility for the Combat Medevac Badge.”.

(2) Clerical amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“3757. Combat Medevac Badge”.

(b) Navy and Marine Corps.—

(1) In general.—Chapter 567 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 6259. Combat Medevac Badge

“(a) Issuance.—The Secretary of the Navy shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Navy or Marine Corps served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.
“(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Navy shall prescribe requirements for eligibility for the Combat Medevac Badge.”.

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

“6259. Combat Medevac Badge”.

(c) AIR FORCE.—

(1) IN GENERAL.—Chapter 857 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 8757. Combat Medevac Badge

“(a) ISSUANCE.—The Secretary of the Air Force shall issue a badge of appropriate design, to be known as the Combat Medevac Badge, to each person who while a member of the Air Force served in combat on or after June 25, 1950, as a pilot or crew member of a helicopter medical evacuation ambulance and who meets the requirements for the award of that badge.

“(b) ELIGIBILITY REQUIREMENTS.—The Secretary of the Air Force shall prescribe requirements for eligibility for the Combat Medevac Badge.”.

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

“8757. Combat Medevac Badge”.
(d) Award for Service Before Date of Enactment.—In the case of persons who, while a member of the Armed Forces, served in combat as a pilot or crew member of a helicopter medical evacuation ambulance during the period beginning on June 25, 1950, and ending on the date of enactment of this Act, the Secretary of the military department concerned shall issue the Combat Medevac Badge—

(1) to each such person who is known to the Secretary before the date of enactment of this Act; and

(2) to each such person with respect to whom an application for the issuance of the badge is made to the Secretary after such date in such manner, and within such time period, as the Secretary may require.

Subtitle H—Military Families

SEC. 581. PILOT PROGRAM TO SECURE INTERNSHIPS FOR MILITARY SPOUSES WITH FEDERAL AGENCIES.

(a) Cost-Reimbursement Agreements With Federal Agencies.—The Secretary of Defense may enter into an agreement with the head of an executive department or agency that has an established internship program to reimburse the department or agency for author-
ized costs associated with the first year of employment of
an eligible military spouse who is selected to participate
in the internship program of the department or agency.

(b) Eligible Military Spouses.—

(1) Eligibility.—Except as provided in paragraph (2), any person who is married to a member
of the Armed Forces on active duty is eligible for se-
lection to participate in an internship program under
a reimbursement agreement entered into under sub-
section (a).

(2) Exclusions.—Reimbursement may not be
provided with respect to the following persons:

(A) A person who is legally separated from
a member of the Armed Forces under court
order or statute of any State, the District of
Columbia, or possession of the United States
when the person begins the internship.

(B) A person who is also a member of the
Armed Forces on active duty.

(C) A person who is a retired member of
the Armed Forces.

(c) Funding Source.—Amounts authorized to be
appropriated for operation and maintenance, for Defense-
wide activities, shall be available to carry out this section.

(d) Definitions.—In this section:
(1) The term “authorized costs” includes the costs of the salary, benefits and allowances, and training for an eligible military spouse during the first year of the participation of the military spouse in an internship program pursuant to an agreement under subsection (a).

(2) The term “internship” means a professional, analytical, or administrative position in the Federal Government that operates under a developmental program leading to career advancement.

(e) TERMINATION OF AGREEMENT AUTHORITY.—No agreement may be entered into under subsection (a) after September 30, 2011. Authorized costs incurred after that date may be reimbursed under an agreement entered into before that date in the case of eligible military spouses who begin their internship by that date.

(f) REPORTING REQUIREMENT.—Not later than January 1, 2012, the Secretary of Defense shall submit to the congressional defense committees a report that provides information on how many eligible military spouses received internships pursuant to agreements entered into under subsection (a) and the types of internship positions they occupied. The report shall specify the number of interns who subsequently obtained permanent employment with the department or agency administering the intern-
ship program or with another department or agency. The Secretary shall include a recommendation regarding whether, given the investment of Department of Defense funds, the authority to enter into agreements should be extended, modified, or terminated.

SEC. 582. REPORT ON PROGRESS MADE IN IMPLEMENTING RECOMMENDATIONS TO REDUCE DOMESTIC VIOLENCE IN MILITARY FAMILIES.

(a) Assessment.—The Comptroller General shall review and assess the progress made by the Department of Defense in implementing the recommendations contained in the report by the Comptroller General entitled “Military Personnel: Progress Made in Implementing Recommendations to reduce Domestic Violence, but Further Management Action Needed” (GAO–06–540).

(b) Report.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing the results of the review and assessment under subsection (a).
SEC. 583. MODIFICATION OF SERVICEMEMBERS CIVIL RELIEF ACT REGARDING TERMINATION OR SUSPENSION OF SERVICE CONTRACTS AND EFFECT OF VIOLATION OF INTEREST RATE LIMITATION.

(a) Termination or Suspension of Service Contracts.—Section 305A of the Servicemembers Civil Relief Act (50 U.S.C. App. 535a) is amended to read as follows:

“SEC. 305A. TERMINATION OR SUSPENSION OF SERVICE CONTRACTS.

“(a) Termination or Suspension by Servicemember.—A servicemember who is party to or enters into a contract described in subsection (c) may terminate or suspend, at the servicemember’s option, the contract at any time after the date of the servicemember’s military orders, as described in subsection (c).

“(b) Special Rules.—

“(1) A suspension under subsection (a) of a contract by a servicemember shall continue for the length of the servicemember’s deployment pursuant to the servicemember’s military orders.

“(2) A service provider under a contract suspended or terminated under subsection (a) by a servicemember may not impose a suspension fee or early termination fee in connection with the suspen-
sion or termination of the contract, other than a nominal fee for the suspension; except that the service provider may impose a reasonable fee for any equipment remaining on the premises of the servicemember during the period of the suspension. The servicemember may defer, without penalty, payment of such a nominal fee or reasonable fee for the length of the servicemember’s deployment pursuant to the servicemember’s military orders.

“(3) In any case in which the contract being suspended under subsection (a) is for cellular telephone service or telephone exchange service, the servicemember, after the date on which the suspension of the contract ends, may keep, to the extent practicable and in accordance with all applicable laws and regulations, the same telephone number the servicemember had before the servicemember suspended the contract.

“(c) COVERED CONTRACTS.—This section applies to a contract for cellular telephone service (including a contract to which the servicemember is included with family members), telephone exchange service, multichannel video programming service, Internet access service, water, electricity, oil, gas, or other utility if the servicemember enters into the contract and thereafter receives military orders—
“(1) to deploy with a military unit, or as an individual, in support of a contingency operation for a period of not less than 90 days; or

“(2) for a change of permanent station to a location that does not support the contract.

“(d) MANNER OF TERMINATION OR SUSPENSION.—

“(1) IN GENERAL.—Termination or suspension of a contract under subsection (a) is made by delivery by the servicemember of written notice of such termination or suspension and a copy of the servicemember’s military orders to the other party to the contract (or to that party’s grantee or agent).

“(2) NATURE OF NOTICE.—Delivery of notice under paragraph (1) may be accomplished—

“(A) by hand delivery;

“(B) by private business carrier;

“(C) by facsimile; or

“(D) by placing the written notice and a copy of the servicemember’s military orders in an envelope with sufficient postage and with return receipt requested, and addressed as designated by the party to be notified (or that party’s grantee or agent), and depositing the envelope in the United States mails.
“(e) Date of Contract Termination or Suspension.—Termination or suspension of a service contract under subsection (a) is effective as of the date on which the notice under subsection (d) is delivered.

“(f) Other Obligations and Liabilities.—The service provider under the contract may not impose an early termination or suspension charge, but any tax or any other obligation or liability of the servicemember that, in accordance with the terms of the contract, is due and unpaid or unperformed at the time of termination or suspension of the contract shall be paid or performed by the servicemember.

“(g) Fees Paid in Advance.—A fee or amount paid in advance for a period after the effective date of the termination of the contract shall be refunded to the servicemember by the other party (or that party’s grantee or agent) within 60 days of the effective date of the termination of the contract.

“(h) Relief to Other Party.—Upon application by the other party to the contract to a court before the termination date provided in the written notice, relief granted by this section to a servicemember may be modified as justice and equity require.

“(i) Criminal Penalty.—Whoever knowingly violates this section shall be fined not more than $5,000 in
the case of an individual or $10,000 in the case of an organ-
ization.

“(j) Private Right of Action.—

“(1) In General.—A servicemember harmed by a violation of this section may in a civil action—

“(A) obtain any appropriate equitable relief with respect to the violation; and

“(B) recover an amount equal to three times the damages sustained as a result of the violation.

“(2) Costs and Attorney Fees.—The court shall award to a servicemember who prevails in an action under paragraph (1) the costs of the action, including a reasonable attorney fee.

“(3) Preservation of Other Remedies.—Nothing in this section shall be construed to pre-
clude or limit any remedy otherwise available under law to the servicemember with respect to conduct prohibited under this section.

“(k) Definitions.—In this section:

“(1) Multichannel Video Programming Service.—The term ‘multichannel video program-
ning service’ means video programming service pro-
vided by a multichannel video programming dis-
tributor, as such term is defined in section 602(13)
of the Communications Act of 1934 (47 U.S.C. 522(13)).

“(2) Internet access service.—The term ‘Internet access service’ has the meaning given that term under section 231(e)(4) of the Communications Act of 1934 (47 U.S.C. 231(e)(4)).

“(3) Cellular telephone service.—The term ‘cellular telephone service’ means commercial mobile service, as that term is defined in section 332(d) of the Communications Act of 1934 (47 U.S.C. 332(d)).

“(4) Telephone exchange service.—The term ‘telephone exchange service’ has the meaning given that term under section 3 of the Communications Act of 1934 (47 U.S.C. 153).”.

(b) Clerical Amendment.—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 305A and inserting the following new item:

“Sec. 305A. Termination or suspension of service contracts.”.

(c) Violation of Interest Rate Limitation.—Section 207 of such Act is amended—

(1) by amending subsection (e) to read as follows:

“(e) Criminal Penalty.—
“(1) IN GENERAL.—Whoever knowingly violates this section shall be fined not more than $5,000 in the case of an individual or $10,000 in the case of an organization.

“(2) DETERMINATION OF NUMBER OF VIOLATIONS.—The court shall count as a separate violation each obligation or liability of a servicemember with respect to which—

“(A) the servicemember properly provided to the creditor written notice and a copy of the military orders calling the servicemember to military service and any orders further extending military service under subsection (b); and

“(B) the creditor fails to act in accordance with subsection (a).”;

(2) by redesignating subsection (f) as subsection (g);

(3) by inserting after subsection (e) the following new subsection (f):

“(f) RIGHTS OF SERVICEMEMBERS.—

“(1) PRIVATE RIGHT OF ACTION.—A servicemember harmed by a violation of this section may in a civil action—

“(A) obtain any appropriate equitable relief with respect to the violation; and
“(B) recover an amount equal to three times the damages sustained as a result of the violation.

“(2) **Costs and Attorney Fees.**—The court shall award to a servicemember who prevails in an action under paragraph (1) the costs of the action, including a reasonable attorney fee.

“(3) **Preservation of Other Remedies.**—Nothing in this section shall be construed to preclude or limit any remedy otherwise available under law to the servicemember with respect to conduct prohibited under this section.”; and

(4) in subsection (g), as redesignated by paragraph (2) of this subsection, by inserting “and (f)” after “subsection (e)”.  

(4) in subsection (g), as redesignated by paragraph (2) of this subsection, by inserting “and (f)” after “subsection (e)”.  

(d) **Effective Date.**—The amendment made by subsection (a) shall apply with respect to a contract entered into on or after the date of the enactment of this Act.

SEC. 584. PROTECTION OF CHILD CUSTODY ARRANGE-
MENTS FOR PARENTS WHO ARE MEMBERS OF
THE ARMED FORCES DEPLOYED IN SUPPORT
OF A CONTINGENCY OPERATION.

(a) **Child Custody Protection.**—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et
seq.) is amended by adding at the end the following new section:

“SEC. 208. CHILD CUSTODY PROTECTION.

“(a) Restriction on Change of Custody.—If a motion for change of custody of a child of a servicemember is filed while the servicemember is deployed in support of a contingency operation, no court may enter an order modifying or amending any previous judgment or order, or issue a new order, that changes the custody arrangement for that child that existed as of the date of the deployment of the servicemember, except that a court may enter a temporary custody order if the court finds that it is in the best interest of the child.

“(b) Completion of Deployment.—In any proceeding covered under subsection (a), a court shall require that, upon the return of the servicemember from deployment in support of a contingency operation, the custody order that was in effect immediately preceding the date of the deployment of the servicemember is reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (c).

“(c) Exclusion of Military Service From Determination of Child’s Best Interest.—If a motion for the change of custody of the child of a servicemember
is filed, no court may consider the absence of the
servicemember by reason of deployment, or possibility of
deployment, in determining the best interest of the child.

“(d) **NO FEDERAL RIGHT OF ACTION.**—Nothing in
this section shall create a Federal right of action.

“(e) **PREEMPTION.**—In any case where State or Fed-
eral law applicable to a child custody proceeding under
State or Federal law provides a higher standard of protec-
tion to the rights of the parent who is a servicemember
than the rights provided under this section, the State or
Federal court shall apply the State or Federal standard.

“(f) **CONTINGENCY OPERATION DEFINED.**—In this
section, the term ‘contingency operation’ has the meaning
given that term in section 101(a)(13) of title 10, United
States Code, except that the term may include such other
deployments as the Secretary may prescribe.”.

(b) **CLERICAL AMENDMENT.**—The table of contents
in section 1(b) of such Act is amended by adding at the
end of the items relating to title II the following new item:

“208. Child custody protection.”.

**SEC. 585. DEFINITIONS IN FAMILY AND MEDICAL LEAVE
ACT OF 1993 RELATED TO ACTIVE DUTY,
SERVICEMEMBERS, AND RELATED MATTERS.**

(a) **DEFINITION OF COVERED ACTIVE DUTY.**—
(1) DEFINITION.—Paragraph (14) of section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended—

(A) by striking all that precedes “under a call” and inserting the following:

“(14) COVERED ACTIVE DUTY.—The term ‘covered active duty’ means—

“(A) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

“(B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country”; and

(B) by striking “101(a)(13)(B)” and inserting “101(a)(13)’.

(2) LEAVE.—Section 102 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612) is amended—

(A) in subsection (a)(1)(E), by striking “active duty” each place it appears and inserting “covered active duty”; and

(B) in subsection (e)(3)—
(i) in the paragraph heading, by striking “ACTIVE DUTY” and inserting “COVERED ACTIVE DUTY”; and

(ii) by striking “active duty” each place it appears and inserting “covered active duty”.

(3) CONFORMING AMENDMENT.—Section 103(f) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613(f)) is amended, in the subsection heading, by striking “ACTIVE DUTY” both places it appears and inserting “COVERED ACTIVE DUTY”.

(b) DEFINITION OF COVERED SERVICEMEMBER.—Section 101 of the Family and Medical Leave Act of 1993 is further amended by striking paragraph (16) and inserting the following new paragraph:

“(16) COVERED SERVICEMEMBER.—The term ‘covered servicemember’ means—

“(A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
“(B) a veteran who is undergoing medical
treatment, recuperation, or therapy, for a seri-
ous injury or illness and who was a member of
the Armed Forces (including a member of the
National Guard or Reserves) at any time dur-
ing the period of 5 years preceding the date on
which the veteran undergoes that medical treat-
ment, recuperation, or therapy.”.

(e) Definitions of Serious Injury or Illness;
Veteran.—Section 101 of the Family and Medical Leave
Act of 1993 is further amended by striking paragraph
(19) and inserting the following new paragraphs:

“(19) Serious Injury or Illness.—The term
‘serious injury or illness’—

“(A) in the case of a member of the Armed
Forces (including a member of the National
Guard or Reserves), means an injury or illness
incurred by the member in line of duty on cov-
ered active duty in the Armed Forces that may
render the member medically unfit to perform
the duties of the member’s office, grade, rank,
or rating; and

“(B) in the case of a veteran who was a
member of the Armed Forces (including a mem-
er of the National Guard or Reserves) at any
time during a period described in paragraph
(16)(B), means an injury or illness incurred by
the member in line of duty on covered active
duty in the Armed Forces, that manifested
itself after the member became a veteran, and
that may have rendered the member medically
unfit to perform the duties of the member’s of-
vice, grade, rank, or rating on the date the in-
jury or illness was incurred if the injury or ill-
ness had manifested itself on that date.

“(20) Veteran.—The term ‘veteran’ has the
meaning given the term in section 101 of title 38,
United States Code.”.

(d) Technical Amendment.—Section 102(e)(2)(A)
of the Family and Medical Leave Act of 1993 (29 U.S.C.
2612(e)(2)(A)) is amended by striking “or parent” and
inserting “parent, or next of kin (for leave taken under
subsection (a)(3))”.

(e) Effective Date and Regulations.—The
amendments made by this section shall take effect on the
date of the enactment of this Act. Not later than 120 days
after such date, the Secretary of Labor shall issue direct
final conforming regulations solely to implement such
amendments.
SEC. 586. REPORT ON IMPACT OF DOMESTIC VIOLENCE ON MILITARY FAMILIES.

The Comptroller General shall submit to Congress a report containing—

(1) an assessment of the impact of domestic violence in families of members of the Armed Forces on the children of such families; and

(2) information on progress being made to ensure that children of families of members of the Armed Forces receive adequate care and services when such children are exposed to domestic violence.

SEC. 587. OVERSEAS VOTING ADVISORY BOARD.

(a) Establishment; Duties.—There is hereby established the Overseas Voting Advisory Board (hereafter in this Act referred to as the “Board”).

(b) Duties.—

(1) In general.—The Board shall conduct studies and issue reports with respect to the following issues:

(A) The ability of citizens of the United States who reside outside of the United States to register to vote and vote in elections for public office.

(B) Methods to promote voter registration and voting among such citizens.
(C) The effectiveness of the Director of the Federal Voting Assistance Program under the Uniformed and Overseas Citizens Absentee Voting Act in assisting such citizens in registering to vote and casting votes in elections.

(D) The effectiveness of the administration and enforcement of the requirements of the Uniformed and Overseas Citizens Absentee Voting Act.

(E) The need for the enactment of legislation or the adoption of administrative actions to ensure that all Americans who are away from the jurisdiction in which they are eligible to vote because they live overseas or serve in the military (or are a spouse or dependent of someone who serves in the military) are able to register to vote and vote in elections for public office.

(2) REPORTS.—In addition to issuing such reports as it considers appropriate, the Board shall transmit to Congress a report not later than March 31 of each year describing its activities during the previous year, and shall include in that report such recommendations as the Board considers appropriate for legislative or administrative action, including the
provision of funding, to address the issues described in paragraph (1).

(3) Committee hearings on annual report.—During each year, the Committees on Armed Services of the House of Representatives and Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate may each hold a hearing on the annual report submitted by the Board under paragraph (2).

(c) Membership.—

(1) Appointment.—The Board shall be composed of 5 members appointed by the President not later than 6 months after the date of the enactment of this Act, of whom—

(A) 1 shall be appointed from among a list of nominees submitted by the Speaker of the House of Representatives;

(B) 1 shall be appointed from among a list of nominees submitted by the Minority Leader of the House of Representatives;

(C) 1 shall be appointed from among a list of nominees submitted by the Majority Leader of the Senate; and
(D) 1 shall be appointed from among a list
of nominees submitted by the Minority Leader
of the Senate.

(2) QUALIFICATIONS.—An individual may serve
as a member of the Board only if the individual has
experience in election administration and resides or
has resided for an extended period of time overseas
(as a member of the uniformed services or as a civil-
ian), except that the President shall ensure that at
least one member of the Board is a citizen who re-
sides overseas while serving on the Board.

(3) TERMS OF SERVICE.—

(A) IN GENERAL.—Except as provided in
subparagraph (B), each member shall be ap-
pointed for a term of 4 years. A member may
be reappointed for additional terms.

(B) VACANCIES.—A vacancy in the Board
shall be filled in the manner in which the origi-
nal appointment was made. Any member ap-
pointed to fill a vacancy occurring before the
expiration of the term for which the member’s
predecessor was appointed shall be appointed
only for the remainder of that term. A member
may serve after the expiration of that member’s
term until a successor has taken office.
(4) Pay.—

(A) No pay for service.—A member shall serve without pay, except that a member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) Reimbursement of travel expenses by director.—Upon request of the Chairperson of the Board, the Director of the Federal Voting Assistance Program under the Uniformed and Overseas Citizens Absentee Voting Act shall, from amounts made available for the salaries and expenses of the Director, reimburse the Board for any travel expenses paid on behalf of a member under subparagraph (A).

(5) Quorum.—Three members of the Board shall constitute a quorum but a lesser number may hold hearings.

(6) Chairperson.—The members of the Board shall designate one member to serve as Chairperson.

(d) Staff.—

(1) Authority to appoint.—Subject to rules prescribed the Board, the chairperson may appoint
and fix the pay of such staff as the chairperson considers necessary.

(2) Application of Civil Service Laws.—The staff of the Board shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(3) Experts and Consultants.—Subject to rules prescribed by the Board, the Chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(4) Staff of Federal Agencies.—Upon request of the Chairperson, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Board to assist it in carrying out its duties under this Act.

(e) Powers.—

(1) Hearings and Sessions.—The Board may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Board considers
appropriate. The Board may administer oaths or affirmations to witnesses appearing before it.

(2) Obtaining official data.—The Board may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman, the head of that department or agency shall furnish that information to the Board.

(3) Mails.—The Board may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(4) Administrative support services.—Upon the request of the Board, the Administrator of General Services shall provide to the Board, on a reimbursable basis, the administrative support services necessary for the Board to carry out its responsibilities under this Act.

(f) Authorization of Appropriations.—There are authorized to be appropriated to the Board such sums as may be necessary to carry out this section for fiscal year 2010 and each succeeding fiscal year.
SEC. 588. SENSE OF CONGRESS AND REPORT ON INTRA-FAMILIAL ABDUCTION OF CHILDREN OF MILITARY PERSONNEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the intra-familial abduction to foreign countries of children of members of the Armed Forces constitutes a grave violation of the rights of military parents whose children are abducted and poses a significant threat to the psychological well-being and development of the abducted children.

(b) REPORT ON INTRA-FAMILIAL CHILD ABDUCTION EFFECTING ACTIVE DUTY MILITARY PERSONNEL.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and not later than December 31 of calendar year 2010 and each December 31 thereafter, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the programs, projects, and activities carried out by the Department of Defense to assist members of the Armed Forces whose children are abducted.

(2) CONTENTS.—The report required under paragraph (1) shall include information concerning the following:
(A) The total number of children abducted from military parents, with a breakdown of the number of children abducted to each country that is a party to the Hague Convention on the Civil Aspects of International Child Abduction (the “Hague Convention”) and each country that is not a party to the Hague Convention.

(B) The total number of children abducted from military parents who were returned to their military parent, with a breakdown of the number of children returned from each country that is a party to the Hague Convention and each country that is not a party to the Hague Convention, including the average length of time per country that the children spent separated from their military parent, whether the Department of Defense helped facilitate any of the returns, specific actions taken to facilitate the return, and other Departments involved.

(C) Whether these numbers are shared with the Department of State for inclusion in the Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction.
(D) An assessment as to how international child abductions impact the force readiness of affected military personnel.

(E) An assessment of the effectiveness of the centralized office within the Department of Defense responsible for implementing measures to prevent international child abductions and to provide assistance to military personnel, including—

(i) the coordination of international child abduction-related issues between the relevant agencies and departments with the Department of Defense;

(ii) the education of appropriate personnel;

(iii) the coordination with family support offices and other applicable agencies, both within the United States and in host countries, to implement mechanisms for assistance to left behind parents;

(iv) the coordination with the Department of State and National Center for Missing and Exploited Children to provide assistance to left behind parents in obtaining the return of their children; and
(v) the collection of the data required by subparagraphs (A) and (B).

(F) An assessment of the current availability of, and additional need for assistance, including general information, psychological counseling, financial assistance, leave for travel, legal services, and the contact information for the office identified in subparagraph (E), provided by the Department of Defense to left behind military parents for the purpose of obtaining the return of their abducted children and ensuring the force readiness of military personnel.

(G) The means through which available services, information, and activities relating to international child abductions are communicated to left behind military parents.

(H) The proportion of identified left behind military parents who utilize the services and activities referred to in subparagraph (F).

(I) Measures taken by the Department of Defense, including any written policy guidelines, to prevent the abduction of children.

(J) The means by which military personnel are educated on the risks of international child
abduction, particularly when they first arrive on
a base abroad or when the military receives no-
tice that the personnel is considering marriage
or divorce abroad.

(K) The training provided to those who
supply legal assistance to military personnel, in
particular the Armed Forces Legal Assistance
Offices, on the legal aspects of international
child abduction and legal options available to
left behind military parents, including the risks
of conferring jurisdiction on the host country
court system by applying for child custody in
the host country court system.

(L) Which of the Status of Forces Agree-
ments negotiated with host countries, if any,
are written to protect the ability of a member
of the Armed Forces to have international child
abduction cases adjudicated in the member’s
State of legal residence.

(M) The feasibility of including in present
and future Status of Forces Agreements a
framework for the expeditious and just resolu-
tion of intra-familial child abduction.

(N) Identification of potential strategies
for engagement with host countries with high
incidences of military international child abductions.

(O) Whether the Department of Defense has engaged in joint efforts with the State Department to provide a forum, such as a conference, for left behind military parents to share their experiences, network, and develop best practices for securing the return of abducted children, and the assistance provided for left behind parents to attend such an event.

(P) Whether the Department of Defense currently partners with, or intends to partner with, civilian experts on International Child Abduction, to understand the psychological and social implications of this issue upon Department of Defense personnel, and to help develop an effective awareness campaign and training.

Subtitle I—Other Matters

SEC. 591. NAVY GRANTS TO NAVAL SEA CADET CORPS.

(a) GRANTS AUTHORIZED.—Chapter 647 of title 10, United States Code, is amended by inserting after section 7541a the following new section:
“§ 7541b. Authority to make grants to Naval Sea Cadet Corps

Subject to the availability of funds for this purpose, the Secretary of the Navy may make grants to support the purposes of the Naval Sea Cadet Corps, a federally chartered corporation under chapter 1541 of title 36.”.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7541a the following new item:

“7541b. Authority to make grants to Naval Sea Cadet Corps.”.

SEC. 592. IMPROVED RESPONSE AND INVESTIGATION OF ALLEGATIONS OF SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) Comptroller General Report.—

(1) Report required.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report containing a review of the capacity of each service of the Armed Forces to investigate and adjudicate allegations of sexual assault to determine whether there are any barriers that negatively affect the ability of that service to facilitate the investigation and adjudication of such allegations to the full extent of the Uniform Code of Military Justice.
(2) **Elements of report.**—The report required by paragraph (1) shall include a review of the following:

(A) The command processes of each of the Armed Forces for handling allegations of sexual assault (including command guidance, standing orders, and related matters), the staff judge advocate structure of each Armed Force for cases of sexual assault, and the personnel and budget resources allocated to handle allegations of sexual assault.

(B) The extent to which command decisions regarding the disposition of cases properly direct cases to the most-appropriate venue for adjudication.

(C) The effectiveness of personnel training methods regarding investigation and adjudication of sexual assault cases.

(D) The capacity to investigate and adjudicate sexual assault cases in combat zones.

(E) The recommendations of the Defense Task Force on Sexual Assault in the Military regarding investigation and adjudication of sexual assault.
(b) PREVENTION.—Not later than 180 days after the dates of the enactment of this Act, the Secretary of Defense shall develop and submit to the congressional defense committees a sexual assault prevention program, which shall include, at minimum, the following components:

(1) Action plans for reducing the number of sexual assaults, with timelines for implementation of the plans, development tools, and a comprehensive evaluation process.

(2) A mechanism to measure the effectiveness of the program, to include outcome measurement and metrics.

(3) Training programs for commanders and senior enlisted leaders, including pre-command courses.

(4) The budget necessary to permit full implementation of the program.

(c) SEXUAL ASSAULT FORENSIC EXAMS.—

(1) AVAILABILITY OF SEXUAL ASSAULT FORENSIC EXAMS IN COMBAT ZONES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the availability of sexual assault forensic examinations in
combat zones. The report shall include, at a minimum, the following:

(A) The current availability of sexual assault forensic examinations in combat zones.

(B) The barriers to providing sexual assault forensic examinations at all echelons of care in combat zones.

(C) Any legislative actions required to improve the availability of sexual assault forensic examinations in combat zones.

(2) TRICARE COVERAGE FOR FORENSIC EXAMINATION FOLLOWING SEXUAL ASSAULT OR DOMESTIC VIOLENCE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the progress made in implementing section 1079(a)(17) of title 10, United States Code, as added by section 701 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–324; 120 Stat. 2279).

(d) MILITARY PROTECTIVE ORDERS.—

(1) COLLECTION OF STATISTICAL INFORMATION.—Not later than 30 days after the date of enactment of this Act, the Secretary of Defense shall
require that sexual assault statistics collected by the Department of Defense include information on whether a military protective order was issued that involved either the victim or alleged perpetrator of a sexual assault. The Secretary shall include such information in the annual report submitted to Congress on sexual assaults involving members of the Armed Forces.

(2) Information to members.—The Secretary of Defense shall ensure that, when a military protective order is issued to protect a member of the Armed Forces, the member is informed of the right of the member to request a base transfer from the command.

SEC. 593. MODIFICATION OF MATCHING FUND REQUIREMENTS UNDER NATIONAL GUARD YOUTH CHALLENGE PROGRAM.

(a) Authority to increase DOD share of program.—Section 509(d)(1) of title 32, United States Code, is amended by striking “60 percent of the costs” and inserting “75 percent of the costs”.

(b) Effective date.—The amendment made by subsection (a) shall take effect on October 1, 2009, and shall apply with respect to fiscal years beginning on or after that date.
SEC. 594. MODIFICATION OF SERVICEMEMBERS CIVIL RELIEF ACT REGARDING RESIDENTIAL AND MOTOR VEHICLE LEASES.

Section 305(e) of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended to read as follows:

“(e) ARREARAGES AND OTHER OBLIGATIONS AND LIABILITIES.—

“(1) LEASES OF PREMISES.—Rent amounts for a lease described in subsection (b)(1) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, or other obligations and liabilities of the lessee in accordance with the terms of the lease, including reasonable charges to the lessee for excess wear, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.

“(2) LEASES OF MOTOR VEHICLES.—Lease amounts for a lease described in subsection (b)(2) that are unpaid for the period preceding the effective date of the lease termination shall be paid on a prorated basis. The lessor may not impose an early termination charge, but any taxes, summonses, title and registration fees, or other obligations and liabilities of the lessee in accordance with the terms of
the lease, including reasonable charges to the lessee for excess wear or use and mileage, that are due and unpaid at the time of termination of the lease shall be paid by the lessee.’”.

SEC. 595. EXPANSION OF MILITARY LEADERSHIP DIVERSITY COMMISSION TO INCLUDE RESERVE COMPONENT REPRESENTATIVES.

Section 596(b)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4476) is amended by striking subparagraphs (C), (D), (E) and inserting the following new subparagraphs:

“(C) A commissioned officer from each of the Army, Navy, Air Force, Marine Corps, National Guard, and Reserves who serves or has served in a leadership position with either a military department command or combatant command.

“(D) A retired general or flag officer from each of the Army, Navy, Air Force, Marine Corps, National Guard, and Reserves.

“(E) A retired noncommissioned officer from each of the Army, Navy, Air Force, Marine Corps, National Guard, and Reserves.”.
SEC. 596. EXPANSION OF SUICIDE PREVENTION AND COMMUNITY HEALING AND RESPONSE TRAINING UNDER THE YELLOW RIBBON REINTEGRATION PROGRAM.

Section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 122) is amended—

(1) in subsection (h)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4) through (15) as paragraphs (3) through (14), respectively; and

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

“(i) Suicide Prevention and Community Healing and Response Program.—

“(1) Establishment.—As part of the Yellow Ribbon Reintegration Program, the Office for Reintegration Programs shall establish a program to provide National Guard and Reserve members, their families, and their communities with training in suicide prevention and community healing and response to suicide.

“(2) Design.—In establishing the program under paragraph (1), the Office for Reintegration Programs shall consult with—

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“(A) persons that have experience and expertise with combining military and civilian intervention strategies that reduce risk and promote healing after a suicide attempt or suicide death for National Guard and Reserve members; and

“(B) the adjutant general of each state, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the Virgin Islands.

“(3) OPERATION.—

“(A) SUICIDE PREVENTION TRAINING.— The Office for Reintegration Programs shall provide National Guard and Reserve members with training in suicide prevention. Such training shall include—

“(i) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

“(ii) examining the influence of military culture on risk and protective factors for suicide; and

“(iii) engaging in interactive case scenarios and role plays to practice effective intervention strategies.
“(B) COMMUNITY HEALING AND RESPONSE TRAINING.—The Office for Reintegration Programs shall provide the families and communities of National Guard and Reserve members with training in responses to suicide that promote individual and community healing. Such training shall include—

“(i) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

“(ii) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

“(iii) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

“(iv) managing resources to assist key community and military service providers in helping the families, friends, and fellow soldiers of a suicide victim through the processes of grieving and healing.

“(C) COLLABORATION WITH CENTERS OF EXCELLENCE.—The Office for Reintegration
Programs, in consultation with the Defense Centers of Excellence for Psychological Health and Traumatic Brain Injury, shall collect and analyze ‘lessons learned’ and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.”

SEC. 597. REPORT ON PROGRESS IN COMPLETING DEFENSE INCIDENT-BASED REPORTING SYSTEM.

Not later than 120 days after the date of the enactment of this Act, and every 6 months thereafter, the Secretary of Defense shall submit to Congress a report detailing the progress of the Secretary with respect to the Defense Incident-Based Reporting System.

SEC. 598. LEGAL ASSISTANCE FOR ADDITIONAL RESERVE COMPONENT MEMBERS.

Section 1044(a)(4) of title 10, United States Code, is amended by striking “the Secretary of Defense), for a period of time, prescribed by the Secretary of Defense,” and inserting “the Secretary), for a period of time (prescribed by the Secretary)”.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2010 increase in military basic pay.
Sec. 602. Special monthly compensation allowance for members with combat-related catastrophic injuries or illnesses pending their retirement or separation for physical disability.

Sec. 603. Stabilization of pay and allowances for senior enlisted members and warrant officers appointed as officers and officers reappointed in a lower grade.

Sec. 604. Report on housing standards used to determine basic allowance for housing.

Subtitle B—Bonuses and Special and Incentive Pays

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

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

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

Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.

Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pay.

Sec. 616. One-year extension of authorities relating to payment of referral bonuses.

Sec. 617. Technical corrections and conforming amendments to reconcile conflicting amendments regarding continued payment of bonuses and similar benefits for certain members.

Sec. 618. Proration of certain special and incentive pays to reflect time during which a member satisfies eligibility requirements for the special or incentive pay.

Subtitle C—Travel and Transportation Allowances

Sec. 631. Transportation of additional motor vehicle of members on change of permanent station to or from nonforeign areas outside the continental United States.

Sec. 632. Travel and transportation allowances for designated individuals of wounded, ill, or injured members for duration of inpatient treatment.

Sec. 633. Authorized travel and transportation allowances for non-medical attendants for very seriously and seriously wounded, ill, or injured members.

Sec. 634. Increased weight allowance for transportation of baggage and household effects for certain enlisted members.

Subtitle D—Retired Pay and Survivor Benefits

Sec. 641. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.

Sec. 642. Election to receive retired pay for non-regular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.

Subtitle E—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Additional exception to limitation on use of appropriated funds for Department of Defense golf courses.
Sec. 652. Limitation on Department of Defense entities offering personal information services to members and their dependents.
Sec. 653. Report on impact of purchasing from local distributors all alcoholic beverages for resale on military installations on Guam.

Subtitle F—Other Matters
Sec. 661. Limitations on collection of overpayments of pay and allowances erroneously paid to members.
Sec. 662. Army authority to provide additional recruitment incentives.
Sec. 663. Benefits under Post-Deployment/Mobilization Respite Absence program for certain periods before implementation of program.
Sec. 664. Sense of Congress regarding support for compensation, retirement, and other military personnel programs.

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2010 INCREASE IN MILITARY BASIC PAY.
(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2010 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, 2010, the rates of monthly basic pay for members of the uniformed services are increased by 3.4 percent.

SEC. 602. SPECIAL MONTHLY COMPENSATION ALLOWANCE FOR MEMBERS WITH COMBAT-RELATED CATASTROPHIC INJURIES OR ILLNESSES PENDING THEIR RETIREMENT OR SEPARATION FOR PHYSICAL DISABILITY.
(a) IN GENERAL.—Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:
§ 439. Special monthly compensation: members with combat-related catastrophic injuries or illnesses pending their retirement or separation for physical disability

(a) Compensation Authorized.—(1) The Secretary concerned may pay to any member of the uniformed services described in paragraph (2) a special monthly compensation in an amount determined under subsection (b).

(2) Subject to paragraph (3), a member eligible for the compensation authorized by paragraph (1) is a member—

(A) who has a combat-related catastrophic injury or illness; and

(B) who has been certified by a licensed physician as being in need of assistance from another person to perform the personal functions required in everyday living; and

(3) The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) may establish additional eligibility criteria in the regulations required by subsection (e).

(b) Authorized Amount of Compensation.—(1) The amount of the special monthly compensation authorized by subsection (a) shall be determined under criteria prescribed in the regulations required by subsection (e), except that the amount may not exceed the amount of the

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aid and attendance allowance authorized by section 1114(r) of title 38 for veterans in need of regular aid and attendance.

“(2) In determining the amount of the special monthly compensation to be provided to a member, the Secretary concerned shall consider the extent to which—

“(A) home health care and related services are being provided to the member by the Government; and

“(B) aid and attendance services are being provided by family and friends of the member who may be compensated with funds provided through the special monthly compensation authorized by this section.

“(c) TERMINATION.—The eligibility of a member to receive special monthly compensation under subsection (a) terminates on the earlier of the following:

“(1) The first month following the end of the 90-day period beginning on the date of the separation or retirement of the member.

“(2) The first month beginning after the death of the member.

“(3) The first month beginning after the date on which the member is determined to be no longer afflicted with a catastrophic injury or illness.
“(d) DEFINITIONS.—In this section:

“(1) The term ‘catastrophic injury or illness’ means a permanent, severely disabling injury, disorder, or illness that the Secretary concerned determines compromises the ability of the afflicted person to carry out the activities of daily living to such a degree that the person requires—

“(A) personal or mechanical assistance to leave home or bed; or

“(B) constant supervision to avoid physical harm to self or others.

“(2) The term ‘combat-related’, with respect to a catastrophic injury or illness, means a wound, injury, or illness for which the member involved was awarded the Purple Heart or that was incurred as described in section 1413a(e)(2) of title 10.

“(e) REGULATIONS.—The Secretary of Defense (or the Secretary of Homeland Security, with respect to the Coast Guard) shall prescribe regulations to carry out this section.”.

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

“439. Special monthly compensation: members with combat-related catastrophic injuries or illnesses pending their retirement or separation for physical disability.”.
SEC. 603. STABILIZATION OF PAY AND ALLOWANCES FOR SENIOR ENLISTED MEMBERS AND WARRANT OFFICERS APPOINTED AS OFFICERS AND OFFICERS REAPPOINTED IN A LOWER GRADE.

(a) In General.—Section 907 of title 37, United States Code, is amended to read as follows:

“§ 907. Members appointed or reappointed as officers: no reduction in pay and allowances

“(a) STABILIZATION OF PAY AND ALLOWANCES.—A member of the armed forces who accepts an appointment or reappointment as an officer without a break in service shall, for service as an officer, be paid the greater of—

“(1) the pay and allowances to which the officer is entitled as an officer; or

“(2) the pay and allowances to which the officer would be entitled if the officer were in the last grade the officer held before the appointment or reappointment as an officer.

“(b) COVERED PAYS.—(1) Subject to paragraphs (2) and (3), for the purposes of this section, the pay of a grade formerly held by an officer described in subsection (a) include special and incentive pays under chapter 5 of this title.

“(2) In determining the amount of the pay of a grade formerly held by an officer, special and incentive pays may be considered only so long as the officer continues to per-
form the duty that creates the entitlement to, or eligibility for, that pay and would otherwise be eligible to receive that pay in the former grade.

“(3) Special and incentive pays that are dependent on a member being in an enlisted status may not be considered in determining the amount of the pay of a grade formerly held by an officer.

“(c) COVERED ALLOWANCES.—(1) Subject to paragraph (2), for the purposes of this section, the allowances of a grade formerly held by an officer described in subsection (a) include allowances under chapter 7 of this title.

“(2) The clothing allowance under section 418 of this title may not be considered in determining the amount of the allowances of a grade formerly held by an officer described in subsection (a) if the officer is entitled to a uniform allowance under section 415 of this title.

“(d) RATES OF PAY AND ALLOWANCES.—For the purposes of this section, the rates of pay and allowances of a grade that an officer formerly held are those rates that the officer would be entitled to had the officer remained in that grade and continued to receive the increases in pay and allowances authorized for that grade, as otherwise provided in this title or other provisions of law.”.
(b) Clerical Amendment.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 907 and inserting the following new item:

“907. Members appointed or reappointed as officers: no reduction in pay and allowances.”

SEC. 604. REPORT ON HOUSING STANDARDS USED TO DETERMINE BASIC ALLOWANCE FOR HOUSING.

(a) Report Required.—Not later than July 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(1) a review of the housing standards used to determine the monthly rates of basic allowance for housing under section 403 of title 37, United States Code; and

(2) such recommended changes to the standards, including an estimate of the cost of each recommended change, as the Secretary considers appropriate.

(b) Elements of Review.—The Secretary shall consider whether the housing standards are suitable in terms of—

(1) recognizing the societal needs and expectations of families in the United States;

(2) providing for an appropriate quality of life for members of the Armed Forces in all grades; and
(3) recognizing the appropriate rewards and
prestige associated with promotion to higher military
grades throughout the rank structure.

Subtitle B—Bonuses and Special
and Incentive Pays

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

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

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

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

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

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

(5) Section 308h(e), relating to Ready Reserve
enlistment and reenlistment bonus for persons with
prior service.
(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

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

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

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

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

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.
(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

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

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

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

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

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:
(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

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

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

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

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

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

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

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

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.
(6) Section 351(i), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

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

(9) Section 355(i), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAY.

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

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

(2) Section 307a(g), relating to assignment incentive pay.

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

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

(5) Section 324(g), relating to accession bonus for new officers in critical skills.
(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

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

SEC. 616. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

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

(1) Section 1030(i), relating to health professions referral bonus.

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

SEC. 617. TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS TO RECONCILE CONFLICTING AMENDMENTS REGARDING CONTINUED PAYMENT OF BONUSES AND SIMILAR BENEFITS FOR CERTAIN MEMBERS.

(a) Technical Corrections to Reconcile Conflicting Amendments.—Section 303a(e) of title 37, United States Code, is amended—
(1) in paragraph (1)(A), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”; 
(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; 
(3) in paragraph (5), as so redesignated, by striking “paragraph (3)(B)” and inserting “paragraph (4)(B)”;
(4) by redesignating paragraph (2), as added by section 651(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (3); and 
(5) by redesignating the second subparagraph (B) of paragraph (1), originally added as paragraph (2) by section 2(a)(3) of the Hubbard Act (Public Law 110–317; 122 Stat. 3526) and erroneously designated as subparagraph (B) by section 651(a)(3) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (2).

(b) INCLUSION OF HUBBARD ACT AMENDMENT IN CONSOLIDATED SPECIAL PAY AND BONUS AUTHORITIES.—Section 373(b) of such title is amended—
(1) in paragraph (2), by striking the paragraph heading and inserting “SPECIAL RULE FOR DE-
CEASED AND DISABLED MEMBERS.—”; and

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

“(3) SPECIAL RULE FOR MEMBERS WHO RE-
CEIVE SOLE SURVIVORSHIP DISCHARGE.—(A) If a
member of the uniformed services receives a sole
survivorship discharge, the Secretary concerned—

“(i) shall not require repayment by the
member of the unearned portion of any bonus,
incentive pay, or similar benefit previously paid
to the member; and

“(ii) may grant an exception to the re-
quirement to terminate the payment of any un-
paid amounts of a bonus, incentive pay, or simi-
lar benefit if the Secretary concerned deter-
mines that termination of the payment of the
unpaid amounts would be contrary to a per-
sonnel policy or management objective, would
be against equity and good conscience, or would
be contrary to the best interests of the United
States.

“(B) In this paragraph, the term ‘sole survivor-
ship discharge’ means the separation of a member
from the Armed Forces, at the request of the mem-
ber, pursuant to the Department of Defense policy
permitting the early separation of a member who is
the only surviving child in a family in which—

“(i) the father or mother or one or more
siblings—

“(I) served in the Armed Forces; and
“(II) was killed, died as a result of
wounds, accident, or disease, is in a cap-
tured or missing in action status, or is per-
manently 100 percent disabled or hospital-
ized on a continuing basis (and is not em-
ployed gainfully because of the disability or
hospitalization); and

“(ii) the death, status, or disability did not
result from the intentional misconduct or willful
neglect of the parent or sibling and was not in-
curred during a period of unauthorized ab-
sence.”.
SEC. 618. PRORATION OF CERTAIN SPECIAL AND INCENTIVE PAYS TO REFLECT TIME DURING WHICH A MEMBER SATISFIES ELIGIBILITY REQUIREMENTS FOR THE SPECIAL OR INCENTIVE PAY.

(a) Special Pay for Duty Subject to Hostile Fire or Imminent Danger.—Section 310 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “AND SPECIAL PAY AMOUNT” in the subsection heading; and

(B) by striking “at the rate of $225 for any month” in the matter preceding paragraph (1) and inserting “under subsection (b) for any month or portion of a month”;

(2) in subsection (c), by striking paragraph (3);

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

(4) by inserting after subsection (a) the following new subsection:

“(b) Special Pay Amount; Proration.—(1) The special pay authorized by subsection (a) may not exceed $225 a month.

“(2) Except as provided in subsection (c), if a member does not satisfy the eligibility requirements specified in paragraphs (1) and (2) of subsection (a) for an entire
month for receipt of special pay under subsection (a), the Secretary concerned may prorate the payment amount to reflect the duration of the member’s actual qualifying service during the month.”.

(b) HAZARDOUS DUTY PAY.—Section 351 of such title is amended—

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

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

“(c) METHOD OF PAYMENT; PRORATION.—

“(1) MONTHLY PAYMENT.—Subject to paragraph (2), hazardous duty pay shall be paid on a monthly basis.

“(2) PRORATION.—If a member does not satisfy the eligibility requirements specified in paragraph (1), (2), or (3) of subsection (a) for an entire month for receipt of hazardous duty pay, the Secretary concerned may prorate the payment amount to reflect the duration of the member’s actual qualifying service during the month.”.

(e) ASSIGNMENT OR SPECIAL DUTY PAY.—Section 352(b)(1) of such title is amended by adding at the end the following new sentence: “If paid monthly, the Sec-
retary concerned may prorate the monthly amount of the
assignment or special duty pay for a member who does
not satisfy the eligibility requirement for an entire month
to reflect the duration of the member’s actual qualifying
service during the month.”.

(d) SKILL INCENTIVE PAY.—Section 353 of such title
is amended—

(1) by striking subsection (f) and redesignating
subsections (g) through (j) as subsections (f)
through (i), respectively; and

(2) in subsection (c), by striking paragraph (1)
and inserting the following new paragraph:

“(1) SKILL INCENTIVE PAY.—(A) Skill incen-
tive pay under subsection (a) may not exceed $1,000
a month.

“(B) If a member does not satisfy the eligibility
requirements specified in paragraphs (1) and (2) of
subsection (a) for an entire month for receipt of skill
incentive pay, the Secretary concerned may prorate
the payment amount to reflect the duration of the
member’s actual qualifying service during the
month. A member of a reserve component entitled to
compensation under section 206 of this title who is
authorized skill incentive pay under subsection (a)
may be paid an amount of such pay that is propor-
tionate to the compensation received by the member
under section 206 of this title for inactive-duty
training.

(e) Application of Amendments.—The amend-
ments made by this section shall apply with respect to
months beginning 90 or more days after the date of the
enactment of this Act.

SEC. 619. ADDITIONAL SPECIAL PAYS AND BONUSES AU-
THORIZED FOR MEMBERS AGREEING TO
SERVE IN AFGHANISTAN FOR THE DURATION
OF THE UNITED STATES MISSION.

(a) Authority to Develop Demonstration Pro-
gram.—Notwithstanding the limitations specified in sub-
section (b) of section 352 of title 37, United States Code,
on the maximum amount of assignment or special duty
pay that may be paid to a member of the Armed Forces
under such section, the Secretary of Defense may develop
a program to provide additional special pays and bonuses
to members (particularly members who score a 4.0 on the
Foreign Service Institute test for the dominant languages
of Pashto and Dari) who agree to serve on active duty
in Afghanistan for 6 years or the duration of the United
States mission in Afghanistan, whichever occurs first. The
assignment period required by the agreement shall provide
for reasonable periods of leave.
(b) Relation to Other Authorities.—A program developed under subsection (a) may be provided—

(1) without regard to the lack of specific authority for the program or policy under title 10 or title 37, United States Code; and

(2) notwithstanding any provision of such titles, or any rule or regulation prescribed under such provision, relating to methods of—

(A) determining requirements for operational assignment stability; and

(B) establishing programs to achieve greater stability when operational requirements so dictate.

(c) Waiver of Otherwise Applicable Laws.—Except as provided in subsection (a), a provision of title 10 or title 37, United States Code, may not be waived with respect to, or otherwise determined to be inapplicable to, a program developed under subsection (a) without the approval of the Secretary of Defense.

(d) Notice and Wait Requirement.—A program initiated under subsection (a) may not be implemented until—

(1) the Secretary of the Defense submits to Congress—
(A) a description of the program, including
the purpose and the expected benefit to the
Government;

(B) a description of the provisions of titles
10, or 37, United States Code, from which the
program would require a waiver, and the ration-
ale to support the waiver;

(C) a statement of the anticipated out-
comes as a result of implementing the program;

and

(D) the method to be used to evaluate the
effectiveness of the program.

(e) DURATION OF DEVELOPED PROGRAM.—A pro-
gram developed under subsection (a) may be provided for
not longer than a three-year period beginning on the im-
plementation date, except that the Secretary of Defense
may extend the period if the Secretary determines that
additional time is needed to fully evaluate the effectiveness
of the program.

(f) REPORTING REQUIREMENTS.—

(1) REPORT.—The Secretary shall submit to
Congress an annual report on the program provided
under subsection (a) during the preceding year, in-
cluding—
(A) a description of any programs developed and fielded under subsection (a) during that fiscal year; and

(B) an assessment of the impact of the programs on the effectiveness and efficiency in achieving the United States mission in Afghanistan.

(g) TERMINATION OF AUTHORITY.—Subject to subsection (e), the authority to carry out a program under this section expires on December 31, 2012.

Subtitle C—Travel and Transportation Allowances

SEC. 631. TRANSPORTATION OF ADDITIONAL MOTOR VEHICLE OF MEMBERS ON CHANGE OF PERMANENT STATION TO OR FROM NONFOREIGN AREAS OUTSIDE THE CONTINENTAL UNITED STATES.

(a) AUTHORITY TO TRANSPORT ADDITIONAL MOTOR VEHICLE.—Subsection (a) of section 2634 of title 10, United States Code, is amended—

(1) by striking the sentence following paragraph (4);

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;
(3) by inserting “(1)” after “(a)”; and

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

“(2) One additional motor vehicle of a member (or a dependent of the member) may be transported as provided in paragraph (1) if—

“(A) the member is ordered to make a change of permanent station to or from a nonforeign area outside the continental United States and the member has at least one dependent of driving age who will use the motor vehicle; or

“(B) the Secretary concerned determines that a replacement for the motor vehicle transported under paragraph (1) is necessary for reasons beyond the control of the member and is in the interest of the United States and the Secretary approves the transportation in advance.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) by striking “his dependents” and inserting “a dependent of the member”; 

(2) by striking “him” and inserting “the member”;

(3) by striking “his)” and inserting “the member)”;

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(4) by striking “his new” and inserting “the member’s new”; and

(5) in paragraph (1)(C), as redesignated by subsection (a), by striking “clauses (1) and (2)” and inserting “subparagraphs (A) and (B)”.

(c) Effective Date.—Paragraph (2)(A) of subsection (a) of section 2634 of title 10, United States Code, as added by subsection (a)(4), shall apply with respect to orders issued on or after the date of the enactment of this Act for members of the Armed Forces to make a change of permanent station to or from nonforeign areas outside the continental United States.

SEC. 632. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DESIGNATED INDIVIDUALS OF WOUNDED, ILL, OR INJURED MEMBERS FOR DURATION OF INPATIENT TREATMENT.

(a) Authority to Provide Travel to Designated Individuals.—Subsection (a) of section 411h of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “family members of a member described in paragraph (2)” and inserting “individuals who, with respect to a member described in paragraph (2), are designated individuals for that member”;

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(B) by striking “that the presence of the family member” and inserting “that the presence of the designated individual”; and

(C) by striking “of family members” and inserting “of designated individuals”; and

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

“(4) In the case of a designated individual who is also a member of the uniformed services, that member may be provided travel and transportation under this section in the same manner as a designated individual who is not a member.”.

(b) DEFINITION OF DESIGNATED INDIVIDUAL.—

Subsection (b) of such section is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) In this section, the term ‘designated individual’, with respect to a member, means—

“(A) an individual designated by the member for the purposes of this section; or

“(B) in the case of a member who has not made a designation under subparagraph (A) and, as determined by the attending physician or surgeon, is not able to make such a designation, an individual who, as designated by the attending physician or
surgeon and the commander or head of the military medical facility exercising control over the member, is someone with a personal relationship to the member whose presence would aid and support the health and welfare of the member during the duration of the member’s inpatient treatment.

“(2) The designation of an individual as a designated individual for purposes of this section may be changed at any time.”.

(c) COVERAGE OF MEMBERS HOSPITALIZED OUTSIDE THE UNITED STATES WHO WERE WOUNDED OR INJURED IN A COMBAT OPERATION OR COMBAT ZONE.—

(1) COVERAGE FOR HOSPITALIZATION OUTSIDE THE UNITED STATES.—Subparagraph (B) of section (a)(2) of such section is amended—

(A) in clause (i), by striking “in or outside the United States”; and

(B) in clause (ii), by striking “in the United States”.

(2) CLARIFICATION OF MEMBERS COVERED.—

Such subparagraph is further amended—

(A) in clause (i), by inserting “seriously wounded,” after “(i) is”; and

(B) in clause (ii)—
(i) by striking “an injury” and inserting “a wound or an injury”; and

(ii) by striking “that injury” and inserting “that wound or injury”.

(d) FREQUENCY OF AUTHORIZED TRAVEL.——Paragraph (3) of subsection (a) of such section is amended to read as follows:

“(3)(A) Not more than a total of three round trips may be provided under paragraph (1) in any 60-day period at Government expense to the individuals who are the designated individuals of a member during that period.

“(B) If the Secretary concerned has waived the limitation in paragraph (1) on the number of designated individuals for a member, then for any 60-day period during which the waiver is in effect, the limitation in subparagraph (A) shall be adjusted accordingly.

“(C) During any period during which there is in effect a non-medical attendant designation for a member, not more than a total of two round trips may be provided under paragraph (1) in any 60-day period at Government expense until a non-medical attendant is no longer designated or that designation transfers to another individual, in which case during the transfer period three round trips may be provided.”.
(e) STYLISTIC AND CONFORMING AMENDMENTS.—

Such section is further amended—

(1) in subsection (a), by inserting “TRAVEL AND TRANSPORTATION AUTHORIZED.—” after “(a)”;

(2) in subsection (b), by inserting “DEFINITIONS.—” after “(b)”;

(3) in subsection (c)—

(A) by inserting “ROUND TRIP TRANSPORTATION AND PER DIEM ALLOWANCE.—” after “(c)”;

and

(B) in paragraph (1), by striking “family member” and inserting “designated individual”;

and

(4) in subsection (d), by inserting “METHOD OF TRANSPORTATION AUTHORIZED.—” after “(d)”.

(f) CLERICAL AMENDMENTS.—

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

“§ 411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 7 of such title is amend-
ed by striking the item relating to section 411h and
inserting the following new item:

“411h. Travel and transportation allowances: transportation of designated individuals incident to hospitalization of members for treatment of wounds, illness, or injury.”.

(g) Conforming Amendment to Wounded Warrior Act.—Paragraph (4) of section 1602 of the Wounded Warrior Act (title XVI of Public Law 110–181; 10 U.S.C. 1071 note) is amended to read as follows:

“(4) Eligible family member.—(A) The term ‘eligible family member’ means a family member who is on invitational travel orders or serving as a non-medical attendee while caring for a recovering service member for more than 45 days during a one-year period.

“(B) For purposes of subparagraph (A), the term ‘family member’, with respect to a recovering service member, means the following:

“(i) The member’s spouse.

“(ii) Children of the member (including stepchildren, adopted children, and illegitimate children).

“(iii) Parents of the member or persons in loco parentis to the member, including fathers and mothers through adoption and persons who stood in loco parentis to the member for a period not less than 1 year immediately before the
member entered the uniformed service, except that only one father and one mother or their counterparts in loco parentis may be recognized in any one case.

“(iv) Siblings of the member. Such term includes a person related to the member as described in clause (i), (ii), (iii), or (iv) who is also a member of the uniformed services.”

(h) Applicability of Amendments.—No reimbursement may be provided under section 411h of title 37, United States Code, by reason of the amendments made by this section for travel and transportation costs incurred before the date of the enactment of this Act.

SEC. 633. AUTHORIZED TRAVEL AND TRANSPORTATION ALLOWANCES FOR NON-MEDICAL ATTENDANTS FOR VERY SERIOUSLY AND SERIOUSLY WOUNDED, ILL, OR INJURED MEMBERS.

(a) Payment of Travel Costs 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: non-medical attendants for members who are determined to be very seriously or seriously wounded, ill, or injured

(a) ALLOWANCE FOR NON-MEDICAL ATTENDANT.—(1) Under uniform regulations prescribed by the Secretaries concerned, travel and transportation described in subsection (d) may be provided for a qualified non-medical attendant for a covered member of the uniformed services described in subsection (c) if the attending physician or surgeon and the commander or head of the military medical facility exercising control over the member determine that the presence of such an attendant may contribute to the member’s health and welfare.

(b) QUALIFIED NON-MEDICAL ATTENDANT.—For purposes of this section, a qualified non-medical attendant, with respect to a covered member, is an individual who—

(1) is designated by the member to be a non-medical attendant for the member for purposes of this section; and

(2) is determined by the attending physician or surgeon and the commander or head of the military medical facility to be appropriate to serve as a non-medical attendant for the member and whose
presence may contribute to the health and welfare of the member.

“(c) Covered Members.—A member of the uniformed services covered by this section is a member who—

“(1) as a result of a wound, illness, or injury, has been determined by the attending physician or surgeon to be in the category known as ‘very seriously wounded, ill, or injured’ or ‘seriously wounded, ill, or injured’; and

“(2) is hospitalized for treatment of the wound, illness, or injury or requires continuing outpatient treatment for the wound, illness, or injury.

“(d) Authorized Travel and Transportation.—(1) The transportation authorized by subsection (a) for a qualified non-medical attendant for a member is round-trip transportation between the home of the attendant and the location at which the member is receiving treatment and may include transportation, while accompanying the member, to any other location to which the member is subsequently transferred for further treatment. A designated non-medical attendant under this section may not also be a designated individual for travel and transportation allowances section 411h(a) of this title.

“(2) The transportation authorized by subsection (a) includes any travel necessary to obtain treatment for the
member at the location to which the member is perma-
ently assigned.

“(3) In addition to the transportation authorized by
subsection (a), the Secretary concerned may provide a per
diem allowance or reimbursement for the actual and nec-
essary expenses of the travel, or a combination thereof,
but not to exceed the rates established under section
404(d) of this title.

“(4) The transportation authorized by subsection (a)
may be provided by any of the following means:

“(A) Transportation in-kind.

“(B) A monetary allowance in place of trans-
portation in-kind at a rate to be prescribed by the
Secretaries concerned.

“(C) Reimbursement for the commercial cost of
transportation.

“(5) An allowance payable under this subsection may
be paid in advance.

“(6) Reimbursement payable under this subsection
may not exceed the cost of Government-procured commer-
cial round-trip air travel.”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of such chapter is amended
by inserting after the item related to section 411j
the following new item:
“411k. Travel and transportation allowances: non-medical attendants for members determined to be very seriously or seriously wounded, ill, or injured.”.

(b) APPLICABILITY.—No reimbursement may be provided under section 411k of title 37, United States Code, as added by subsection (a), for travel and transportation costs incurred before the date of the enactment of this Act.

SEC. 634. INCREASED WEIGHT ALLOWANCE FOR TRANSPORTATION OF BAGGAGE AND HOUSEHOLD EFFECTS FOR CERTAIN ENLISTED MEMBERS.

(a) ALLOWANCE.—The table in section 406(b)(1)(C) of title 37, United States Code, is amended by striking the items relating to pay grades E–5 through E–9 and inserting the following new items:

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>Without Dependents</th>
<th>With Dependents</th>
</tr>
</thead>
<tbody>
<tr>
<td>“E–9”</td>
<td>13,500</td>
<td>15,500</td>
</tr>
<tr>
<td>E–8</td>
<td>12,500</td>
<td>14,500</td>
</tr>
<tr>
<td>E–7</td>
<td>11,500</td>
<td>13,500</td>
</tr>
<tr>
<td>E–6</td>
<td>8,500</td>
<td>11,500</td>
</tr>
<tr>
<td>E–5</td>
<td>7,500</td>
<td>9,500”</td>
</tr>
</tbody>
</table>

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2009.

(e) FUNDING SOURCE.—Of the amounts authorized to be appropriated to the Department of Defense for military personnel accounts for fiscal year 2010, not more than $31,000,000 shall be available to cover the additional costs incurred to implement the amendment made by subsection (a).
Subtitle D—Retired Pay and Survivor Benefits

SEC. 641. RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RESERVE RETIREES TO REFLECT SERVICE AFTER RETIREMENT.

(a) Recomputation of Retired Pay.—Section 12739 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) If a member of the Retired Reserve is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to the recomputation under this section of the retired pay of the member.

“(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

“(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

“(B) completes at least 6 months of service in such position; and
“(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.”.

(b) ADJUSTMENT OF RETIRED GRADE.—Section 12771 of such title is amended—

(1) by striking “Unless” and inserting “(a) GRADE ON TRANSFER.—Unless”; and

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

“(b) EFFECT OF SUBSEQUENT RECALL TO ACTIVE STATUS.—(1) If a member of the Retired Reserve who is a commissioned officer is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to an adjustment in the retired grade of the member in the manner provided in section 1370(d) of this title.

“(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

“(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;
“(B) completes at least 6 months of service in such position; and

“(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.”.

(e) Retroactive Applicability.—The amendments made by this section shall take effect as of January 1, 2008.

SEC. 642. ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE RESERVE STATUS PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.

(a) Election Authority; Requirements.—Subsection (a) of section 12741 of title 10, United States Code, is amended to read as follows:

“(a) Authority to Elect to Receive Reserve Retired Pay.—(1) Notwithstanding the requirement in paragraph (4) of section 12731(a) of this title that a person may not receive retired pay under this chapter when the person is entitled, under any other provision of law, to retired pay or retainer pay, a person may elect to receive retired pay under this chapter, instead of receiving
retired or retainer pay under chapter 65, 367, 571, or 867 of this title, if the person—

“(A) satisfies the requirements specified in paragraphs (1) and (2) of such section for entitlement to retired pay under this chapter;

“(B) served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 65, 367, 571, or 867 of this title (without regard to whether the person actually retired or received retired or retainer pay under one of those chapters); and

“(C) completed not less than two years of satisfactory service (as determined by the Secretary concerned) in such active status (excluding any period of active service).

“(2) The Secretary concerned may reduce the minimum two-year service requirement specified in paragraph (1)(C) in the case of a person who—

“(A) completed at least 6 months of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

“(B) failed to complete the minimum years of service solely because the appointment of the person
to such position was terminated or vacated as described in section 324(b) of title 32.”.

(b) ACTIONS TO EFFECTUATE ELECTION.—Subsection (b) of such section is amended by striking paragraph (1) and inserting the following new paragraph:

“(1) terminate the eligibility of the person to retire under chapter 65, 367, 571, or 867 of this title, if the person is not already retired under one of those chapters, and terminate entitlement of the person to retired or retainer pay under one of those chapters, if the person was already receiving retired or retainer pay under one of those chapters; and”.

(c) CONFORMING AMENDMENT TO REFLECT NEW VARIABLE AGE REQUIREMENT FOR RETIREMENT.—Subsection (d) of such section is amended—

(1) in paragraph (1), by striking “attains 60 years of age” and inserting “attains the eligibility age applicable to the person under section 12731(f) of this title”; and

(2) in paragraph (2)(A), by striking “attains 60 years of age” and inserting “attains the eligibility age applicable to the person under such section”.

(d) CLERICAL AMENDMENTS.—
(1) **Section heading.**—The heading for section 12741 of such title is amended to read as follows:

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§ 12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.
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(2) **Table of sections.**—The table of sections at the beginning of chapter 1223 of such title is amended by striking the item relating to section 12741 and inserting the following new item:

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12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.
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(e) **Retroactive applicability.**—The amendments made by this section shall take effect as of January 1, 2008.

**Subtitle E—Commissary and Non-appropriated Fund Instrumentality Benefits and Operations**

**SEC. 651. ADDITIONAL EXCEPTION TO LIMITATION ON USE OF APPROPRIATED FUNDS FOR DEPARTMENT OF DEFENSE GOLF COURSES.**

Section 2491a of title 10, United States Code, is amended—
(1) by redesignating paragraph (2) of subsection (b) as subsection (e) and, in such subsection (as so redesignated)—

(A) by inserting “REGULATIONS.—” before “The Secretary”; and

(B) by striking “this subsection” and inserting “subsection (b)”; and

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

“(2) Subsection (a) does not apply to the purchase, operation, or maintenance of equipment intended to ensure compliance with the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).”.

SEC. 652. LIMITATION ON DEPARTMENT OF DEFENSE ENTITIES OFFERING PERSONAL INFORMATION SERVICES TO MEMBERS AND THEIR DEPENDENTS.

(a) IMPOSITION OF LIMITATION.—Subchapter III of chapter 147 of title 10, United States Code, is amended by inserting after section 2492 the following new section:

“§ 2492a. Limitation on Department of Defense entities competing with private sector in offering personal information services

“(a) LIMITATION.—Notwithstanding section 2492 of this title, the Secretary of Defense may not authorize a
Department of Defense entity to offer or provide personal information services using Department resources, personnel, or equipment, or compete for contracts to provide such personal information services, if users will be charged a fee for the personal information services to recover the cost incurred to provide the services or to earn a profit.

“(b) EXCEPTIONS.—Subsection (a) shall not apply if the Secretary of Defense determines that—

“(1) a private sector vendor is not available to provide the personal information services at specific locations; or

“(2) the interests of the user population would be best served by allowing the Government to provide such services.

“(c) PERSONAL INFORMATION SERVICES DEFINED.—In this section, the term ‘personal information services’ means the provision of Internet, telephone, or television services to consumers.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after section 2492 the following new item:

“2492a. Limitation on Department of Defense entities competing with private sector in offering personal information services.”.

(c) EFFECT ON EXISTING CONTRACTS.—Section 2492a of title 10, United States Code, as added by subsection (a), does not affect the validity or terms of any
contract for the provision of personal information services entered into before the date of the enactment of this Act.

SEC. 653. REPORT ON IMPACT OF PURCHASING FROM LOCAL DISTRIBUTORS ALL ALCOHOLIC BEVERAGES FOR RESALE ON MILITARY INSTALLATIONS ON GUAM.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report evaluating the impact of reimposing the requirement, effective for fiscal year 2008 pursuant to section 8073 of the Department of Defense Appropriations Act, 2008 (division A of Public Law 110–116; 121 Stat. 1331) but not extended for fiscal year 2009, that all alcoholic beverages intended for resale on military installations on Guam be purchased from local sources.

(b) EVALUATION REQUIREMENTS.—As part of the report, the Comptroller General shall specifically evaluate the following:

(1) The rationale for and validity of the concerns of nonappropriated funds activities over the one-year imposition of the local-purchase requirement and the impact the requirement had on alcohol resale prices.
(2) The justification for the increase in the price of alcoholic beverages for resale on military installations on Guam.

(3) The actions of the nonappropriated fund activities in complying with the local purchase requirements for resale of alcoholic beverages and their purchase of such affected products before and after the effective date of provision of law referred to in subsection (a).

(4) The potential cost savings in transportation costs, including use of second destination transportation funds, accruing from the purchase of alcoholic beverages from local distributors on Guam.

(5) The ability of local distributors on Guam to meet demands for stocks of certain alcoholic beverages in the event that the local purchase requirement became permanent for Guam.

(6) The consistency in application of the alcohol resale requirement for nonappropriated fund activities on military installations with regards to Department of Defense Instruction 1330.09 (or any successor to that instruction) and the methods used to determine the resale price of alcoholic beverages.
Subtitle F—Other Matters

SEC. 661. LIMITATIONS ON COLLECTION OF OVERPAYMENTS OF PAY AND ALLOWANCES ERRONEOUSLY PAID TO MEMBERS.

(a) Maximum Monthly Percentage of Member’s Pay Authorized for Deduction.—Paragraph (3) of subsection (c) of section 1007 of title 37, United States Code, is amended by striking “20 percent” and inserting “10 percent”.

(b) Consultation Regarding Deduction or Repayment Terms.—Such paragraph is further amended—

(1) by inserting “(A)” after “(3)”; and

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

“(B) In all cases described in subparagraph (A), the Secretary concerned shall consult with the member regarding the repayment rate to be imposed under such subparagraph to recover the indebtedness, taking into account the financial ability of the member to pay and avoiding the imposition of an undue hardship on the member and the member’s dependents.”.

(c) Delay in Instituting Collections From Wounded or Injured Members.—Paragraph (4) of such subsection is amended to read as follows:
“(4)(A) If a member of the uniformed services, while in the line of duty, is injured or wounded by hostile fire, explosion of a hostile mine, or any other hostile action, or otherwise incurs a wound, injury, or illness in a combat operation or combat zone designated by the President or the Secretary of Defense, any overpayment of pay or allowances made to the member while the member recovers from the wound, injury, or illness may not be deducted from the member’s pay until—

“(i) the member is notified of the overpayment; and

“(ii) the later of the following occurs:

“(I) The end of the 180-day period beginning on the date of the completion of the tour of duty of the member in the combat operation or combat zone.

“(II) The end of the 90-day period beginning on the date of the reassignment of the member from a military treatment facility or other medical unit outside of the theater of operations.

“(B) Subparagraph (A) shall not apply if the member, after receiving notification of the overpayment, requests or consents to initiation at an earlier date of the collection of the overpayment of the pay or allowances.”.
(d) **Five-Year Deadline on Seeking Repayment.**—Such subsection is further amended by adding at the end the following new paragraph:

“(5) The Secretary concerned may not deduct from the pay of a member of the uniformed services or otherwise recover, seek to recover, or assist in the recovery from a member or former member any overpayment of pay or allowances made to the member through no fault of the member unless the Secretary notifies the member of the indebtedness before the end of the five-year period beginning on the date on which the overpayment was made. If the notice is not provided before the end of such period, the Secretary concerned shall cancel the indebtedness of the member to the United States.”.

(e) **Expanded Discretion Regarding Remission or Cancellation of Indebtedness.**—

(1) **Army.**—Section 4837(a) of title 10, United States Code, is amended by striking “, but only if the Secretary considers such action to be in the best interest of the United States.” and inserting “if the Secretary determines that the person—

“(1) relies on social security benefits or disability compensation under this title or title 38 (or a combination thereof) for more than half of the person’s annual income; or
“(2) would suffer an undue hardship in repaying the indebtedness.”.

(2) **Naval Service.**—Section 6161(a) of such title is amended by striking “, but only if the Secretary considers such action to be in the best interest of the United States.” and inserting “if the Secretary determines that the person—

“(1) relies on social security benefits or disability compensation under this title or title 38 (or a combination thereof) for more than half of the person’s annual income; or

“(2) would suffer an undue hardship in repaying the indebtedness.”.

(3) **Air Force.**—Section 9837(a) of such title is amended by striking “, but only if the Secretary considers such action to be in the best interest of the United States.” and inserting “if the Secretary determines that the person—

“(1) relies on social security benefits or disability compensation under this title or title 38 (or a combination thereof) for more than half of the person’s annual income; or

“(2) would suffer an undue hardship in repaying the indebtedness.”.
(f) Effective Date.—The amendments made by this section shall apply only with respect to an overpayment of pay or allowances made to a member of the uniformed services after the date of the enactment of this Act.

SEC. 662. ARMY AUTHORITY TO PROVIDE ADDITIONAL RECRUITMENT INCENTIVES.


(b) Limitation on Use of Authority.—Subsection (e) of such section is amended by inserting “at the same time” after “provided”.

SEC. 663. BENEFITS UNDER POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM FOR CERTAIN PERIODS BEFORE IMPLEMENTATION OF PROGRAM.

(a) In General.—Under regulations prescribed by the Secretary of Defense, the Secretary concerned may provide any member or former member of the Armed Forces with the benefits specified in subsection (b) if the member or former member would, on any day during the period beginning on January 19, 2007, and ending on the
date of the implementation of the Post-Deployment/Mobilization Respite Absence (PDMRA) program by the Secretary concerned, have qualified for a day of administrative absence under the Post-Deployment/Mobilization Respite Absence program had the program been in effect during such period.

(b) Benefits.—The benefits authorized under this section are the following:

(1) In the case of an individual who is a former member of the Armed Forces at the time of the provision of benefits under this section, payment of an amount not to exceed $200 for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.

(2) In the case of an individual who is a member of the Armed Forces at the time of the provision of benefits under this section, either one day of administrative absence or payment of an amount not to exceed $200, as selected by the Secretary concerned, for each day the individual would have qualified for a day of administrative absence as described in subsection (a) during the period specified in that subsection.
(c) Exclusion of Certain Former Members.—A former member of the Armed Forces is not eligible under this section for the benefits specified in subsection (b)(1) if the former member was discharged or released from the Armed Forces under other than honorable conditions.

(d) Maximum Number of Days of Benefits.—Not more than 40 days of benefits may be provided to a member or former member of the Armed Forces under this section.

(e) Form of Payment.—The paid benefits authorized under this section may be paid in a lump sum or installments, at the election of the Secretary concerned.

(f) Construction With Other Pay and Leave.—The benefits provided a member or former member of the Armed Forces under this section are in addition to any other pay, absence, or leave provided by law.

(g) Definitions.—In this section:

(1) The term “Post-Deployment/Mobilization Respite Absence program” means the program of a military department to provide days of administrative absence not chargeable against available leave to certain deployed or mobilized members of the Armed Forces in order to assist such members in reinte-
grating into civilian life after deployment or mobilization.

(2) The term “Secretary concerned” has the meaning given that term in section 101(5) of title 37, United States Code.

(h) TERMINATION.—

(1) IN GENERAL.—The authority to provide benefits under this section shall expire on the date that is 1 year after the date of the enactment of this Act.

(2) CONSTRUCTION.—Expiration under this subsection of the authority to provide benefits under this section shall not affect the utilization of any day of administrative absence provided a member of the Armed Forces under subsection (b)(2), or the payment of any payment authorized a member or former member of the Armed Forces under subsection (b), before the expiration of the authority in this section.

SEC. 664. SENSE OF CONGRESS REGARDING SUPPORT FOR COMPENSATION, RETIREMENT, AND OTHER MILITARY PERSONNEL PROGRAMS.

It is the sense of Congress that members of the Armed Forces and their families and military retirees deserve ongoing recognition and support for their service and
sacrifices on behalf of the United States, and Congress will continue to be vigilant in identifying appropriate direct spending offsets that can be used to address shortcoming within those military personnel programs that incur mandatory spending obligations.

SEC. 665. COMPTROLLER GENERAL REPORT ON COST TO CITIES AND OTHER MUNICIPALITIES THAT COVER THE DIFFERENCE BETWEEN AN EMPLOYEE’S MILITARY SALARY AND MUNICIPAL SALARY.

Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the costs incurred by cities and other municipalities that elect to cover the difference between—

(1) an employee’s military salary when that employee is a member of a reserve component and called or ordered to active duty; and

(2) the municipal salary of the employee.

SEC. 666. POSTAL BENEFITS PROGRAM FOR SENDING FREE MAIL TO MEMBERS OF THE ARMED FORCES SERVING IN CERTAIN OVERSEAS OPERATIONS AND HOSPITALIZED MEMBERS.

(a) AVAILABILITY OF POSTAL BENEFITS.—The Secretary of Defense, in consultation with the United States
Postal Service, shall provide for a program under which postal benefits are provided during fiscal year 2010 to qualified individuals in accordance with this section.

(b) QUALIFIED INDIVIDUAL.—In this section, the term “qualified individual” means a member of the Armed Forces described in subsection (a)(1) of section 3401 of title 39, United States Code, who is entitled to free mailing privileges under such section.

(c) POSTAL BENEFITS DESCRIBED.—

(1) VOUCHERS.—The postal benefits provided under the program shall consist of such coupons or other similar evidence of credit (in this section referred to as a “voucher”) to permit a person possessing the voucher to make a qualified mailing to any qualified individual without charge using the Postal Service. The vouchers may be in printed, electronic, or such other format as the Secretary of Defense, in consultation with the Postal Service, shall determine to be appropriate.

(2) QUALIFIED MAILING.—In this section, the term “qualified mailing” means the mailing of a single mail piece which—

(A) is first-class mail (including any sound- or video-recorded communication) not exceeding 13 ounces in weight and having the
character of personal correspondence or parcel
post not exceeding 15 pounds in weight;

(B) is sent from within an area served by
a United States post office; and

(C) is addressed to any qualified indi-

(3) COORDINATION RULE.—Postal benefits
under the program are in addition to, and not in lieu
of, any reduced rates of postage or other similar
benefits which might otherwise be available by or
under law, including any rates of postage resulting
from the application of section 3401(b) of title 39,
United States Code.

(d) NUMBER OF VOUCHERS.—A member of the
Armed Forces shall be eligible for one voucher for every
month (or part of a month) during fiscal year 2010 in
which the member is a qualified individual. Subject to sub-
section (f)(2), a voucher earned during fiscal year 2010
may be used after the end of such fiscal year.

(e) TRANSFER OF VOUCHERS.—A qualified indi-

dual may transfer a voucher to a member of the family
of the qualified individual, a nonprofit organization, or any
other person selected by the qualified individual for use
to send qualified mailings to the qualified individual or
other qualified individuals.
(f) LIMITATIONS ON USE; DURATION.—A voucher may not be used—

(1) for more than one qualified mailing, whether that mailing is a first-class letter or a parcel; or

(2) after the expiration date of the voucher, as designated by the Secretary of Defense.

(g) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense (in consultation with the Postal Service) shall prescribe such regulations as may be necessary to carry out the pro-

gram, including—

(1) procedures by which vouchers will be pro-
vided or made available in timely manner to qual-
ified individuals; and

(2) procedures to ensure that the number of vouchers provided or made available with respect to any qualified individual complies with subsection (d).

(h) TRANSFERS OF FUNDS TO POSTAL SERVICE.—

(1) BASED ON ESTIMATES.—The Secretary of Defense shall transfer to the Postal Service, out of amounts available to carry out the program and in advance of each calendar quarter during which postal benefits may be used under the program, an amount equal to the amount of postal benefits that the Secretary estimates will be used during such
quarter, reduced or increased (as the case may be) by any amounts by which the Secretary finds that a determination under this subsection for a prior quarter was greater than or less than the amount finally determined for such quarter.

(2) **Based on final determination.**—A final determination of the amount necessary to correct any previous determination under this section, and any transfer of amounts between the Postal Service and the Department of Defense based on that final determination, shall be made not later than 6 months after the expiration date of the final vouchers issued under the program.

(3) **Consultation required.**—All estimates and determinations under this subsection of the amount of postal benefits under the program used in any period shall be made by the Secretary of Defense in consultation with the Postal Service.

(i) **Funding.**—

(1) **Funding source and limitation.**—In addition to the amounts authorized to be appropriated in section 301(1) for operation and maintenance for Army for fiscal year 2010, $50,000,000 is authorized to be appropriated for postal benefits provided in this section.
(2) **OFFSETTING REDUCTION.**—Funds authorized to be appropriated in section 301 in fiscal year 2010 for operation and maintenance are reduced as follows:

(A) For operation and maintenance for the Army, Army Claims is reduced by $10,000,000.

(B) For operation and maintenance for the Navy, System-Wide Navy Communications is reduced by $10,000,000.

(C) For operation and maintenance for the Air Force, System-Wide Air Force Communications is reduced by $30,000,000.

**TITLE VII—HEALTH CARE PROVISIONS**

Subtitle A—Improvements to Health Benefits

- Sec. 701. Prohibition on conversion of military medical and dental positions to civilian medical and dental positions.
- Sec. 702. Chiropractic health care for members on active duty.
- Sec. 703. Expansion of survivor eligibility under TRICARE dental program.
- Sec. 704. TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.
- Sec. 705. Cooperative health care agreements between military installations and non-military health care systems.
- Sec. 706. Health care for members of the reserve components.
- Sec. 707. National casualty care research center.

Subtitle B—Reports

- Sec. 713. Report on the health care needs of military family members.
- Sec. 714. Report on stipends for members of reserve components for health care for certain dependents.
- Sec. 715. Report on the required number of military mental health providers.
Subtitle A—Improvements to Health Benefits

SEC. 701. PROHIBITION ON CONVERSION OF MILITARY MEDICAL AND DENTAL POSITIONS TO CIVILIAN MEDICAL AND DENTAL POSITIONS.

(a) Prohibition.—The Secretary of a military department may not convert any military medical or dental position to a civilian medical or dental position on or after October 1, 2007.

(b) Restoration of Certain Positions to Military Positions.—In the case of any military medical or dental position that is converted to a civilian medical or dental position during the period beginning on October 1, 2004, and ending on September 30, 2008, if the position is not filled by a civilian by September 30, 2008, the Secretary of the military department concerned shall restore the position to a military medical or dental position that may be filled only by a member of the Armed Forces who is a health professional.

(e) Definitions.—In this section:

(1) The term “military medical or dental position” means a position for the performance of health care functions (or coded to work within a military treatment facility) within the Armed Forces held by a member of the Armed Forces.
(2) The term “civilian medical or dental position” means a position for the performance of health care functions within the Department of Defense held by an employee of the Department or of a contractor of the Department.

(3) The term “conversion”, with respect to a military medical or dental position, means a change of the position to a civilian medical or dental position, effective as of the date of the manning authorization document of the military department making the change (through a change in designation from military to civilian in the document, the elimination of the listing of the position as a military position in the document, or through any other means indicating the change in the document or otherwise).

(d) **Repeal.**—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.

**SEC. 702. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON ACTIVE DUTY.**

(a) **Requirement for Chiropractic Care.**—Subject to such regulations as the Secretary of Defense may prescribe, the Secretary shall provide chiropractic services for members of the uniformed services who are entitled to care under section 1074(a) of title 10, United States
Code. Such chiropractic services may be provided only by a doctor of chiropractic.

(b) **Demonstration Projects.**—The Secretary of Defense may conduct one or more demonstration projects to provide chiropractic services to deployed members of the uniformed services. Such chiropractic services may be provided only by a doctor of chiropractic.

(c) **Definitions.**—In this section:

(1) The term “chiropractic services”—

(A) includes diagnosis (including by diagnostic X-ray tests), evaluation and management, and therapeutic services for the treatment of a patient’s health condition, including neuromusculoskeletal conditions and the subluxation complex, and such other services determined appropriate by the Secretary and as authorized under State law; and

(B) does not include the use of drugs or surgery.

(2) The term “doctor of chiropractic” means only a doctor of chiropractic who is licensed as a doctor of chiropractic, chiropractic physician, or chiropractor by a State, the District of Columbia, or a territory or possession of the United States.
SEC. 703. EXPANSION OF SURVIVOR ELIGIBILITY UNDER TRICARE DENTAL PROGRAM.

Paragraph (3) of section 1076a(k) of title 10, United States Code, is amended to read as follows:

“(3) Such term does not include a dependent by reason of paragraph (2) after the end of the three-year period beginning on the date of the member’s death, except that, in the case of a dependent of the deceased who is described by subparagraph (D) or (I) of section 1072(2) of this title, the period of continued eligibility shall be the longer of the following periods beginning on such date:

“(A) Three years.

“(B) The period ending on the date on which such dependent attains 21 years of age.

“(C) In the case of such dependent who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member’s death, in fact dependent on the member for over one-half of such dependent’s support, the period ending on the earlier of the following dates:

“(i) The date on which such dependent ceases to pursue such a course of study, as determined by the administering Secretary.
“(ii) The date on which such dependent attains 23 years of age.”.

SEC. 704. TRICARE STANDARD COVERAGE FOR CERTAIN MEMBERS OF THE RETIRED RESERVE WHO ARE QUALIFIED FOR A NON-REGULAR RETIREMENT BUT ARE NOT YET AGE 60.

(a) In General.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1076d the following new section:

“§ 1076e. TRICARE program: TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60

“(a) Eligibility.—(1) Except as provided in paragraph (2), a member of the Retired Reserve of a reserve component of the armed forces who is qualified for a non-regular retirement at age 60 under chapter 1223 of this title, but is not age 60, is eligible for health benefits under TRICARE Standard as provided in this section.

“(2) Paragraph (1) does not apply to a member who is enrolled, or is eligible to enroll, in a health benefits plan under chapter 89 of title 5.

“(b) Termination of Eligibility Upon Obtaining Other TRICARE Standard Coverage.—Eligibility for TRICARE Standard coverage of a member
under this section shall terminate upon the member becoming eligible for TRICARE Standard coverage at age 60 under section 1086 of this title.

“(c) Family Members.—While a member of a reserve component is covered by TRICARE Standard under this section, the members of the immediate family of such member are eligible for TRICARE Standard coverage as dependents of the member. If a member of a reserve component dies while in a period of coverage under this section, the eligibility of the members of the immediate family of such member for TRICARE Standard coverage under this section shall continue for the same period of time that would be provided under section 1086 of this title if the member had been eligible at the time of death for TRICARE Standard coverage under such section (instead of under this section).

“(d) Premiums.—(1) A member of a reserve component covered by TRICARE Standard under this section shall pay a premium for that coverage.

“(2) The Secretary of Defense shall prescribe for the purposes of this section one premium for TRICARE Standard coverage of members without dependents and one premium for TRICARE Standard coverage of members with dependents referred to in subsection (f)(1). The premium prescribed for a coverage shall apply uniformly
to all covered members of the reserve components covered under this section.

“(3) The monthly amount of the premium in effect for a month for TRICARE Standard coverage under this section shall be the amount equal to the cost of coverage that the Secretary determines on an appropriate actuarial basis.

“(4) The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums under this subsection.

“(5) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

“(e) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘immediate family’, with respect to a member of a reserve component, means all of the member’s dependents described in subpara-
graphs (A), (D), and (I) of section 1072(2) of this title.

“(2) The term ‘TRICARE Standard’ means—

“(A) medical care to which a dependent described in section 1076(a)(2) of this title is entitled; and

“(B) health benefits contracted for under the authority of section 1079(a) of this title and subject to the same rates and conditions as apply to persons covered under that section.”.

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1076d the following new item:

“1076e. TRICARE program: TRICARE standard coverage for certain members of the Retired Reserve who are qualified for a non-regular retirement but are not yet age 60.”.

(c) Effective Date.—Section 1076e of title 10, United States Code, as inserted by subsection (a), shall apply to coverage for months beginning on or after October 1, 2009, or such earlier date as the Secretary of Defense may specify.
SEC. 705. COOPERATIVE HEALTH CARE AGREEMENTS BETWEEN MILITARY INSTALLATIONS AND NON-MILITARY HEALTH CARE SYSTEMS.

(a) AUTHORITY.—The Secretary of Defense may establish cooperative health care agreements between military installations and local or regional health care systems.

(b) REQUIREMENTS.—In establishing such agreements, the Secretary shall—

(1) consult with—

(A) the Secretaries of the military departments;

(B) representatives from the military installation selected for the agreement, including the TRICARE managed care support contractor with responsibility for such installation; and

(C) Federal, State, and local government officials;

(2) identify and analyze health care services available in the area in which the military installation is located, including such services available at a military medical treatment facility or in the private sector (or a combination thereof);

(3) determine the cost avoidance or savings resulting from innovative partnerships between the Department of Defense and the private sector; and
(4) determine the opportunities for and barriers to coordinating and leveraging the use of existing health care resources, including such resources of Federal, State, local, and private entities.

(c) ANNUAL REPORTS.—Not later than December 31 of each year an agreement entered into under this section is in effect, the Secretary shall submit to the congressional defense committees a report on each such agreement. Each report shall include, at a minimum, the following:

(1) A description of the agreement.

(2) Any cost avoidance, savings, or increases as a result of the agreement.

(3) A recommendation for continuing or ending the agreement.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing the provision of health care services at military medical treatment facilities or other facilities of the Department of Defense to individuals who are not otherwise entitled or eligible for such services under chapter 55 of title 10, United States Code.

SEC. 706. HEALTH CARE FOR MEMBERS OF THE RESERVE COMPONENTS.

(a) IN GENERAL.—Subsection (d) of section 1074 of title 10, United States Code, is amended to read as follows:
“(d)(1) For the purposes of this chapter, a member of a reserve component of the armed forces who is issued or covered by a delayed-effective-date active-duty order or an official notification shall be treated as being on active duty for a period of more than 30 days beginning on the later of the following dates:

“(A) The earlier of the date that is—

“(i) the date of the issuance of such order;

or

“(ii) the date of the issuance of such official notification.

“(B) The date that is 180 days before the date on which the period of active duty is to commence under such order or official notification for that member.

“(2) In this subsection:

“(A) The term ‘delayed-effective-date active-duty order’ means an order to active duty for a period of more than 30 days in support of a contingency operation under a provision of law referred to in section 101(a)(13)(B) of this title that provides for active-duty service to begin under such order on a date after the date of the issuance of the order.

“(B) The term ‘official notification’ means a memorandum from the Secretary concerned that no-
tifies a unit or a member of a reserve component of
the armed forces that such unit or member shall re-
ceive a delayed-effective-date active-duty order.”.

(b) **Effective Date.**—The amendment made by
this section shall apply with respect to a delayed-effective-
date active-duty order or official notification issued on or
after the date of the enactment of this Act.

**SEC. 707. NATIONAL CASUALTY CARE RESEARCH CENTER.**

(a) **Designation.**—Not later than October 1, 2010,
the Secretary of Defense shall designate a center to be
known as the “National Casualty Care Research Center”
(in this section referred to as the “Center”), which shall
consist of the program known as combat casualty care of
the Army Medical Research and Materiel Command.

(b) **Director.**—The Secretary shall appoint a direc-
tor of the Center.

(c) **Activities of the Center.**—In addition to
other functions performed by the combat casualty care
program, the Center shall—

(1) provide a public-private partnership for
funding clinical trials and clinical research in combat
injury;

(2) integrate basic and clinical research from
both military and civilian populations to accelerate
improvements to trauma care;
(3) ensure that data from both military and civilian entities, including the Joint Theater Trauma Registry and the National Trauma Data Bank, are optimally used to establish research strategies and measure improvements in outcomes;

(4) fund the full range of injury research and evaluation, including—

(A) basic, translational, and clinical research;

(B) point of injury and pre-hospital care;

(C) early resuscitative management;

(D) initial and definitive surgical care; and

(E) rehabilitation and reintegration into society; and

(5) coordinate the collaboration of military and civilian institutions conducting trauma research.

(d) AUTHORIZATION.—In addition to any other funds authorized to be appropriated for the combat casualty care program of the Army Medical Research and Materiel Command, there is hereby authorized to be appropriated to the Secretary $1,000,000 for fiscal year 2010 for the purpose of carrying out activities under this section.
SEC. 708. NOTIFICATION OF MEMBERS OF THE ARMED FORCES OF EXPOSURE TO POTENTIALLY HARMFUL MATERIALS AND CONTAMINANTS.

(a) NOTIFICATION REQUIRED.—In the case of a member of the Armed Forces who is exposed to a potentially harmful material or contaminant, as determined by the Secretary of Defense, the Secretary shall, as soon as possible, notify the member, and in the case of a member of a reserve component, the State military department of the member, of the member’s exposure to such material or contaminant and any health risks associated with exposure to such material or contaminant.

(b) IN-THEATER NOTIFICATION.—If the Secretary of Defense determines that a member of the Armed Forces has been exposed to a potentially harmful material or contaminant while that member is deployed, the Secretary shall notify the member of such exposure under subsection (a) while that member is so deployed.

SEC. 709. POST-DEPLOYMENT MENTAL HEALTH SCREENING DEMONSTRATION PROJECT.

(a) DEMONSTRATION PROJECT REQUIRED.—The Secretary of Defense shall conduct a demonstration project to assess the feasibility and efficacy of providing a member of the Armed Forces with a post-deployment mental health screening that is conducted in person by a mental health provider.
(b) ELEMENTS.—The demonstration project shall include, at a minimum, the following elements:

(1) A combat stress evaluation conducted in person by a qualified mental health professional not later than 120 to 180 days after the date on which the member returns from combat theater.

(2) Follow-ups by a case manager (who may or may not be stationed at the same military installation as the member) conducted by telephone at the following intervals after the initial post-deployment screening:

(A) Six months.

(B) 12 months.

(C) 18 months.

(D) 24 months.

(e) REQUIREMENTS OF COMBAT STRESS EVALUATION.—The combat stress evaluation required by subsection (b)(1) shall be designed to—

(1) provide members of the Armed Forces with an objective mental health and traumatic brain injury standard to screen for suicide risk factors;

(2) ease post-deployment transition by allowing members to be honest in their assessments;

(3) battle the stigma of depression and mental health problems among members and veterans; and
(4) ultimately reduce the prevalence of suicide among veterans of Operation Iraqi Freedom and Operation Enduring Freedom.

(d) CONSULTATION.—The Secretary of Defense shall develop the demonstration project in consultation with the Secretary of Veterans Affairs and the Secretary of Health and Human Services. The Secretary of Defense may also coordinate the program with any accredited college, university, hospital-based or community-based mental health center the Secretary considers appropriate.

(e) SELECTION OF MILITARY INSTALLATION.—The demonstration project shall be conducted at two military installations, one active duty and one reserve component demobilization station, selected by the Secretary of Defense. The installations selected shall have members of the Armed Forces on active duty and members of the reserve components that use the installation as a training and operating base, with members routinely deploying in support of operations in Iraq, Afghanistan, and other assignments related to the global war on terrorism.

(f) PERSONNEL REQUIREMENTS.—The Secretary of Defense shall ensure an adequate number of the following personnel in the program:

(1) Qualified mental health professionals that are licensed psychologists, psychiatrists, psychiatric
nurses, licensed professional counselors, or clinical social workers.

(2) Suicide prevention counselors.

(g) Timeline.—

(1) The demonstration project required by this section shall be implemented not later than September 30, 2010.

(2) Authority for this demonstration project shall expire on September 30, 2012.

(h) Reports.—The Secretary of Defense shall submit to the congressional defense committees—

(1) a plan to implement the demonstration project, including site selection and criteria for choosing the site, not later than June 1, 2010;

(2) an interim report every 180 days thereafter;

and

(3) a final report detailing the results not later than January 1, 2013.

SEC. 710. REPORT ON JOINT VIRTUAL LIFETIME ELECTRONIC RECORD.

Not later than December 31, 2009, the Secretary of Defense, in coordination with the Secretary of Veterans Affairs, shall submit to Congress a report on the progress that has been made on the establishment, announced by the President on April 9, 2009, of a Joint Virtual Lifetime
Electronic Record for members of the Armed Forces to improve the quality of medical care and create a seamless integration between the Department of Defense and the Department of Veterans Affairs. The report shall—

(1) explain what steps compose the Secretaries’ plan to fully achieve the establishment of the seamless record system between the two departments;

(2) identify any unforeseen obstacles that have arisen that may require legislative action; and

(3) explain how the plan relates to the mandate in section 1635 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1071 note) that the Secretary of Defense and the Secretary of the Department of Veterans Affairs jointly develop and implement, by September 30, 2009, electronic health record systems or capabilities that allow for full interoperability of personal health care information between the Department of Defense and the Department of Veterans Affairs.

SEC. 710A. SUICIDE AMONG MEMBERS OF THE INDIVIDUAL READY RESERVE.

(a) FINDINGS.—Congress finds that veterans who are members of the Individual Ready Reserve (in this section referred to as the “IRR”) and are not assigned to units that muster regularly and have an established support
structure are less likely to be helped by existing suicide prevention programs run by the Secretary of Defense and the Secretary of Veterans Affairs.

(b) In General.—The Secretary of Defense shall ensure that all covered members receive a counseling call from properly trained personnel not less than once every 90 days so long as the member remains a member of the IRR.

(c) Personnel.—In carrying out this section, the Secretary shall ensure the following:

(1) Personnel conducting calls determine the emotional, psychological, medical, and career needs and concerns of the covered member.

(2) Any covered member identified as being at-risk of self-caused harm is referred to the nearest military medical treatment facility or accredited TRICARE provider for immediate evaluation and treatment by a qualified mental health care provider.

(3) If a covered member is identified under paragraph (2), the Secretary shall confirm that the member has received the evaluation and any necessary treatment.

(d) Report.—Not later than January 31 of each year, beginning in 2010, the Secretary shall submit to Congress a report on the number of IRR members not
assigned to units who have been referred for counseling
or mental health treatment, as well as the health and ca-
reer status of such members.
(e) COVERED MEMBER DEFINED.—In this section, a
“covered member” is a member of the Individual Ready
Reserve who has completed at least one tour in either Iraq
or Afghanistan.
SEC. 710B. TREATMENT OF AUTISM UNDER TRICARE.
(a) IN GENERAL.—Section 1077 of title 10, United
States Code, is amended—
(1) in subsection (a), by adding at the end the
following new paragraph:
“(18) In accordance with subsection (g), treat-
ment of autism spectrum disorders.”; and
(2) by adding at the end the following new sub-
section:
“(g)(1) For purposes of subsection (a)(18), and to the extent that appropriated funds are available for the purposes of this subsection, treatment of autism spectrum disorders shall be provided if a health care professional determines that the treatment is medically necessary. Such treatment shall include the following:
“(A) Habilitative or rehabilitative care.
“(B) Pharmaceutical agents.
“(C) Psychiatric care.
“(D) Psychological care.

“(E) Speech therapy.

“(F) Occupational therapy.

“(G) Physical therapy.

“(H) Group therapy, if a health care professional determines it necessary to develop, maintain, or restore the skills of the beneficiary.

“(I) Any other care or treatment that a health care professional determines medically necessary.

“(2) Beneficiaries under the age of five who have developmental delays and are considered at-risk for autism may not be denied access to treatment described by paragraph (1) if a health care professional determines that the treatment is medically necessary.

“(3) The Secretary may not consider the use of applied behavior analysis or other structured behavior programs under this section to be special education for purposes of section 1079(a)(9) of this title.

“(4) In carrying out this subsection, the Secretary shall ensure that—

“(A) a person who is authorized to provide applied behavior analysis or other structured behavior programs is licensed or certified by a state, the Behavior Analyst Certification Board, or other accredited national certification board; and
“(B) if applied behavior analysis or other structured behavior program is provided by an employee or contractor of a person authorized to provide such treatment, the employee or contractor shall meet minimum qualifications, training, and supervision requirements consistent with business best practices in the field of behavior analysis and autism services.

“(5)(A) This subsection shall not apply to a medicare-eligible beneficiary.

“(B) Except as provided in subparagraph (A), nothing in this subsection shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

“(i) this chapter;

“(ii) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

“(iii) any other law.

“(6) In this section:

“(A) The term ‘autism spectrum disorders’ includes autistic disorder, Asperger’s syndrome, and any of the pervasive developmental disorders as defined by the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders.

“(B) The term ‘habilitative and rehabilitative care’ includes—
“(i) professional counseling;
“(ii) guidance service;
“(iii) treatment programs, including not
more than 40 hours per week of applied behav-
ior analysis; and
“(iv) other structured behavior programs
that a health care professional determines nec-
essary to develop, improve, maintain, or restore
the functions of the beneficiary.
“(C) The term ‘health care professional’ has the
meaning given that term in section 1094(e)(2) of
this title.
“(D) The term ‘medicare-eligible’ has the
meaning given that term in section 1111(b) of this
title.”.
(b) Regulations.—Not later than 180 days after
the date of the enactment of this Act, the Secretary of
Defense shall prescribe such regulations as may be nec-
essary to carry out section 1077(a)(18) of title 10, United
States Code, as added by subsection (a).
(c) Funding.—
(1) Funding increase.—The amount other-
wise provided by section 1403 for TRICARE fund-
ing is hereby increased by $50,000,000 to provide
funds to carry out section 1077(a)(18) of title 10, United States Code, as added by subsection (a).

(2) OFFSETTING REDUCTION.—

(A) Reduce the amount of Operation and Maintenance, Army, by $25,000,000, to be derived from the Service-wide Communications.

(B) Reduce the amount of Operation and Maintenance, Navy, by $15,000,000, to be derived from Service-wide Communications.

(C) Reduce the amount of Research Development Test and Evaluation, by $10,000,000, to be derived from Advanced Aerospace Systems Integrated Sensor IS Structure, PE 68286E.

Subtitle B—Reports

SEC. 711. REPORT ON POST-TRAUMATIC STRESS DISORDER EFFORTS.

(a) REPORT REQUIRED.—Not later than December 31, 2010, the Secretary of Defense and the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, shall jointly submit to the appropriate committees a report on the treatment of post-traumatic stress disorder. The report shall include the following:
(1) A list of each program and method available for the prevention, screening, diagnosis, treatment, or rehabilitation of post-traumatic stress disorder, including—

(A) the rates of success for each such program or method (including an operational definition of the term “success” and a discussion of the process used to quantify such rates);

(B) the number of members of the Armed Forces and veterans diagnosed by the Department of Defense or the Department of Veterans Affairs as having post-traumatic stress disorder and the number of such veterans who have been successfully treated; and

(C) any collaborative efforts between the Department of Defense and the Department of Veterans Affairs to prevent, screen, diagnose, treat, or rehabilitate post-traumatic stress disorder.

(2) The status of studies and clinical trials involving innovative treatments of post-traumatic stress disorder that are conducted by the Department of Defense, the Department of Veterans Affairs, or the private sector, including—
(A) efforts to identify physiological markers of post-traumatic stress disorder;

(B) with respect to efforts to determine causation of post-traumatic stress disorder, brain imaging studies and the correlation between brain region atrophy and post-traumatic stress disorder diagnoses and the results (including any interim results) of such efforts;

(C) the effectiveness of alternative therapies in the treatment of post-traumatic stress disorder, including the therapeutic use of animals;

(D) the effectiveness of administering pharmaceutical agents before, during, or after a traumatic event in the prevention and treatment of post-traumatic stress disorder; and

(E) identification of areas in which the Department of Defense and the Department of Veterans Affairs may be duplicating studies, programs, or research with respect to post-traumatic stress disorder.

(3) A description of each treatment program for post-traumatic stress disorder, including a comparison of the methods of treatment by each program, at the following locations:
(A) Fort Hood, Texas.

(B) Fort Bliss, Texas.

(C) Fort Campbell, Tennessee.

(D) Other locations the Secretary of Defense considers appropriate.

(4) The respective annual expenditure by the Department of Defense and the Department of Veterans Affairs for the treatment and rehabilitation of post-traumatic stress disorder.

(5) A description of gender-specific and racial and ethnic group-specific mental health treatment and services available for members of the Armed Forces, including—

(A) the availability of such treatment and services;

(B) the access to such treatment and services;

(C) the need for such treatment and services; and

(D) the efficacy and adequacy of such treatment and services.

(6) A description of areas for expanded future research with respect to post-traumatic stress disorder.
(7) Any other matters the Secretaries consider relevant.

(b) UPDATED REPORT REQUIRED.—Not later than December 31, 2012, the Secretary of Defense and the Secretary of Veterans Affairs, in consultation with the Secretary of Health and Human Services, shall jointly submit to the appropriate committees an update of the report required by subsection (a).

(e) APPROPRIATE COMMITTEES DEFINED.—In this section, the term “appropriate committees” means—

(1) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans’ Affairs, and the Committee on Energy and Commerce of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, the Committee on Veterans’ Affairs, and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 712. REPORT ON THE FEASIBILITY OF TRICARE PRIME IN CERTAIN COMMONWEALTHS AND TERRITORIES OF THE UNITED STATES.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study examining the feasibility and cost-effectiveness of offering TRICARE Prime in each of the following locations:
(1) American Samoa.

(2) Guam.

(3) The Commonwealth of the Northern Mariana Islands.


(5) The Virgin Islands.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study.

(c) TRICARE PRIME DEFINED.—In this section, the term “TRICARE Prime” has the meaning given that term in section 1097a(f)(1) of title 10, United States Code.

SEC. 713. REPORT ON THE HEALTH CARE NEEDS OF MILITARY FAMILY MEMBERS.

(a) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the health care needs of dependents (as defined in section 1072(2) of title 10, United States Code). The report shall include, at a minimum, the following:

(1) With respect to both the direct care system and the purchased care system, an analysis of the
type of health care facility in which dependents seek care.

(2) The 10 most common medical conditions for which dependents seek care.

(3) The availability of and access to health care providers to treat the conditions identified under paragraph (2), both in the direct care system and the purchased care system.

(4) Any shortfalls in the ability of dependents to obtain required health care services.

(5) Recommendations on how to improve access to care for dependents.

(6) With respect to dependents accompanying a member stationed at a military installation outside of the United States, the need for and availability of mental health care services.

(b) PILOT PROGRAM.—

(1) ELEMENTS.—The Secretary of the Army shall carry out a pilot program on the mental health care needs of military children and adolescents. In carrying out the pilot program, the Secretary shall establish a center to—

(A) develop teams to train primary care managers in mental health evaluations and
treatment of common psychiatric disorders affecting children and adolescents;

(B) develop strategies to reduce barriers to accessing behavioral health services and encourage better use of the programs and services by children and adolescents; and

(C) expand the evaluation of mental health care using common indicators, including—

(i) psychiatric hospitalization rates;

(ii) non-psychiatric hospitalization rates; and

(iii) mental health relative value units.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than 90 days after establishing the pilot program, the Secretary of the Army shall submit to the congressional defense committees a report describing the—

(i) structure and mission of the program; and

(ii) the resources allocated to the program.

(B) FINAL REPORT.—Not later than September 30, 2012, the Secretary of the Army shall submit to the congressional defense com-
mittees a report that addresses the elements de-
dscribed under paragraph (1).

SEC. 714. REPORT ON STIPENDS FOR MEMBERS OF RE-
SERVE COMPONENTS FOR HEALTH CARE FOR
CERTAIN DEPENDENTS.

Not later than 90 days after the date of the enact-
ment of this Act, the Secretary of Defense shall submit
to the congressional defense committees a report on sti-
pends paid under section 704 of the National Defense Au-
thorization Act for Fiscal Year 2008 (Public Law 110–
181; 122 Stat. 188; 10 U.S.C. 1076 note). The report
shall include—

(1) the number of stipends paid;

(2) the amount of the average stipend; and

(3) the number of members who received such
stipends.

SEC. 715. REPORT ON THE REQUIRED NUMBER OF MILI-
TARY MENTAL HEALTH PROVIDERS.

Not later than 1 year after the date of the enactment
of this Act, the Secretary of Defense shall submit to the
congressional defense committees a report on the appro-
priate number of military mental health providers required
to meet the mental health care needs of members of the
Armed Forces, retired members, and dependents. The re-
port shall include, at a minimum, the following:

(2) The criteria and models used to determine the appropriate number of military mental health providers.

(3) A plan for how the Secretary of Defense will achieve the appropriate number of military mental health providers, including timelines, budgets, and any additional legislative authority the Secretary determines is required for such plan.

SEC. 716. REPORT ON RURAL ACCESS TO HEALTH CARE.

The Secretary of Defense shall submit to the congressional defense committees a report on the health care of rural members of the Armed Forces and individuals who receive health care under chapter 55 of title 10, United States. The report shall include recommendations of resources or legislation the Secretary determines necessary to improve access to health care for such individuals.
TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Temporary authority to acquire products and services produced in countries along a major route of supply to Afghanistan; Report.

Sec. 802. Assessment of improvements in service contracting.

Sec. 803. Display of annual budget requirements for procurement of contract services and related clarifying technical amendments.

Sec. 804. Demonstration authority for alternative acquisition process for defense information technology programs.

Sec. 805. Limitation on performance of product support integrator functions.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 811. Revision of Defense Supplement relating to payment of costs prior to definitization.

Sec. 812. Revisions to definitions relating to contracts in Iraq and Afghanistan.

Sec. 813. Amendment to notification requirements for awards of single source task or delivery orders.

Sec. 814. Clarification of uniform suspension and debarment requirement.

Sec. 815. Extension of authority for use of simplified acquisition procedures for certain commercial items.

Sec. 816. Revision to definitions of major defense acquisition program and major automated information system.

Sec. 817. Small Arms Production Industrial Base.

Sec. 818. Publication of justification for bundling of contracts of the Department of Defense.

Sec. 819. Contract authority for advanced component development or prototype units.

Subtitle C—Other Matters

Sec. 821. Enhanced expedited hiring authority for defense acquisition workforce positions.

Sec. 822. Acquisition Workforce Development Fund amendments.

Sec. 823. Reports to Congress on full deployment decisions for major automated information system programs.

Sec. 824. Requirement for Secretary of Defense to deny award and incentive fees to companies found to jeopardize health or safety of Government personnel.

Sec. 825. Authorization for actions to correct the industrial resource shortfall for high-purity beryllium metal in amounts not in excess of $85,000,000.

Sec. 826. Review of post employment restrictions applicable to the Department of Defense.
Subtitle A—Acquisition Policy and Management

SEC. 801. TEMPORARY AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN; REPORT.

(a) IN GENERAL.—In the case of a product or service to be acquired in support of military or stability operations in Afghanistan for which the Secretary of Defense makes a determination described in subsection (b), the Secretary may conduct a procurement in which—

(1) competition is limited to products or services that are from one or more countries along a major route of supply to Afghanistan; or

(2) a preference is provided for products or services that are from one or more countries along a major route of supply to Afghanistan.

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

(1) the product or service concerned is to be used only by personnel that ship goods, or provide support for shipping goods, for military forces, po-
lice, or other security personnel of Afghanistan, or for military or civilian personnel of the United States, United States allies, or Coalition partners operating in military or stability operations in Afghanistan;

(2) it is in the national security interest of the United States to limit competition or provide a preference as described in subsection (a) because such limitation or preference is necessary—

(A) to reduce overall United States transportation costs and risks in shipping goods in support of military or stability operations in Afghanistan;

(B) to encourage countries along a major route of supply to Afghanistan to cooperate in expanding supply routes through their territory in support of military or stability operations in Afghanistan; or

(C) to help develop more robust and enduring routes of supply to Afghanistan; and

(3) limiting competition or providing a preference as described in subsection (a) will not adversely affect—

(A) military or stability operations in Afghanistan; or
(B) the United States industrial base.

(e) **PRODUCTS, SERVICES, AND SOURCES FROM A COUNTRY ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.**—For the purposes of this section:

(1) A product is from a country along a major route of supply to Afghanistan if it is mined, produced, or manufactured in a covered country.

(2) A service is from a country along a major route of supply to Afghanistan if it is performed in a covered country by citizens or permanent resident aliens of a covered country.

(3) A source is from a country along a major route of supply to Afghanistan if it—

(A) is located in a covered country; and

(B) offers products or services that are from a covered country.

(d) **COVERED COUNTRY DEFINED.**—In this section, the term “covered country” means Georgia, Kyrgyzstan, Pakistan, Armenia, Azerbaijan, Kazakhstan, Tajikistan, Uzbekistan, or Turkmenistan.

(e) **CONSTRUCTION WITH OTHER AUTHORITY.**—The authority provided in subsection (a) is in addition to the authority set forth in section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 266; 10 U.S.C. 2302 note).
(f) **Termination of Authority.**—The Secretary of Defense may not exercise the authority provided in subsection (a) on and after the date occurring 18 months after the date of the enactment of this Act.

(g) **Report on Authority.**—Not later than April 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided in subsection (a). The report shall address, at a minimum, following:

1. The number of determinations made by the Secretary pursuant to subsection (b).
2. A description of the products and services acquired using the authority.
3. The extent to which the use of the authority has met the objectives of subparagraph (A), (B), or (C) of subsection (b)(2).
4. A list of the countries providing products or services as a result of a determination made pursuant to subsection (b).
5. Any recommended modifications to the authority.

**Sec. 802. Assessment of Improvements in Service Contracting.**

(a) **Assessment Required.**—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall
provide for an independent assessment of improvements in the procurement and oversight of services by the Department of Defense. The assessment shall be conducted by a federally funded research and development center selected by the Under Secretary.

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

(1) An assessment of the quality and completeness of guidance relating to the procurement of services, including implementation of statutory and regulatory authorities and requirements.

(2) A determination of the extent to which best practices are being developed for setting requirements and developing statements of work.

(3) A determination of whether effective standards to measure performance have been developed.

(4) An assessment of the effectiveness of peer reviews within the Department of Defense of contracts for services and whether such reviews are being conducted at the appropriate dollar threshold.

(5) An assessment of the management structure for the procurement of services, including how the military departments and Defense Agencies have implemented section 2330 of title 10, United States Code.

(7) An assessment of the effectiveness of the Acquisition Center of Excellence for Services established pursuant to section 1431(b) of the Services Acquisition Reform Act of 2003 (title XIV of Public Law 108–136; 117 Stat. 1671; 41 U.S.C. 405 note) and the feasibility of creating similar centers of excellence in the military departments.

(8) An assessment of the quality and sufficiency of the acquisition workforce for the procurement and oversight of services.

(9) Such other related matters as the Under Secretary considers appropriate.

(c) Report.—Not later than March 10, 2010, the Under Secretary shall submit to the congressional defense committees a report on the results of the assessment, including such comments and recommendations as the Under Secretary considers appropriate.
SEC. 803. DISPLAY OF ANNUAL BUDGET REQUIREMENTS FOR PROCUREMENT OF CONTRACT SERVICES AND RELATED CLARIFYING TECHNICAL AMENDMENTS.

(a) Codification of Requirement for Specification of Amounts Requested for Procurement of Contract Services.—

(1) In general.—Chapter 9 of title 10, United States Code, is amended by inserting after section 235, as added by section 242(a) of this Act, the following new section:

"§ 236. Procurement of contract services: specification of amounts requested in budget

"(a) Submission With Annual Budget Justification Documents.—The Secretary of Defense shall submit to the President, as a part of the defense budget materials for a fiscal year, information described in subsection (b) with respect to the procurement of contract services.

"(b) Information Provided.—For each budget account, the materials submitted shall clearly and separately identify—

"(1) the amount requested for the procurement of contract services for each Department of Defense component, installation, or activity;"
“(2) the amount requested for each type of service to be provided; and

“(3) the number of full-time contractor employees (or the equivalent of full-time in the case of part-time contractor employees) projected and justified for each Department of Defense component, installation, or activity based on the inventory of contracts for services required by subsection (c) of section 2330a of this title and the review required by subsection (e) of such section.

“(e) DEFINITIONS.—In this section:

“(1) The term ‘contract services’—

“(A) means services from contractors; but

“(B) excludes services relating to research and development and services relating to military construction.

“(2) The term ‘defense budget materials’, with respect to a fiscal year, means the materials submitted to the President by the Secretary of Defense in support of the budget for that fiscal year.

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

“236. Procurement of contract services: specification of amounts requested in budget.”.

(3) REPEAL OF SUPERSEDED PROVISION.—Section 806 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 221 note) is repealed.

(b) CLARIFICATION OF CONTRACT SERVICES REVIEW AND PLANNING REQUIREMENTS.—Section 2330a(e) of title 10, United States Code, is amended in paragraph (4) by inserting after “plan” the following: “and a contracts services requirements approval process”.

SEC. 804. DEMONSTRATION AUTHORITY FOR ALTERNATIVE ACQUISITION PROCESS FOR DEFENSE INFORMATION TECHNOLOGY PROGRAMS.

(a) AUTHORITY.—The Secretary of Defense may designate up to 10 information technology programs annually to be included in a demonstration of an alternative acquisition process for rapidly acquiring information technology capabilities. In designating the programs, the Secretary may select any information technology program in any of the military departments or Defense Agencies that has received milestone A approval, but has not yet received milestone B approval.
(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a), including a process for measuring the effectiveness of the alternative acquisition process to be demonstrated. The Secretary of Defense shall notify the congressional defense committees of those procedures before any exercise of that authority.

(c) REQUIREMENT TO PAY FULL COST IN YEAR OF DELIVERY.—No contract to acquire an information technology system may be entered into using the authority under subsection (a) unless the funds for the full cost of such system are obligated or expended in the fiscal year of delivery of the system.

(d) ANNUAL REPORT.—By March 1 of each year, beginning March 1, 2010, and ending March 1, 2016, the Secretary of Defense shall submit to the congressional defense committees a report on the activities carried out under the authority under subsection (a) during the preceding year. Each report shall include, at a minimum, the following:

(1) A description of each information technology program in the demonstration, including goals, funding, and military department or Defense Agency sponsors.
(2) A description of the methods for measuring
the effectiveness of the alternative acquisition proc-
ness for each information technology program in the
demonstration.

(3) Identification of any significant systemic or
process issues impeding the effectiveness of the al-
ternative acquisition process.

(c) PERIOD OF AUTHORITY.—The authority under
subsection (a) shall be in effect during each of fiscal years
2010 through 2015.

SEC. 805. LIMITATION ON PERFORMANCE OF PRODUCT
SUPPORT INTEGRATOR FUNCTIONS.

(a) LIMITATION.—

(1) IN GENERAL.—Chapter 141 of title 10,
United States Code, is amended by adding at the
end the following new section:

“§ 2410r. Contractor sustainment support arrange-
ments: limitation on product support in-
tegrator functions

“(a) LIMITATION.—A product support integrator
function for a covered major system may be performed
only by a member of the armed forces or an employee of
the Department of Defense.

“(b) DEFINITIONS.—In this section:
“(1) The term ‘product support integrator function’ means the function of integrating all sources of support for a major system, both public and private, and includes the integration of sustainment support arrangements at the level of the program office responsible for sustainment of such system.

“(2) The term ‘covered major system’ means a major system for which a sustainment support arrangement is employed.

“(3) The term ‘sustainment support arrangement’ means a contract, task order, or other contractual arrangement for the integration of sustainment or logistics support such as materiel management, configuration management, data management, supply, distribution, repair, overhaul, product improvement, calibration, maintenance, readiness, reliability, availability, mean down time, customer wait time, foot print reduction, reduced ownership costs and other tasks normally performed as part of the logistics support required for a major system. The term includes any of the following arrangements:

“(A) Contractor performance-based logistics.

“(B) Contractor sustainment support.
“(C) Contractor logistics support.

“(D) Contractor life cycle product support.

“(E) Contractor weapons system product support.

“(3) The term ‘major system’ means that combination of elements that will function together to produce the capabilities required to fulfill a mission need as defined in section 2302(d) this title.”.

(2) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2410q the following new item:

“2410r. Contractor sustainment support arrangements: limitation on product support integrator functions.”.

(b) Effective Date.—Section 2410r of title 10, United States Code, as added by subsection (a), shall apply to contracts entered into after September 30, 2010.

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

Sec. 811. Revision of Defense Supplement Relating to Payment of Costs Prior to Definitization.

(a) Requirement.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the Defense Supplement to the Fed-
eral Acquisition Regulation to require that, if a clause relating to payment of costs prior to definitization of costs is included in a contract of the Department of Defense, the clause shall apply—

(1) to the contract regardless of the type of contract; and
(2) to each contractual action pursuant to the contract.

(b) CONTRACTUAL ACTION.—In this section, the term “contractual action” includes a task order or delivery order.

SEC. 812. REVISIONS TO DEFINITIONS RELATING TO CONTRACTS IN IRAQ AND AFGHANISTAN.

(a) Revisions to Definition of Contract in Iraq or Afghanistan.—Section 864(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 258; 10 U.S.C. 2302) note) is amended—

(1) by striking “or a task order or delivery order at any tier issued under such a contract” and inserting “a task order or delivery order at any tier issued under such a contract, a grant, or a cooperative agreement”;
(2) by striking in the parenthetical “or task order or delivery order” and inserting “task order, delivery order, grant, or cooperative agreement”;

(3) by striking “or task or delivery order” after the parenthetical and inserting “task order, delivery order, grant, or cooperative agreement”; and

(4) by striking “14 days” and inserting “30 days”.

(b) Revision to Definition of Covered Contract.—Section 864(a)(3) of such Act (Public Law 110–181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended—

(1) by striking “or” at the end of subparagraph (B);

(2) by striking the period and inserting a semicolon at the end of subparagraph (C); and

(3) by adding at the end the following new subparagraphs:

“(D) a grant for the performance of services in an area of combat operations, as designated by the Secretary of Defense under subsection (c) of section 862; or

“(E) a cooperative agreement for the performance of services in such an area of combat operations.”.
(c) Revision to Definition of Contractor.—
Paragraph (4) of section 864(a) of such Act (Public Law 110–181; 122 Stat. 259; 10 U.S.C. 2302 note) is amended to read as follows:

“(4) Contractor.—The term ‘contractor’, with respect to a covered contract, means—

“(A) in the case of a covered contract that is a contract, subcontract, task order, or delivery order, the contractor or subcontractor carrying out the covered contract;

“(B) in the case of a covered contract that is a grant, the grantee; and

“(C) in the case of a covered contract that is a cooperative agreement, the recipient.”.

(d) Revision in Value of Contracts Covered by Certain Report.—Section 1248(c)(1)(B) of such Act (Public Law 110–181; 122 Stat. 400) is amended by striking “$25,000” and inserting “$100,000”.

SEC. 813. AMENDMENT TO NOTIFICATION REQUIREMENTS FOR AWARDS OF SINGLE SOURCE TASK OR DELIVERY ORDERS.

(a) Congressional Defense Committees.—Subparagraph (B) of section 2304a(d)(3) of title 10, United States Code, is amended to read as follows:
“(B) The head of the agency shall notify the congres-
sional defense committees within 30 days after any deter-
mination under clause (i), (ii), (iii), or (iv) of subpara-
graph (A).”.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES.—

Any notification provided under subparagraph (B) of sec-
tion 2304a(d)(3) of title 10, United States Code, as
amended by subsection (a), shall also be provided to the
Permanent Select Committee on Intelligence of the House
of Representatives and the Select Committee on Intel-
ligence of the Senate if the source of funds for the task
or delivery order contract concerned is the National Intel-
ligence Program or the Military Intelligence Program.

SEC. 814. CLARIFICATION OF UNIFORM SUSPENSION AND
DEBARMENT REQUIREMENT.

Section 2455(a) of the Federal Acquisition Stream-
lining Act of 1994 (31 U.S.C. 6101 note) is amended by
inserting “at any level, including subcontracts at any
tier,” in the second sentence after “any procurement or
nonprocurement activity”.

SEC. 815. EXTENSION OF AUTHORITY FOR USE OF SIM-
PLIFIED ACQUISITION PROCEDURES FOR
CERTAIN COMMERCIAL ITEMS.

Section 4202 of the Clinger–Cohen Act of 1996 (Di-
vision D of Public Law 104–106; 110 Stat. 652; 10 U.S.C.

SEC. 816. REVISION TO DEFINITIONS OF MAJOR DEFENSE ACQUISITION PROGRAM AND MAJOR AUTOMATED INFORMATION SYSTEM.

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

“(d) In the case of a Department of Defense acquisition program that, by reason of paragraph (2) of section 2445a(a) of this title, is a major automated information system program under chapter 144A of this title and that, by reason of paragraph (2) of subsection (a), is a major defense acquisition program under this chapter, the Secretary of Defense may designate that program to be treated only as a major automated information system program or to be treated only as a major defense acquisition program.”.

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

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SEC. 817. SMALL ARMS PRODUCTION INDUSTRIAL BASE. 

Section 2473 of title 10, United States Code, is amended—

(1) by amending subsection (c) to read as follows:

“(c) SMALL ARMS PRODUCTION INDUSTRIAL BASE.—In this section, the term ‘small arms production industrial base’ means the persons and organizations that are engaged in the production or maintenance of small arms within the United States.”; and

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

“(6) Pistols.”.

SEC. 818. PUBLICATION OF JUSTIFICATION FOR BUNDLING OF CONTRACTS OF THE DEPARTMENT OF DEFENSE. 

(a) Requirement to Publish Justification for Bundling.—A contracting officer of the Department of Defense carrying out a covered acquisition shall publish the justification required by paragraph (f) of subpart 7.107 of the Federal Acquisition Regulation on the website known as FedBizOpps.gov (or any successor site) 30 days prior to the release of a solicitation for such acquisition.
(b) COVERED ACQUISITION DEFINED.—In this section, the term “covered acquisition” means an acquisition that is—

(1) funded entirely using funds of the Department of Defense; and

(2) covered by subpart 7.107 of the Federal Acquisition Regulation (relating to acquisitions involving bundling).

(e) CONSTRUCTION.—(1) Nothing in this section shall be construed to alter the responsibility of a contracting officer to provide the justification referred to in subsection (a) with respect to a covered acquisition, or otherwise provide notification, to any party concerning such acquisition under any other requirement of law or regulation.

(2) Nothing in this section shall be construed to require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code, or is otherwise restricted from public disclosure by law or Executive order.

(3) Nothing in this section shall be construed to require a contracting officer to delay the issuance of a solicitation in order to meet the requirements of subsection (a) if the expedited issuance of such solicitation is otherwise
SEC. 819. CONTRACT AUTHORITY FOR ADVANCED COMPONENT DEVELOPMENT OR PROTOTYPE UNITS.

(a) AUTHORITY.—A contract initially awarded from the competitive selection of a proposal resulting from a general solicitation referred to in section 2302(2)(B) of title 10, United States Code, may contain a contract option for—

(1) the provision of advanced component development and prototype of technology developed in the initial underlying contract; or

(2) the delivery of initial or additional prototype items if the item or a prototype thereof is created as the result of work performed under the initial competed research contract.

(b) DELIVERY.—A contract option as described in subsection (a)(2) shall require the delivery of the minimal amount of initial or additional prototype items to allow for the timely competitive solicitation and award of a follow-on development or production contract for those items. Such contract option may have a value only up to three times the value of the base contract ceiling and any subsequent development or procurement must be subject to the terms of section 2304 of title 10, United States Code.
(c) **TERM.**—A contract option as described in subsection (a)(1) shall be for a term of not more than 12 months.

(d) **USE OF AUTHORITY.**—Each military department may use the authority provided in subsection (a) to exercise a contract option described in that subsection up to four times a year, and the Secretary of Defense may approve up to an additional four total options a year for projects supported by agencies of the Department of Defense, until September 30, 2014.

(e) **REPORT.**—The Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided by subsection (a) not later than March 1, 2014. The report shall, at a minimum, describe—

1. the number of times the contract options were exercised under such authority and the scope of each such option;
2. the circumstances that rendered the military department or defense agency unable to solicit and award a follow-on development or production contract in a timely fashion, but for the use of such authority;
3. the extent to which such authority increased competition and improved technology transition; and
(4) any recommendations regarding the modification or extension of such authority.

Subtitle C—Other Matters

SEC. 821. ENHANCED EXPEDITED HIRING AUTHORITY FOR DEFENSE ACQUISITION WORKFORCE POSITIONS.

(a) In General.—Section 1705(h)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “acquisition positions within the Department of Defense as shortage category positions” and inserting “acquisition workforce positions as positions for which there exists a shortage of candidates or there is a critical hiring need”; and

(2) in subparagraph (B), by striking “highly”.

(b) Technical Amendment.—Such section is further amended by striking “United States Code,” in the matter preceding subparagraph (A).

SEC. 822. ACQUISITION WORKFORCE DEVELOPMENT FUND AMENDMENTS.

(a) Revisions to Credits to Fund.—

(1) Remittance by Fiscal Year Instead of Quarter.—Subparagraph (B) of section 1705(d)(2) of title 10, United States Code, is amended—
(A) in the first sentence, by striking “the third fiscal year quarter” and all that follows through “thereafter” and inserting “each fiscal year”; and

(B) by striking “quarter” before “for services”.

(2) Authority to suspend remittance requirement.—Section 1705(d)(2) of such title is further amended by adding at the end the following new subparagraph:

“(E) The Secretary of Defense may suspend the requirement to remit amounts under subparagraph (B), or reduce the amount required to be remitted under that subparagraph, for fiscal year 2010 or any subsequent fiscal year for which amounts appropriated to the Fund are in excess of the amount specified for that fiscal year in subparagraph (D).”.

(b) Revision to Employees Covered by Prohibition of Payment of Base Salary.—Paragraph (5) of section 1705(e) of such title is amended by striking “who was an employee of the Department as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2008” and inserting “who, as of January 28,
2008, was an employee of the Department serving in a position in the acquisition workforce’’.

(c) TECHNICAL AMENDMENTS.—Section 1705 of such title is further amended—

(1) in subsection (a), by inserting “Development” after “Workforce”; and

(2) in subsection (f), by striking “beginning with fiscal year 2008” in the matter preceding paragraph (1).

SEC. 823. REPORTS TO CONGRESS ON FULL DEPLOYMENT DECISIONS FOR MAJOR AUTOMATED INFORMATION SYSTEM PROGRAMS.

(a) IMPLEMENTATION SCHEDULE.—Section 2445b(b)(2) of title 10, United States Code, is amended by striking “, initial operational capability, and full operational capability” and inserting “and full deployment decision”.

(b) CRITICAL CHANGES IN PROGRAM.—Section 2445c(d)(2)(A) of such title is amended by striking “initial operational capability” and inserting “a full deployment decision”.
SEC. 824. REQUIREMENT FOR SECRETARY OF DEFENSE TO DENY AWARD AND INCENTIVE FEES TO COMPANIES FOUND TO JEOPARDIZE HEALTH OR SAFETY OF GOVERNMENT PERSONNEL.

(a) REQUIREMENT TO DENY AWARD AND INCENTIVE FEES.—

(1) PRIME CONTRACTORS.—The Secretary of Defense shall prohibit the payment of award and incentive fees to any defense contractor—

(A) that has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), in the performance of a covered contract to have caused serious bodily injury or death to any civilian or military personnel of the Government through gross negligence or with reckless disregard for the safety of such personnel; or

(B) that awarded a subcontract under a covered contract to a subcontractor that has been determined, through a criminal, civil, or administrative proceeding that results in a disposition listed in subsection (c), in the performance of the subcontract to have caused serious injury or death to any civilian or military personnel of the Government, through gross negligence or with reckless disregard for the safety
of such personnel, but only to the extent that
the defense contractor has been determined
(through such a proceeding that results in such
a disposition) that the defense contractor is also
liable for such actions of the subcontractor.

(2) SUBCONTRACTORS.—The Secretary of De-
fense shall prohibit the payment of award and incen-
tive fees to any subcontractor under a covered con-
tract that has been determined, through a criminal,
civil, or administrative proceeding that results in a
disposition listed in subsection (c), in the perform-
ance of a covered contract to have caused serious
bodily injury or death to any civilian or military per-
sonnel of the Government through gross negligence
or with reckless disregard for the safety of such per-
sonnel.

(b) DETERMINATION OF DEBARMENT.—Not later
than 90 days after a determination pursuant to subsection
(a)(1) has been made, the Secretary shall determine
whether the defense contractor should be debarred from
contracting with the Department of Defense.

(c) LIST OF DISPOSITIONS IN CRIMINAL, CIVIL, OR
ADMINISTRATIVE PROCEEDINGS.—For purposes of sub-
section (a), the dispositions listed in this subsection are
as follows:
(1) In a criminal proceeding, a conviction.

(2) In a civil proceeding, a finding of fault and liability that results in the payment of a monetary fine, penalty, reimbursement, restitution, or damages of $5,000 or more.

(3) In an administrative proceeding, a finding of fault and liability that results in—

(A) the payment of a monetary fine or penalty of $5,000 or more; or

(B) the payment of a reimbursement, restitution, or damages in excess of $100,000.

(4) To the maximum extent practicable and consistent with applicable laws and regulations, in a criminal, civil, or administrative proceeding, a disposition of the matter by consent or compromise with an acknowledgment of fault by the person if the proceeding could have led to any of the outcomes specified in paragraph (1), (2), or (3).

(d) WAIVER.—The prohibition required by subsection (a) may be waived by the Secretary of Defense on a case-by-case basis if the Secretary finds that the prohibition would jeopardize national security. The Secretary shall notify the congressional defense committees of any exercise of the waiver authority under this subsection.

(e) DEFINITIONS.—In this section:
(1) The term “defense contractor” means a company awarded a covered contract.

(2) The term “covered contract” means a contract awarded by the Department of Defense for the procurement of goods or services.

(3) The term “serious bodily injury” means a grievous physical harm that results in a permanent disability.

(f) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to implement the prohibition required by subsection (a) and shall establish in such regulations—

(1) that the prohibition applies only to award and incentive fees under the covered contract concerned;

(2) the extent of the award and incentive fees covered by the prohibition, but shall include, at a minimum, all award and incentive fees associated with the performance of the covered contract in the year in which the serious bodily injury or death resulting in a disposition listed in subsection (c) occurred; and

(3) mechanisms for recovery by or repayment to the Government of award and incentive fees paid to
a contractor or subcontractor under a covered contract prior to the determination.

(g) Effective Date.—The prohibition required by subsection (a) shall apply to covered contracts awarded on or after the date occurring 180 days after the date of the enactment of this Act.

SEC. 825. AUTHORIZATION FOR ACTIONS TO CORRECT THE INDUSTRIAL RESOURCE SHORTFALL FOR HIGH-PURITY BERYLLIUM METAL IN AMOUNTS NOT IN EXCESS OF $85,000,000.

With respect to actions by the President under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) to correct the industrial resource shortfall for high-purity beryllium metal, the limitation in subsection (a)(6)(C) of such section shall be applied by substituting “$85,000,000” for “$50,000,000”.

SEC. 826. REVIEW OF POST EMPLOYMENT RESTRICTIONS APPLICABLE TO THE DEPARTMENT OF DEFENSE.

(a) Review Required.—The Panel on Contracting Integrity, established pursuant to section 813 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), shall review policies relating to post-employment restrictions on former Department of Defense personnel to determine whether such policy—
cies adequately protect the public interest, without unreasonably limiting future employment options for former Department of Defense personnel.

(b) MATTERS CONSIDERED.—In performing the review required by subsection (a), the Panel shall consider the extent to which current post-employment restrictions—

(1) appropriately protect the public interest by preventing personal conflicts of interests and preventing former Department of Defense officials from exercising undue or inappropriate influence on the Department of Defense;

(2) appropriately require disclosure of personnel accepting employment with contractors of the Department of Defense involving matters related to their official duties;

(3) use appropriate thresholds, in terms of salary or duties, for the establishment of such restrictions;

(4) are sufficiently straightforward and have been explained to personnel of the Department of Defense so that such personnel are able to avoid potential violations of post-employment restriction and conflicts of interest in interactions with former personnel of the Department;
(5) adequately address personnel performing duties in acquisition-related activities that are not covered by current restrictions relating to private sector employment following employment with the Department of Defense and procurement integrity, such as personnel involved in—

(A) the establishment of requirements;
(B) testing and evaluation; and
(C) the development of doctrine;

(6) ensure that the Department of Defense has access to world-class talent, especially with respect to highly qualified technical, engineering, and acquisition expertise; and

(7) ensure that service in the Department of Defense remains an attractive career option.

(e) COMPLETION OF THE REVIEW.—The Panel shall complete the review required by subsection (a) not later than 1 year after the date of the enactment of this Act.

(d) REPORT TO COMMITTEES ON ARMED SERVICES.—Not later than 30 days after the completion of the review, the Panel shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the findings of the review and the recommendations of the Panel to the Secretary of De-
fense, including recommended legislative or regulatory changes, resulting from the review.

(c) NATIONAL ACADEMY OF PUBLIC ADMINISTRATION ASSESSMENT.—

(1) Not later than 30 days after the completion of the review, the Secretary of Defense shall enter into an arrangement with the National Academy of Public Administration to assess the findings and recommendations of the review.

(2) Not later than 210 days after the completion of the review, the National Academy of Public Administration shall provide its assessment of the review to the Secretary, along with such additional recommendations as the National Academy may have.

(3) Not later than 30 days after receiving the assessment, the Secretary shall provide the assessment, along with such comments as the Secretary considers appropriate, to the Committees on Armed Services of the Senate and the House of Representa-

atives.
SEC. 827. REQUIREMENT TO BUY MILITARY DECORATIONS, RIBBONS, BADGES, MEDALS, INSIGNIA, AND OTHER UNIFORM ACCOUTERMENTS PRODUCED IN THE UNITED STATES.

(a) REQUIREMENT.—Subchapter III of chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2495c. Requirement to buy military decorations and other uniform accouterments from American sources; exceptions

“(a) BUY-AMERICAN REQUIREMENT.—A military exchange store or other nonappropriated fund instrumentality of the Department of Defense may not purchase for resale any military decorations, ribbons, badges, medals, insignia, and other uniform accouterments that are not produced in the United States. Competitive procedures shall be used in selecting the United States producer of the decorations.

“(b) HERALDIC QUALITY CONTROL.—No certificate of authority (contained in part 507 of title 32, Code of Federal Regulations) for the manufacture and sale of any item reference in subsection (a) by the Institute of Heraldry, the Navy Clothing and Textile Research Facility, or the Marine Corps Combat Equipment and Support Systems for quality control and specifications purposes shall
be permitted unless these items are from domestic material manufactured in the United States.

“(c) EXCEPTION.—Subsections (a) and (b) do not apply to the extent that the Secretary of Defense determines that a satisfactory quality and sufficient quantity of an item covered by subsection (a) and produced in the United States cannot be procured at a reasonable cost.

“(d) UNITED STATES DEFINED.—In this section, the term ‘United States’ includes the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory or possession of the United States.”.

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

“2495c. Requirement to buy military decorations and other uniform accouterments from American sources; exceptions.”.

(e) CONFORMING AMENDMENT.—Section 2533a(b)(1) of such title is amended—

(1) in subparagraph (D), by striking “or” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new sub-paragraph:
“(F) military decorations, ribbons, badges, medals, insignia, and other uniform accouterments.”.

SEC. 828. FINDINGS AND REPORT ON THE USAGE OF RARE EARTH MATERIALS IN THE DEFENSE SUPPLY CHAIN.

(a) FINDINGS.—Regarding the availability of rare earth materials and components containing rare earth materials in the defense supply chain Congress finds—

(1) it is necessary, to the maximum extent practicable, to ensure the uninterrupted supply of strategic materials critical to national security, including rare earth materials and other items covered under section 2533b of title 10, United States Code, to support the defense supply-chain, particularly when many of those materials are supplied by primary producers in unreliable foreign nations;

(2) many less common metals, including rare earths and thorium, are critical to modern technologies, including numerous defense critical technologies and these technologies cannot be built without the use of these metals and materials produced from them and therefore could qualify as strategic materials, critical to national security, in which case the Strategic Materials Protection Board should rec-
ommend a strategy to the President to ensure the
domestic availability of these materials; and

(3) there is a need to identify the strategic
value placed on rare earth materials by foreign na-
tions (including China), and the Department of De-
fense’s supply-chain vulnerability related to rare
earths and end items containing rare earths.

(b) REPORT REQUIRED.—Not later than April 1,
2010, the Comptroller General shall submit to the Com-
mittees on Armed Services of the Senate and House of
Representatives a report on the usage of rare earth mate-
rials in the supply chain of the Department of Defense.

(c) OBJECTIVES OF REPORT.—The objectives of the
report required by subsection (b) shall be to determine the
availability of rare earth materials, including ores, semi-
finished rare earth products, components containing rare-
earth materials, and other uses of rare earths by the De-
partment of Defense in its weapon systems. The following
items shall be considered:

(1) An analysis of past procurements and at-
ttempted procurements by foreign governments or
government- controlled entities, including mines and
mineral rights, of rare-earth resources outside such
nation’s territorial boundaries.
(2) An analysis of the worldwide availability of rare earths, such as samarium, neodymium, thorium and lanthanum, including current and potential domestic sources for use in defense systems, including a projected analysis of projected availability of these materials in the export market.

(3) A determination as to which defense systems are currently dependent on rare earths supplied by nondomestic sources, particularly neodymium iron boron magnets.

(d) RARE EARTH DEFINED.—In this section, the term “rare earth” means the chemical elements, all metals, beginning with lanthanum, atomic number 57, and including all of the natural chemical elements in the periodic table following lanthanum up to and including lutetium, element number 71. The term also includes the elements yttrium and scandium.

SEC. 829. FURNITURE STANDARDS.

All Department of Defense purchases of furniture in the United States and its territories made from Department of Defense funds, including under design-build contracts, must meet the same quality standards as specified by the General Services Administration schedule program and the Department of Defense.
SEC. 830. FOLLOW-ON CONTRACTS FOR CERTAIN ITEMS ACQUIRED FOR SPECIAL OPERATIONS FORCES.

(a) Authority for Award of Follow-on Contracts.—The commander of the special operations command, acting under authority provided by section 167(e)(4) of title 10, United States Code, may award a follow-on contract for the acquisition of an item to a contractor who previously provided such item if—

(1) the item is an item of special operations-peculiar equipment and not anticipated to be made service common within 24 months of the initial contract;

(2) the item was previously acquired in the make, model, and type—

(A) using competitive procedures;

(B) under the authority of other statutory authority permitting noncompetitive or limited competition procurement actions (such as section 8(a) of the Small Business Act (15 U.S.C. 637(a)), section 31 of such Act (15 U.S.C. 657a, relating to the HUBZone program), and section 36 of such Act (15 U.S.C. 657f, relating to procurement program for small business concerns owned and controlled by service-disabled veterans)); or
(C) as a result of a competition among a limited number of sources on the basis that the disclosure of the need for the item would compromise national security; and

(3) the acquisition of the item by means other than a follow-on contract with the contractor would unduly delay the fielding of such item to forces preparing for or participating in overseas contingency operations or for other deployments undertaken in response to a request from a combatant commander.

(b) LIMITATIONS.—A contract awarded using the authority in subsection (a)—

(1) may have a period of performance of not longer than 1 year;

(2) may be used only to acquire one or more items having an individual unit price under $100,000; and

(3) may have a total value not exceeding $25,000,000.

(e) NOTIFICATION.—Not later than 45 days after the use of the authority in subsection (a), the commander of the special operations command shall submit to the congressional defense committees a notification of the use of such authority.
(d) **Termination of Authority.**—The commander of the special operations command may not use the authority in subsection (a) on and after October 1, 2013.

**SEC. 831. DEFENSE SUBCONTRACTOR PROLIFERATION COST EFFECTIVENESS STUDY AND REPORTS.**

(a) **Study.**—The Secretary of Defense shall conduct a study on the total number of subcontractors used on the last five major weapons systems in which acquisition has been completed and determine if fewer subcontractors could have been more cost effective.

(b) **Management Burden.**—In conducting the study, the Secretary of Defense shall evaluate any potential cost savings derived from less management burden from multiple subcontractors on the Federal acquisition workforce.

(c) **Report by Secretary of Defense.**—Not later than March 1, 2010, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report on the results of the study.

(d) **Report by Comptroller General.**—Not later than May 1, 2010, the Comptroller General shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the
Senate a review of the Department of Defense report submitted under subsection (e).

SEC. 832. COMPTROLLER GENERAL REPORT ON DEFENSE CONTRACT COST OVERRUNS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on cost overruns in the performance of defense contracts.

(b) MATTERS COVERED.—The report under subsection (a) shall include, at a minimum, the following:

(1) A list of each contractor with a cost overrun during any of fiscal years 2006, 2007, 2008, or 2009, including identification of the contractor and the covered contract involved, the cost estimate of the covered contract, and the cost overrun for the covered contract.

(2) Findings and recommendations of the Comptroller General.

(3) Such other matters as the Comptroller General considers appropriate.

(c) COVERED CONTRACT.—In this section, the term “covered contract” means a contract that is awarded by the Department of Defense through the use of a solicitation for competitive proposals, in an amount greater than
the simplified acquisition threshold, and that is a cost-re-
reimbursement contract or a time-and-materials contract.

SEC. 833. PROCUREMENT PROFESSIONALISM ADVISORY PANEL.

(a) GAO-CONVENED PANEL.—The Comptroller Gen-
eral shall convene a panel of experts, to be known as the
Procurement Professionalism Advisory Panel, to study the
ethics, competence, and effectiveness of acquisition per-
sonnel and the governmentwide procurement process, in-
cluding the following:

(1) The role played by the Federal acquisition
workforce at each stage of the procurement process,
with a focus on the following:

(A) Personnel shortages.

(B) Expertise shortages.

(C) The relationship between career acqui-
sition personnel and political appointees.

(D) The relationship between acquisition
personnel and contractors.

(2) The legislation, regulation, official policy,
and informal customs that govern procurement per-
sonnel.

(3) Training and retention tools used to hire,
retain, and professionally develop acquisition per-
sonnel, including the following:
(A) The Defense Acquisition University.

(B) The Federal Acquisition Institute.

(C) Continuing education and professional development opportunities available to acquisition professionals.

(D) Opportunities to pursue higher education available to acquisition personnel, including scholarships and student loan forgiveness.

(b) Administration of Panel.—The Comptroller General shall be the chairman of the panel.

(c) Composition of Panel.—

(1) Membership.—The Comptroller General shall appoint highly qualified and knowledgeable persons to serve on the panel and shall ensure that the following groups receive fair representation on the panel:

(A) Officers and employees of the United States.

(B) Persons in private industry.

(C) Federal labor organizations.

(2) Fair representation.—For the purposes of the requirement for fair representation under paragraph (1), persons serving on the panel under subparagraph (C) of that paragraph shall not be
counted as persons serving on the panel under sub-
paragraph (A) or (B) of that paragraph.

(d) Participation by Other Interested Parties.—The Comptroller General shall ensure that the op-
portunity to submit information and views on the ethics,
competence, and effectiveness of acquisition personnel to
the panel for the purposes of the study is accorded to all
interested parties, including officers and employees of the
United States not serving on the panel and entities in pri-
ivate industry and representatives of Federal labor organi-
izations not represented on the panel.

(e) Information From Agencies.—The panel may
secure directly from any department or agency of the
United States any information that the panel considers
necessary to carry out a meaningful study of administra-
tion of the rules described in subsection (a). Upon the re-
quest of the Chairman of the panel, the head of such de-
partment or agency shall furnish the requested informa-
tion to the panel.

(f) Report.—

(1) In general.—Not later than 18 months
after the date of the enactment of this Act, the
Comptroller General shall submit a report on the re-
results of the study to—
(A) the Committee on Oversight and Government Reform of the House of Representa-
tives;

(B) the Committee on Armed Services of the House of Representatives;

(C) the Committee on Homeland Security and Government Affairs of the Senate; and

(D) the Committee on Armed Services of the Senate.

(2) AVAILABILITY.—The Comptroller General shall publish the report in the Federal Register and on a publically accessible website (acquisition.gov).

(g) DEFINITION.—In this section, the term “Federal labor organization” has the meaning given the term “labor organization” in section 7103(a)(4) of title 5, United States Code.

SEC. 834. ACCESS BY CONGRESS TO DATABASE OF INFORMATION REGARDING THE INTEGRITY AND PERFORMANCE OF CERTAIN PERSONS AWARDED FEDERAL CONTRACTS AND GRANTS.

Section 872(e)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 455) is amended by striking “the Chairman and Ranking Member of the committees of Con-
gress having jurisdiction” and inserting “any Member of Congress”.

SEC. 835. ADDITIONAL REPORTING REQUIREMENTS FOR INVENTORY RELATING TO CONTRACTS FOR SERVICES.

(a) ADDITIONAL REPORTING REQUIREMENTS.—Section 2330a(c)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(H) With respect to such contracts for services—

“(i) the ratio between the number of individuals responsible for awarding and overseeing such contracts to the amount obligated or expended on such contracts; and

“(ii) the number of individuals responsible for awarding and overseeing such contracts who are themselves contractors.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to fiscal year 2011 and fiscal years thereafter.
SEC. 836. REQUIREMENT TO JUSTIFY THE USE OF FACTORS OTHER THAN COST OR PRICE AS THE PREDOMINATE FACTORS IN EVALUATING COMPETITIVE PROPOSALS FOR DEFENSE PROCUREMENT CONTRACTS.

(a) REQUIREMENT.—Subparagraph (A) of section 2305(a)(2) of title 10, United States Code, is amended—

(1) by striking “and” at the end of clause (i); and

(2) by inserting after clause (ii) the following new clause:

“(iii) in the case of a solicitation in which factors other than cost or price when combined are more important than cost or price, the reasons why assigning at least equal importance to cost or price would not better serve the Government’s interest; and”.

(b) REPORT.—Section 2305(a)(3) of such title is amended by adding at the end the following new subparagraph:

“(C) Not later than 180 days after the end of each fiscal year, the Secretary of Defense shall submit to Congress, and post on a publicly available website of the Department of Defense, a report describing the solicitations for which a statement pursuant to paragraph (2)(A)(iii) was included.”.
TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Role of commander of special operations command regarding personnel management policy and plans affecting special operations forces.
Sec. 902. Special operations activities.
Sec. 903. Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.
Sec. 904. Authority to allow private sector civilians to receive instruction at Defense Cyber Investigations Training Academy of the Defense Cyber Crime Center.
Sec. 905. Organizational structure of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.
Sec. 906. Requirement for Director of Operational Energy Plans and Programs to report directly to Secretary of Defense.
Sec. 907. Increased flexibility for Combatant Commander Initiative Fund.
Sec. 908. Repeal of requirement for a Deputy Under Secretary of Defense for Technology Security Policy within the Office of the Under Secretary of Defense for Policy.
Sec. 909. Recommendations to Congress by members of Joint Chiefs of Staff.

Subtitle B—Space Activities

Sec. 911. Submission and review of space science and technology strategy.
Sec. 912. Converting the space surveillance network pilot program to a permanent program.

Subtitle C—Intelligence-Related Matters

Sec. 921. Plan to address foreign ballistic missile intelligence analysis.

Subtitle D—Other Matters

Sec. 931. Joint Program Office for Cyber Operations Capabilities.
Sec. 933. Department of Defense School of Nursing revisions.
Sec. 934. Report on special operations command organization, manning, and management.
Sec. 935. Study on the recruitment, retention, and career progression of uniformed and civilian military cyber operations personnel.
Subtitle A—Department of Defense Management

SEC. 901. ROLE OF COMMANDER OF SPECIAL OPERATIONS COMMAND REGARDING PERSONNEL MANAGEMENT POLICY AND PLANS AFFECTING SPECIAL OPERATIONS FORCES.

Section 167(e) of title 10, United States Code, is amended—

(1) in paragraph (2), by striking subparagraph (J); and

(2) inserting at the end the following new paragraph:

“(5)(A) The Secretaries of the military departments shall coordinate with the commander of the special operations command regarding personnel management policy and plans as such policy and plans relate to the following:

“(i) Accessions, assignments, and command selection for special operations forces.

“(ii) Compensation, promotions, retention, professional development, and training of members of special operations forces.

“(iii) Readiness as it relates to manning guidance and priority of fill for units of the special operations forces.
“(B) The coordination required by subparagraph (A) shall be conducted in such a manner so as not to interfere with the authorities of the Secretary concerned regarding personnel management policy and plans.”.

SEC. 902. SPECIAL OPERATIONS ACTIVITIES.

Section 167(j) of title 10, United States Code, is amended by striking paragraphs (1) through (10) and inserting the following new paragraphs:

“(1) Special reconnaissance.

“(2) Unconventional warfare.

“(3) Foreign internal defense.

“(4) Civil affairs operations.

“(5) Counterterrorism.

“(6) Psychological operations.

“(7) Information operations.

“(8) Counter proliferation of weapons of mass destruction.

“(9) Security force assistance.

“(10) Counterinsurgency operations.

“(11) Such other activities as may be specified by the President or the Secretary of Defense.”.

(a) Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps.—

(1) Redesignation of military department.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(2) Redesignation of Secretary and other statutory offices.—

(A) Secretary.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(B) Other statutory offices.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) Conforming Amendments to Title 10, United States Code.—
(1) Definition of “Military Department”.—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

“(8) The term ‘military department’ means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.”.

(2) Organization of Department.—The text of section 5011 of such title is amended to read as follows: “The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.”.

(3) Position of Secretary.—Section 5013(a)(1) of such title is amended by striking “There is a Secretary of the Navy” and inserting “There is a Secretary of the Navy and Marine Corps”.

(4) Chapter headings.—

(A) The heading of chapter 503 of such title is amended to read as follows:

“CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS”.

(B) The heading of chapter 507 of such title is amended to read as follows:
“CHAPTER 507—COMPOSITION OF THE DE-
PARTMENT OF THE NAVY AND MARINE
CORPS”.

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is
amended by striking “Department of the Navy”
and “Secretary of the Navy” each place they
appear other than as specified in paragraphs
(1), (2), (3), and (4) (including in section head-
ings, subsection captions, tables of chapters,
and tables of sections) and inserting “Depart-
ment of the Navy and Marine Corps” and “Sec-
retary of the Navy and Marine Corps”, respec-
tively, in each case with the matter inserted to
be in the same typeface and typestyle as the
matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2),
5016(a), 5017(2), 5032(a), and 5042(a) of
such title are amended by striking “Assistant
Secretaries of the Navy” and inserting “Assistant
Secretaries of the Navy and Marine Corps”.

(ii) The heading of section 5016 of such
title, and the item relating to such section in
the table of sections at the beginning of chapter
503 of such title, are each amended by insert-
ing “and Marine Corps” after “of the Navy”,
with the matter inserted in each case to be in
the same typeface and typestyle as the matter
amended.

(c) Other Provisions of Law and Other Refer-
ences.—

(1) Title 37, United States Code.—Title 37,
United States Code, is amended by striking “De-
partment of the Navy” and “Secretary of the Navy”
each place they appear and inserting “Department
of the Navy and Marine Corps” and “Secretary of
the Navy and Marine Corps”, respectively.

(2) Other References.—Any reference in
any law other than in title 10 or title 37, United
States Code, or in any regulation, document, record,
or other paper of the United States, to the Depart-
ment of the Navy shall be considered to be a ref-
ERENCE to the Department of the Navy and Marine
Corps. Any such reference to an office specified in
subsection (b)(2) shall be considered to be a ref-
ERENCE to that officer as redesignated by that sec-
tion.

(d) Effective Date.—This section and the amend-
ments made by this section shall take effect on the first
day of the first month beginning more than 60 days after
the date of the enactment of this Act.

SEC. 904. AUTHORITY TO ALLOW PRIVATE SECTOR CIVIL-
IANS TO RECEIVE INSTRUCTION AT DEFENSE
CYBER INVESTIGATIONS TRAINING ACADEMY
OF THE DEFENSE CYBER CRIME CENTER.

(a) Admission of Private Sector Civilians.—
Chapter 108 of title 10, United States Code, is amended
by inserting after section 2167 the following new section:

“§ 2167a. Defense Cyber Investigations Training
Academy: admission of private sector ci-
vilians to receive instruction

“(a) Authority for Admission.—The Secretary of
Defense may permit eligible private sector employees to
receive instruction at the Defense Cyber Investigations
Training Academy operating under the direction of the
Defense Cyber Crime Center. No more than the equivalent
of 200 full-time student positions may be filled at any one
time by private sector employees enrolled under this sec-
tion, on a yearly basis. Upon successful completion of the
course of instruction in which enrolled, any such private
sector employee may be awarded an appropriate certifi-
cation or diploma.

“(b) Eligible Private Sector Employees.—For
purposes of this section, an eligible private sector employee
is an individual employed by a private firm that is engaged
in providing to the Department of Defense or other Gov-
ernment departments or agencies significant and substan-
tial defense-related systems, products, or services, or
whose work product is relevant to national security policy
or strategy. A private sector employee remains eligible for
such instruction only so long as that person remains em-
ployed by an eligible private sector firm.

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

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

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

“(d) TUITION.—The Secretary of Defense shall
charge private sector employees enrolled under this section
tuition at a rate that is at least equal to the rate charged
for employees of the United States. In determining tuition
rates, the Secretary shall include overhead costs of the De-
fense Cyber Investigations Training Academy.

“(e) STANDARDS OF CONDUCT.—While receiving in-
struction at the Defense Cyber Investigations Training
Academy, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the Academy.

“(f) USE OF FUNDS.—Amounts received by the Defense Cyber Investigations Training Academy for instruction of students enrolled under this section shall be retained by the Academy to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the Academy.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2167 the following new item:


SEC. 905. ORGANIZATIONAL STRUCTURE OF THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS AND THE TRICARE MANAGEMENT ACTIVITY.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the organizational structure of the Of-
Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity.

(b) Elements.—The report required under subsection (a) shall include the following:

(1) Organizational charts.—Organizational charts for both the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity showing, at a minimum, the senior positions in such office and such activity.

(2) Senior position descriptions.—A description of the policy-making functions and oversight responsibilities of each senior position in the Office of the Assistant Secretary of Defense for Health Affairs and the policy and program execution responsibilities of each senior position of the TRICARE Management Activity.

(3) Positions filled by same individual.—A description of which positions in both organizations are filled by the same individual.

(4) Assessment.—An assessment of whether the senior personnel of the Office of the Assistant Secretary of Defense for Health Affairs and the TRICARE Management Activity, as currently organized, are able to appropriately perform the discrete
functions of policy formulation, policy and program
execution, and program oversight.

(c) DEFINITIONS.—In this section:

(1) SENIOR POSITION.—The term “senior posi-
tion” means a position fill by a member of the senior
executive service or a position on the Executive
Schedule established pursuant to title 5, United
States Code.

(2) SENIOR PERSONNEL.—The term “senior
personnel” means personnel who are members of the
senior executive service or who fill a position listed
on the Executive Schedule established pursuant to
title 5, United States Code.

SEC. 906. REQUIREMENT FOR DIRECTOR OF OPERATIONAL
ENERGY PLANS AND PROGRAMS TO REPORT
DIRECTLY TO SECRETARY OF DEFENSE.

Paragraph (2) of section 139b(c) of title 10, United
States Code, is amended to read as follows:

“(2) The Director shall report directly to the
Secretary of Defense.”.

SEC. 907. INCREASED FLEXIBILITY FOR COMBATANT COM-
MANDER INITIATIVE FUND.

(a) INCREASE IN FUNDING LIMITATIONS.—Subpara-
graph (A) of section 166a(e)(1) of title 10, United States
Code, is amended—
(1) by striking “$10,000,000” and inserting “$20,000,000”; and
(2) by striking “$15,000” and inserting “the investment unit cost threshold in effect under section 2245a of this title”.

(b) Coordination With Secretary of State.— Paragraph (6) of section 166a(b) of such title is amended by inserting after “assistance,” the following: “in coordination with the Secretary of State,”.

SEC. 908. REPEAL OF REQUIREMENT FOR A DEPUTY UNDER SECRETARY OF DEFENSE FOR TECHNOLOGY SECURITY POLICY WITHIN THE OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY.

(a) Repeal of Requirement for Position.—

(1) Repeal.—Section 134b of title 10, United States Code, is repealed.

(2) Clerical Amendment.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 134b.

(b) Prior Notification of Change in Reporting Relationship for the Defense Technology Security Administration.—The Secretary of Defense shall ensure that no covered action is taken until the expiration
of 30 legislative days after providing notification of such action to the Committees on Armed Services of the Senate and the House of Representatives.

(c) COVERED ACTION DEFINED.—In this section, the term “covered action” means—

(1) the transfer of the Defense Technology Security Administration to an Under Secretary or other office of the Department of Defense other than the Under Secretary of Defense for Policy;

(2) the consolidation of the Defense Technology Security Administration with another office, agency, or field activity of the Department of Defense; or

(3) the addition of management layers between the Director of the Defense Technology Security Administration and the Under Secretary of Defense for Policy.

SEC. 909. RECOMMENDATIONS TO CONGRESS BY MEMBERS OF JOINT CHIEFS OF STAFF.

Section 151(f) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “After first”; and

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

“(2) The members of the Joint Chiefs of Staff, individually or collectively, in their capacity as military advis-
ers, shall provide advice to Congress on a particular mat-
ter when Congress requests such advice.”.

Subtitle B—Space Activities

SEC. 911. SUBMISSION AND REVIEW OF SPACE SCIENCE
AND TECHNOLOGY STRATEGY.

(a) Strategy.—

(1) Requirements.—Paragraph (2) of section
2272(a) of title 10, United States Code, is amended
by adding at the end the following new subpara-
graph:

“(D) The process for transitioning space
science and technology programs to new or existing
space acquisition programs.”.

(2) Submission to Congress.—Paragraph (5)
of such section is amended to read as follows:

“(5) The Secretary of Defense shall annually submit
the strategy developed under paragraph (1) to the con-
gressional defense committees on the date on which the
President submits to Congress the budget for the next fis-
cal year under section 1105 of title 31, United States
Code.”.

(b) Government Accountability Office Review
of Strategy.—

(1) Review.—The Comptroller General shall
review and assess the first space science and tech-
nology strategy submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by subsection (a)(2) of this section, and the effectiveness of the coordination process required under section 2272(b) of such title.

(2) REPORT.—Not later than 90 days after the date on which the Secretary of Defense submits the first space science and technology strategy required to be submitted under paragraph (5) of section 2272(a) of title 10, United States Code, as amended by subsection (a)(2) of this section, the Comptroller General shall submit to the congressional defense committees a report containing the findings and assessment under paragraph (1).

SEC. 912. CONVERTING THE SPACE SURVEILLANCE NETWORK PILOT PROGRAM TO A PERMANENT PROGRAM.

Section 2274 of title 10, United States Code, is amended—

(1) in the heading, by striking “PILOT”;

(2) in subsection (a)—

(A) in the heading, by striking “PILOT”;

and
(B) by striking “a pilot program to deter-
mine the feasibility and desirability of pro-
viding” and inserting “a program to provide”;

(3) in subsection (b) in the matter preceding paragraph (1), by striking “such a pilot program” and inserting “the program”;

(4) in subsection (e) in the matter preceding paragraph (1), by striking “pilot”;

(5) in subsection (d) in the matter preceding paragraph (1), by striking “pilot”;

(6) in subsection (h), by striking “pilot”; and

(7) by striking subsection (i).

Subtitle C—Intelligence-Related Matters

SEC. 921. PLAN TO ADDRESS FOREIGN BALLISTIC MISSILE INTELLIGENCE ANALYSIS.

(a) ASSESSMENT AND PLAN.—The Secretary of De-
defense, in consultation with the Director of National Intel-
ligence, shall—

(1) conduct an assessment of foreign ballistic missile intelligence gaps and shortfalls; and

(2) develop a plan to ensure that the appro-
priate intelligence centers have sufficient analytical capabilities to address such gaps and shortfalls.
(b) REPORT.—Not later than February 28, 2010, the Secretary of Defense shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report containing—

(1) the results of the assessment conducted under subsection (a)(1);

(2) the plan developed under subsection (a)(2); and

(3) a description of the resources required to implement such plan.

(c) FORM.—The report under subsection (b) shall be submitted in unclassified form, but may contain a classified annex.

Subtitle D—Other Matters

SEC. 931. JOINT PROGRAM OFFICE FOR CYBER OPERATIONS CAPABILITIES.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a Joint Program Office for Cyber Operations Capabilities to assist the Under Secretary of Defense for Acquisition, Technology, and Logistics in improving the development of specific leap-ahead capabilities, including manpower development, tactics, and tech-
nologies, for the military departments, the Defense Agen-
cies, and the combatant commands.

(b) DIRECTOR.—The Joint Program Office for Cyber
Operations Capabilities (in this section referred to as the
“JPO–COC”) shall be headed by a Director, who shall be
appointed by the Secretary of Defense, in consultation
with the Under Secretary of Defense for Acquisition,
Technology, and Logistics, the Assistant Secretary of De-
fense for Networks and Information Integration, the
Under Secretary of Defense for Intelligence, and the com-
mander of United States Strategic Command. The Direc-
tor shall be selected from among individuals with signifi-
cant technical and management expertise in information
technology system development, and shall serve for 3
years.

(e) SUPERVISION.—The Director shall report directly
to the Under Secretary of Defense for Acquisition, Tech-
nology, and Logistics. The Assistant Secretary of Defense
for Networks and Information Integration may provide
policy guidance to the Director on issues within the Direc-
tor’s areas of responsibilities.

(d) RESPONSIBILITIES.—The JPO–COC shall be re-
sponsible for the following:

(1) Coordinating cyber operations capabilities,
both offensive and defensive, between the military
departments, Defense Agencies, and combatant com-
mands in order to identify and prioritize joint capa-
"bility gaps.

(2) Developing advanced, leap-ahead capabili-
ties to address joint capability gaps.

(3) Establishing a nation level, joint, inter-
agency cyber exercise, similar to the exercise known
as Eligible Receiver, that would occur at least bien-
nially, and, to the extent possible, that would include
participants from industry, critical infrastructure
sector providers, international militaries, and non-
governmental organizations.

(4) Such other responsibilities as the Under
Secretary determines are appropriate.

(e) ANNUAL REPORT.—By March 1 of each year, be-
ginning March 1, 2010, the Secretary of Defense shall
submit to the congressional defense committees a report
on all of the activities of the JPO–COC during the pre-
ceding year.

SEC. 932. DEFENSE INTEGRATED MILITARY HUMAN RE-
SOURCES SYSTEM TRANSITION COUNCIL.

(a) IN GENERAL.—The Secretary of Defense shall es-

tablish a Defense Integrated Military Human Resources
System Transition Council (in this section referred to as
the “Council”) to provide advice to the Secretary of De-
fense and the Secretaries of the military departments on
implementing the defense integrated military human re-
sources system (in this section referred to as the
‘‘DIMHRS’’) throughout the Department of Defense, in-
cluding within each military department.

(b) COMPOSITION.—The Council shall include the fol-
lowing members:

(1) The Chief Management Officer of the De-
partment of Defense.

(2) The Director of the Business Trans-
formation Agency.

(3) One representative from each of the Army,
Navy, Air Force, and Marine Corps who is a lieuten-
ant general or vice admiral.

(4) One civilian employee of the National Guard
Bureau who occupies a position of responsibility and
receives compensation comparable to a lieutenant
general or vice admiral.

(5) Such other individuals as may be designated
by the Secretary of Defense.

(c) MEETINGS.—The Council shall meet not less than
once a quarter, or more often as specified by the Secretary
of Defense.

(d) DUTIES.—The Council shall have the following
responsibilities:
(1) Resolution of significant policy, programmatic, or budgetary issues impeding transition of DIMHRS to the military departments.

(2) Coordination of implementation of DIMHRS within each military department to ensure interoperability between and among the Department of Defense as a whole and each military department.

(3) Such other responsibilities as the Secretary of Defense determines are appropriate.

(e) ANNUAL REPORT.—

(1) IN GENERAL.—By March 1 of each year, beginning March 1, 2010, and ending March 1, 2014, the Council shall submit to the congressional defense committees an annual report on the progress of DIMHRS transition.

(2) The report shall include descriptions of the following:

(A) The status of implementation of DIMHRS among the military departments.

(B) A description of the testing and evaluation activities of DIMHRS as implemented throughout the Department of Defense, as well as any such activities developed by the military departments to extend DIMHRS to the departments.
(C) Plans for the decommissioning of human resources systems within the Department of Defense and military department that are being replaced by DIMHRS, including—

(i) systems to be phased out; and

(ii) plans for the remaining legacy systems to be phased out.

(D) Funding and resources from the military departments devoted to the development of department-specific plans to augment and extend the DIMHRS within each department.

SEC. 933. DEPARTMENT OF DEFENSE SCHOOL OF NURSING

REVISIONS.

(a) SCHOOL OF NURSING.—

(1) IN GENERAL.—Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2169. School of Nursing

“(a) ESTABLISHMENT.—The Secretary of Defense shall establish within the Department of Defense a School of Nursing, not later than July 1, 2011. It shall be so organized as to graduate not less than 25 students with a bachelor of science in nursing in the first class not later than June 30, 2013, not less than 50 in the second class, and not less than 100 annually thereafter.
“(b) MINIMUM REQUIREMENT.—The School of Nursing shall include, at a minimum, a program that awards a bachelor of science in nursing.

“(c) PHASED DEVELOPMENT.—The development of the School of Nursing may be by such phases as the Secretary may prescribe, subject to the requirements of subsection (a).”.

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

“2169. School of Nursing.”.

(b) CONFORMING AMENDMENTS.—Section 2117 of title 10, United States Code, and the item relating to such section in the table of chapters at the beginning of chapter 104 of such title, are repealed.

SEC. 934. REPORT ON SPECIAL OPERATIONS COMMAND ORGANIZATION, MANNING, AND MANAGEMENT.

(a) REPORT REQUIRED.—The commander of the special operations command shall prepare a report, in accordance with this section, on the organization, manning, and management of the command.

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

(1) A comparison of current and projected fiscal year 2010 military and civilian end strength lev-
els at special operations command headquarters with fiscal year 2000 levels, both actual and authorized.

(2) A comparison of fiscal year 2000 through 2010 special operations command headquarters end strength growth with the growth of each special operations forces component command headquarters over the same time period, both actual and authorized.

(3) A summary and assessment that identifies the resourcing, in terms of manning, training, equipping, and funding, that special operations command provides to each of the theater special operations commands under the geographical combatant commands and a summary of personnel specialties assigned to each such command.

(4) Options and recommendations for reducing staffing levels at special operations command headquarters by 5 and 10 percent, respectively, and an assessment of the opportunity costs and management risks associated with each option.

(5) Recommendations for increasing manning levels, if appropriate, at each component command, and especially at Army special operations command.

(6) A plan to sustain the cultural engagement group of special operations command central.
(7) An assessment of the resourcing requirements to establish capability similar to the cultural engagement group capability at the other theater special operations command locations.

(8) A review and assessment for improving the relationship between special operations command and each of the theater special operations commands under the geographical combatant commands and the establishment of a more direct administrative and collaborative link between them.

(9) A review and assessment of existing Department of Defense executive agent support to special operations command and its subordinate components, as well as commentary about proposals to use the same executive agent throughout the special operations community.

(10) An updated assessment on the specific proposal to provide executive agent support from the Defense Logistics Agency for special operations command.

(11) A recommendation and plan for including international development and conflict prevention representatives as participants in the Center for Special Operations Interagency Task Force process.
(c) REPORT.—The report required by subsection (a) shall be submitted not later than March 15, 2010, to the congressional defense committees.

SEC. 935. STUDY ON THE RECRUITMENT, RETENTION, AND CAREER PROGRESSION OF UNIFORMED AND CIVILIAN MILITARY CYBER OPERATIONS PERSONNEL.

(a) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the challenges to retention and professional development of cyber operations personnel within the Department of Defense.

(b) MATTERS TO BE ADDRESSED.—The assessment by the Secretary of Defense shall address the following matters:

(1) The sufficiency of the numbers and types of personnel available for cyber operations, including an assessment of the balance between military and civilian positions.

(2) The definition and coherence of career fields for both members of the Armed Forces and civilian employees of the Department of Defense.

(3) The types of recruitment and retention incentives available to members of the Armed Forces
(4) Identification of legal, policy, or administrative impediments to attracting and retaining cyber operations personnel.

(5) The standards used by the Department of Defense to measure effectiveness at recruiting, retaining, and ensuring an adequate career progression for cyber operations personnel.

(6) The effectiveness of educational and outreach activities used to attract, retain, and reward cyber operations personnel, including how to expand outreach to academic institutions and improve coordination with other civilian agencies and industrial partners.

(7) The management of educational and outreach activities used to attract, retain, and reward cyber operations personnel, such as the National Centers of Academic Excellence in Information Assurance Education.

(c) Cyber Operations Personnel Defined.—In this section, the term “cyber operations personnel” refers to members of the Armed Forces and civilian employees of the Department of Defense involved with the operations and maintenance of a computer network connected to the
global information grid, as well as offensive, defensive, and exploitation functions of such a network.

SEC. 936. RECOGNITION OF AND SUPPORT FOR STATE DEFENSE FORCES.

(a) RECOGNITION AND SUPPORT.—Section 109 of title 32, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (c) the following new subsections:

“(d) RECOGNITION.—Congress hereby recognizes forces established under subsection (c) as an integral military component of the homeland security effort of the United States, while reaffirming that those forces remain entirely State regulated, organized, and equipped and recognizing that those forces will be used for homeland security purposes exclusively at the local level and in accordance with State law.

“(e) ASSISTANCE BY DEPARTMENT OF DEFENSE.—

(1) The Secretary of Defense may coordinate homeland security efforts with, and provide assistance to, a defense force established under subsection (c) to the extent such assistance is requested by a State or by a force established under subsection (c) and subject to the provisions of this section.
“(2) The Secretary may not provide assistance under paragraph (1) if, in the judgment of the Secretary, such assistance would—

“(A) impede the ability of the Department of Defense to execute missions of the Department;

“(B) take resources away from warfighting units;

“(C) incur nonreimbursed identifiable costs; or

“(D) consume resources in a manner inconsistent with the mission of the Department of Defense.

“(f) USE OF DEPARTMENT OF DEFENSE PROPERTY AND EQUIPMENT.—The Secretary of Defense may authorize qualified personnel of a force established under subsection (c) to use and operate property, arms, equipment, and facilities of the Department of Defense as needed in the course of training activities and State active duty.

“(g) TRANSFER OF EXCESS EQUIPMENT.—(1) The Secretary of Defense may transfer to a State or a force established under subsection (c) any personal property of the Department of Defense that the Secretary determines is—

“(A) excess to the needs of the Department of Defense; and
“(B) suitable for use by a force established under subsection (e).

“(2) The Secretary of Defense may transfer personal property under this section only if—

“(A) the property is drawn from existing stocks of the Department of Defense;

“(B) the recipient force established under subsection (c) accepts the property on an as-is, where-is basis;

“(C) the transfer is made without the expenditure of any funds available to the Department of Defense for the procurement of defense equipment; and

“(D) all costs incurred subsequent to the transfer of the property are borne or reimbursed by the recipient.

“(3) Subject to paragraph (2)(D), the Secretary may transfer personal property under this section without charge to the recipient force established under subsection (e).

“(h) FEDERAL/STATE TRAINING COORDINATION.—

(1) Participation by a force established under subsection (c) in a training program of the Department of Defense is at the discretion of the State.
“(2) Nothing in this section may be construed as re-
quiring the Department of Defense to provide any training
program to any such force.

“(3) Any such training program shall be conducted
in accordance with an agreement between the Secretary
of Defense and the State or the force established under
subsection (c) if so authorized by State law.

“(4) Any direct costs to the Department of Defense
of providing training assistance to a force established
under subsection (c) shall be reimbursed by the State. Any
agreement under paragraph (3) between the Department
of Defense and a State or a force established under sub-
section (c) for such training assistance shall provide for
payment of such costs.

“(i) FEDERAL FUNDING OF STATE DEFENSE
FORCES.—Funds available to the Department of Defense
may not be made available to a State defense force.

“(j) LIABILITY.—Any liability for injuries or dam-
ages incurred by a member of a force established under
subsection (c) while engaged in training activities or State
active duty shall be the sole responsibility of the State,
regardless of whether the injury or damage was incurred
on United States property or involved United States
equipment or whether the member was under direct super-
vision of United States personnel at the time of the inci-
dent.”.

(b) DEFINITION OF STATE.—

(1) DEFINITION.—Such section is further
amended by adding at the end the following new
subsection:

“(n) STATE DEFINED.—In this section, the term
‘State’ includes the District of Columbia, the Common-
wealth of Puerto Rico, Guam, and the Virgin Islands.”.

(2) CONFORMING AMENDMENTS.—Such section
is further amended in subsections (a), (b), and (c)
by striking “a State, the Commonwealth of Puerto
Rico, the District of Columbia, Guam, or the Virgin
Islands” each place it appears and inserting “a
State”.

(e) STYLISTIC AMENDMENTS.—Such section is fur-
ther amended—

(1) in subsection (a), by inserting “PROHIBI-
TION ON MAINTENANCE OF OTHER TROOPS.—”
after “(a)”;

(2) in subsection (b), by inserting “USE WITH-
IN STATE BORDERS.—” after “(b)”;

(3) in subsection (c), by inserting “STATE DE-
FENSE FORCES AUTHORIZED.—” after “(c)”;

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(4) in subsection (k), as redesignated by subsection (a)(1), by inserting “Effect of Membership in Defense Forces.—” after “(k)”; and

(5) in subsection (l), as redesignated by subsection (a)(1), by inserting “Prohibition on Reserve Component Members Joining Defense Forces.—” after “(l)”.

(d) Clerical Amendments.—

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

“§ 109. Maintenance of other troops: State defense forces”.

(2) Clerical amendment.—The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

“109. Maintenance of other troops: State defense forces.”.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Incorporation of funding decisions into law.

Subtitle B—Counter-Drug and Counter-Terrorism Activities

Sec. 1011. One-year extension of Department of Defense counter-drug authorities and requirements.
Sec. 1012. Joint task forces support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1013. Border coordination centers in Afghanistan and Pakistan.
Sec. 1014. Comptroller General report on effectiveness of accountability measures for assistance from counter-narcotics central transfer account.

Subtitle C—Miscellaneous Authorities and Limitations
Sec. 1021. Operational procedures for experimental military prototypes.
Sec. 1022. Temporary reduction in minimum number of operational aircraft carriers.
Sec. 1023. Limitation on use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
Sec. 1024. Charter for the National Reconnaissance Office.

Subtitle D—Studies and Reports

Sec. 1032. Report on the force structure findings of the 2009 quadrennial defense review.
Sec. 1033. Sense of Congress and amendment relating to quadrennial defense review.
Sec. 1034. Strategic review of basing plans for United States European Command.
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Subtitle E—Other Matters

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Sec. 1053. Justice for victims of torture and terrorism.
Sec. 1054. Repeal of certain laws pertaining to the Joint Committee for the Review of Counterproliferation Programs of the United States.

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 2010 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) LIMITATIONS.—Except as provided in paragraphs (3) and (4), 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).

(4) EXCEPTION FOR TRANSFERS FOR HEALTH INFORMATION MANAGEMENT AND INFORMATION TECHNOLOGY SYSTEMS.—A transfer of funds from the Office of the Secretary of Defense for the support of the Department of Defense Health Informa-
tion Management and Information Technology systems 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 OF FUNDING DECISIONS INTO LAW.

(a) AMOUNTS SPECIFIED IN COMMITTEE REPORT ARE AUTHORIZED BY LAW.—Wherever a funding table in the report of the Committee on Armed Services of the
House of Representatives to accompany the bill H.R. 2647 of the 111th Congress specifies a dollar amount for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the indicated project, program, or activity is hereby authorized by law to be carried out to the same extent as if included in the text of this Act, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—Decisions by agency heads to commit, obligate, or expend funds with or to a specific entity on the basis of dollar amount authorized pursuant to subsection (a) shall be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND REPROGRAMMING AUTHORITY.—This section does not prevent an amount covered by this section from being transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount incorporated into the Act by this section shall not count against a ceiling on such transfers or reprogrammings under section 1001 of this Act or any other provision of law, unless
such transfer or reprogramming would move funds be-
 tween appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex to the report re-
ferred to in subsection (a).

(e) ORAL AND WRITTEN COMMUNICATION.—No oral or written communication concerning any amount speci-
fied in the report referred to in subsection (a) shall super-
sede the requirements of this section.

SEC. 1003. ADJUSTMENT OF CERTAIN AUTHORIZATIONS OF APPROPRIATIONS.

(a) AIR FORCE RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—Funds authorized to be appropriated in section 201(3) for research, development, test, and eval-
uation for the Air Force are reduced by $2,900,000, to be derived from sensors and near field communication technologies.

(b) ARMY OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(1) for oper-
ation and maintenance for the Army are reduced by $18,000,000, to be derived from unobligated balances for the Army in the amount of $11,700,000 and fuel pur-
chases for the Army in the amount of $6,300,000.

(c) NAVY OPERATION AND MAINTENANCE.—
(1) REDUCTION.—Funds authorized to be appropriated in section 301(2) for operation and maintenance for the Navy are reduced by $22,900,000 to be derived from unobligated balances for the Navy in the amount of $11,700,000 and fuel purchases for the Navy in the amount of $11,200,000.

(2) AVAILABILITY.—Of the funds authorized to be appropriated in section 301(2) for operation and maintenance for the Navy for the purpose of Ship Activations/Inactivations, $6,000,000 shall be available for the Navy Ship Disposal–Carrier Demonstration Project.

(d) MARINE CORPS OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(3) for operation and maintenance for the Marine Corps are reduced by $2,000,000, to be derived from unobligated balances for the Marine Corps in the amount of $1,100,000 and fuel purchases for the Marine Corps in the amount of $900,000.

(e) AIR FORCE OPERATION AND MAINTENANCE.—Funds authorized to be appropriated in section 301(4) for operation and maintenance for the Air Force are reduced by $25,000,000, to be derived from unobligated balances for the Air Force in the amount of $4,300,000 and fuel purchases.
purchases for the Air Force in the amount of $20,700,000.

(f) Defense-Wide Operation and Maintenance.—Funds authorized to be appropriated in section 301(5) for operation and maintenance for Defense-wide activities are reduced by $5,200,000, to be derived from unobligated balances for Defense-wide activities in the amount of $4,300,000 and fuel purchases for Defense-wide activities in the amount of $900,000.

(g) Military Personnel.—Funds authorized to be appropriated in section 421 for military personnel accounts are reduced by $50,000,000, to be derived from unobligated balances for military personnel accounts.

Subtitle B—Counter-Drug and Counter-Terrorism Activities

SEC. 1011. ONE-YEAR EXTENSION OF DEPARTMENT OF DEFENSE COUNTER-DRUG AUTHORITIES AND REQUIREMENTS.

Year 2009 (Public Law 110–417; 122 Stat. 4586), is further amended by striking “April 15, 2006” and all that follows through “February 15, 2009” and inserting “February 15, 2010”.


(1) in subsection (a), by striking “2009” and inserting “2010”; and

(2) in subsection (c), by striking “2009” and inserting “2010”.


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JOINT TASK FORCES SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.


SEC. 1013. BORDER COORDINATION CENTERS IN AFGHANISTAN AND PAKISTAN.

(a) Prohibition on Use of Counter-Narcotic Assistance for Border Coordination Centers.—

(1) Prohibition.—Amounts available for drug interdiction and counter-drug activities of the Department of Defense may not be expended for the construction, expansion, repair, or operation and maintenance of any existing or proposed border coordination center.

(2) Rule of construction.—Paragraph (1) does not prohibit or limit the use of other funds available to the Department of Defense to construct, expand, repair, or operate and maintain border coordination centers.
(b) Limitation on Establishment of Additional Centers.—The Secretary of Defense may not authorize the establishment, or any construction in connection with the establishment, of a third border coordination center in the area of operations of Regional Command–East in the Islamic Republic of Afghanistan until a border coordination center has been constructed, or is under construction, in either—

(1) the area of operations of Regional Command–South in the Islamic Republic of Afghanistan; or

(2) Baluchistan in the Islamic Republic of Pakistan.

(c) Border Coordination Center Defined.—In this section, the term “border coordination center” means multilateral military coordination and intelligence center that is located, or intended to be located, near the border between the Islamic Republic of Afghanistan and the Islamic Republic of Pakistan.

SEC. 1014. COMPTROLLER GENERAL REPORT ON EFFECTIVENESS OF ACCOUNTABILITY MEASURES FOR ASSISTANCE FROM COUNTER-NARCOTICS CENTRAL TRANSFER ACCOUNT.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Comp-
controller General shall submit to the congressional defense committees a report on the performance evaluation system used by the Secretary of Defense to assess the effectiveness of assistance provided for foreign nations to achieve the counter-narcotics objectives of the Department of Defense. The report shall be unclassified, but may contain a classified annex.

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

(1) A description of the performance evaluation system of the Department of Defense used to determine the efficiency and effectiveness of counter-narcotics assistance provided by the Department of Defense to foreign nations.

(2) An assessment of the ability of the performance evaluation system to accurately measure the efficiency and effectiveness of such counter-narcotics assistance.

(3) Detailed recommendations on how to improve the capacity of the performance evaluation system for the counter-narcotics central transfer account.
Subtitle C—Miscellaneous

Authorities and Limitations

SEC. 1021. OPERATIONAL PROCEDURES FOR EXPERIMENTAL MILITARY PROTOTYPES.

(a) IN GENERAL.—For the purposes of conducting test and evaluation of experimental military prototypes, including major systems, as defined in section 2302 of title 10, United States Code, that have been substantially modified for testing with the goal of developing new technology for increasing the capability, capacity, efficiency, or reliability of such systems, and for stimulating innovation in research and development to improve equipment or system capability, the senior military officer of each military service, in consultation with the senior acquisition executive of each military department, shall develop and prescribe guidance to enable an expedited process for the documentation and approval of deviations from standardized operating instructions and procedures for systems and equipment that have been substantially modified for the purpose of research, development, or testing. The guidance shall—

(1) provide for appropriate consideration of the safety of personnel conducting such tests and evaluations;
(2) ensure that, prior to the approval of any such deviation, sufficient engineering and risk management analysis has been completed by a competent technical authority to provide a reasonable basis for determining that the proposed deviation will not result in an unreasonable risk of liability to the United States;

(3) provide full and fair opportunity for all contractors, including non-traditional defense contractors, who have developed or proposed promising technologies, to test and evaluate experimental military prototypes in a manner that—

(A) allows both the contractor and the military service to assess the full potential of the technology prior to the establishment of a formal acquisition program; and

(B) does not unduly restrict the operating envelope, environment, or conditions approved for use during test and evaluation on the basis of existing operating instructions and procedures developed for sustained operations of proven military hardware, but does ensure that deviations from existing operating instructions and procedures have been subjected to appropriate technical review consistent with any
modifications made to the system or equipment;
and

(4) ensure that documentation and approval of
such deviations—

(A) can be accomplished in a transparent,
cost-effective, and expeditious manner, generally
within the period of performance of the contract
for the development of the experimental mili-
tary prototype;

(B) address the use of a major system as
an experimental military prototype by a con-
tractor, and the conduct of test and evaluation
of such system by the contractor; and

(C) identify the scope of test and evalua-
tion to be conducted under such deviation, the
responsibilities of the parties conducting the
test and evaluation, including the assumption of
liability, and the responsibility for disposal of
the experimental military prototype or, as ap-
propriate, the return of a major system to its
original condition.

(b) REPORT.—Not later than 12 months after the
date of the enactment of this Act, the Secretary of each
military department shall submit to the congressional de-
fense committees a report documenting the guidance de-
developed in accordance with subsection (a) and describing how such guidance fulfills the objectives under paragraphs (1) through (4) of such subsection.

(c) One Time Authority to Convey.—

(1) In general.—In advance of the development of a process required by subsection (a), the Secretary of the Navy is authorized to convey, without consideration, to Piasecki Aircraft Corporation of Essington, Pennsylvania (in this section referred to as “transferee”), all right, title, and interest of the United States, except as otherwise provided in this subsection, in and to Navy aircraft N40VT (Bureau Number 163283), also known as the X–49A aircraft, and associated components and test equipment, previously specified as Government furnished equipment in contract N00019–00–C–0284. The conveyance shall be made by means of a deed of gift.

(2) Conditions.—The conveyance under paragraph (1) may only be made under the following conditions:

(A) The aircraft shall be conveyed in its current, “as is” condition.

(B) The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.
(C) The conveyance shall be made at no
cost to the United States. Any costs associated
with the conveyance shall be borne by the trans-
feree.

(D) The Secretary may require such addi-
tional terms and conditions in connection with
a conveyance under this section as the Sec-
retary considers appropriate to protect the in-
terests of the United States, except that such
terms and conditions shall include, at a min-
imum—

(i) a provision stipulating that the
conveyance of the X–49A aircraft is for
the sole purpose of further development,
test, and evaluation of vectored thrust
ducted propeller (VTDP) technology and
that all items referenced in paragraph (1)
will transfer back to the United States
Navy, at no cost to the United States, in
the event that the X–49A aircraft is uti-
lized for any other purpose; and

(ii) a provision providing the Govern-
ment the right to procure the vectored
thrust ducted propeller (VTDP) technology
demonstrated under this program at a dis-
counted cost based on the value of the X–49A aircraft and associated equipment at the time of transfer, with such valuation and terms determined by the Secretary.

(E) Upon such conveyance, the United States shall not be liable for any death, injury, loss, or damage that results from the use of that aircraft by any person other than the United States.

SEC. 1022. TEMPORARY REDUCTION IN MINIMUM NUMBER OF OPERATIONAL AIRCRAFT CARRIERS.

(a) Temporary Waiver.—Notwithstanding section 5062(b) of title 10, United States Code, during the period beginning on the date of the inactivation of the U.S.S. Enterprise (CVN–65) scheduled, as of the date of the enactment of this Act, for fiscal year 2013 and ending on the date of the commissioning into active service of the U.S.S. Gerald R. Ford (CVN–78), the number of operational aircraft carriers in the naval combat forces of the Navy may be 10.

(b) Evaluation and Report.—

(1) Evaluation.—During the fiscal year 2012, the Chairman of the Joint Chiefs of Staff, in coordination with the commanders of the combatant commands, shall evaluate the required postures and ca-
pabilities of each of the combatant commands to as-
assess the level of increased risk that could result due
to a temporary reduction in the total number of
operational aircraft carriers following the inactiva-
tion of the U.S.S. Enterprise (CVN–65).

(2) REPORT TO CONGRESS.—Together with the
budget materials submitted to Congress by the Sec-
retary of Defense in support of the President’s
budget for fiscal year 2013, the Secretary of De-
fense shall submit to the congressional defense com-
mittees a report containing the findings of the eval-
uation conducted pursuant to paragraph (1), and
the basis for each such finding.

SEC. 1023. LIMITATION ON USE OF FUNDS FOR THE TRANS-
FER OR RELEASE OF INDIVIDUALS DETAINED
AT UNITED STATES NAVAL STATION, GUAN-
TANAMO BAY, CUBA.

(a) IN GENERAL.—The Secretary of Defense may not
use any of the amounts authorized to be appropriated in
this Act or otherwise available to the Department of De-
fense for fiscal year 2010 or any subsequent fiscal year
to release or transfer any individual described in sub-
section (d) to the United States, its territories, or posses-
sions, until 120 days after the President has submitted
to the congressional defense committees the plan described
in subsection (b).

(b) PLAN REQUIRED.—The President shall submit to
the congressional defense committees a plan on the dis-
position of each individual described in subsection (d).
Such plan shall include—

(1) an assessment of the risk that the indi-
vidual described in subsection (d) poses to the na-
tional security of the United States, its territories,
or possessions;

(2) a proposal for the disposition of each such
individual;

(3) a plan to mitigate any risks described in
paragraph (1) should the proposed disposition re-
quired by paragraph (2) include the release or trans-
fer to the United States, its territories, or posses-
sions of any such individual; and

(4) a summary of the consultation required in
subsection (c).

(e) CONSULTATION REQUIRED.—The President shall
consult with the chief executive of the State, the District
of Columbia, or the territory or possession of the United
States to which the disposition in subsection (b) includes
a release or transfer to that State, District of Columbia,
or territory or possession.
(d) Detainees Described.—An individual described in this subsection is any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of the date of the enactment of this Act, who—

(1) is not a citizen of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at the United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1024. CHARTER FOR THE NATIONAL RECONNAISSANCE OFFICE.

Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Defense shall jointly submit to the congressional intelligence and defense committees a revised charter for the National Reconnaissance Office (hereinafter in this section referred to as the “NRO”). The charter shall include the following:

(1) The organizational and governance structure of the NRO.

(2) The provision of NRO participation in the development and generation of requirements and acquisition.
(3) The scope of the capabilities of the NRO.

(4) The roles and responsibilities of the NRO and the relationship of the NRO to other organizations and agencies in the intelligence and defense communities.

Subtitle D—Studies and Reports

SEC. 1031. REPORT ON STATUTORY COMPLIANCE OF THE REPORT ON THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) Comptroller General Report.—Not later than 90 days after the Secretary of Defense releases the report on the 2009 quadrennial defense review, the Comptroller General shall submit to the congressional defense committees and to the Secretary of Defense a report on the degree to which the report on the 2009 quadrennial defense review complies with the requirements of subsection (d) of section 118 of title 10, United States Code.

(b) Secretary of Defense Report.—If the Comptroller General determines that the report on the 2009 quadrennial defense review deviates significantly from the requirements of subsection (d) of section 118 of such title, the Secretary of Defense shall submit to the congressional defense committees a report addressing the areas of deviation not later than 30 days after the submis-
SION of the report by the Comptroller General required by paragraph (1).

SEC. 1032. REPORT ON THE FORCE STRUCTURE FINDINGS OF THE 2009 QUADRENNIAL DEFENSE REVIEW.

(a) REPORT REQUIREMENT.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report with a classified annex containing—

(1) the analyses used to determine and support the findings on force structure required by such section; and

(2) a description of any changes from the previous quadrennial defense review to the minimum military requirements for major military capabilities.

(b) MAJOR MILITARY CAPABILITIES DEFINED.—In this section, the term “major military capabilities” includes any capability the Secretary determines to be a major military capability, any capability discussed in the report of the 2006 quadrennial defense review, and any capability described in paragraph (9) or (10) of section 118(d) of title 10, United States Code.
SEC. 1033. SENSE OF CONGRESS AND AMENDMENT RELATING TO QUADRENNIAL DEFENSE REVIEW.

(a) Sense of Congress.—It is the sense of Congress that the quadrennial defense review is a strategy process that necessarily produces budget plans; however, budget pressures should not determine or limit its outcomes.

(b) Relationship of QDR to Budget.—Section 118(a) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “The Secretary of Defense”; and

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

“(2) The existence of the quadrennial defense review does not exempt the President or the Department of Defense from fulfilling its annual legal obligations to submit to Congress a budget and all legally required supporting documentation.”.

SEC. 1034. STRATEGIC REVIEW OF BASING PLANS FOR UNITED STATES EUROPEAN COMMAND.

(a) Report Requirement.—Concurrent with the delivery of the report on the 2009 quadrennial defense review required by section 118 of title 10, United States Code, the Secretary of Defense shall submit to the appropriate congressional committees a report on the plan for
basing of forces in the European theater, containing a de-
scription of—

(1) how the plan supports the United States
national security strategy;

(2) how the plan satisfies the commitments un-
dertaken by the United States pursuant to Article 5
of the North Atlantic Treaty, signed at Washington,
District of Columbia, on April 4, 1949, and entered
into force on August 24, 1949 (63 Stat. 2241; TIAS
1964);

(3) how the plan addresses the current security
environment in Europe, including United States par-
ticipation in theater cooperation activities;

(4) how the plan contributes to peace and sta-

(5) the impact that a permanent change in the
basing of a unit currently assigned to United States
European Command would have on the matters de-
scribed in paragraphs (1) through (4).

(b) NOTIFICATION REQUIREMENT.—The Secretary
of Defense shall notify Congress at least 30 days before
the permanent relocation of a unit stationed outside the
continental United States as of the date of the enactment
of this Act.

(e) DEFINITIONS.—In this section:
(1) UNIT.—The term “unit” has the meaning determined by the Secretary of Defense for purposes of this section.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives; and

(C) the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1035. NATIONAL DEFENSE PANEL.

(a) ESTABLISHMENT.—There is established a bipartisan, independent panel to be known as the National Defense Panel (in this section referred to as the “Panel”). The Panel shall have the duties set forth in this section.

(b) MEMBERSHIP.—The Panel shall be composed of twelve members who are recognized experts in matters relating to the national security of the United States. The members shall be appointed as follows:

(1) Three by the chairman of the Committee on Armed Services of the House of Representatives.
(2) Three by the chairman of the Committee on Armed Services of the Senate.

(3) Two by the ranking member of the Committee on Armed Services of the House of Representatives.

(4) Two by the ranking member of the Committee on Armed Services of the Senate.

(5) Two by the Secretary of Defense.

(e) Co-Chairs of the Panel.—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee of Armed Services of the Senate shall each designate one of their appointees under subsection (b) to serve as co-chair of the panel.

(d) Period of Appointment; Vacancies.—Members shall be appointed for the life of the Panel. Any vacancy in the Panel shall be filled in the same manner as the original appointment.

(e) Duties.—The Panel shall—

(1) review the national defense strategy, the national military strategy, the Secretary of Defense’s terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on the 2009 quadrennial defense review under section 118 of title
10, United States Code (in this subsection referred to as the “2009 QDR”), as well as the 2009 QDR itself;

(2) conduct an assessment of the assumptions, strategy, findings, costs, and risks of the report of the 2009 QDR, with particular attention paid to the risks described in that report;

(3) submit to the congressional defense committees and the Secretary an independent assessment of a variety of possible force structures of the Armed Forces, including the force structure identified in the report of the 2009 QDR, suitable to meet the requirements identified in the review required in paragraph (1);

(4) to the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 2010 dollars, to organize, equip, and support the forces contemplated under the force structures assessed in the assessment under paragraph (3); and

(5) provide to Congress and the Secretary of Defense, through the reports under subsection (g), any recommendations it considers appropriate for their consideration.

(f) FIRST MEETING. —
(1) The Panel shall hold its first meeting no later than 30 days after the date as of which all appointments to the Panel under paragraphs (1), (2), (3), and (4) of subsection (b) have been made.

(2) If the Secretary of Defense has not made the Secretary’s appointments to the Panel under subsection (b)(5) by the date of the first meeting pursuant to paragraph (1), the Panel shall convene with the remaining members.

(g) REPORTS.—

(1) Not later than April 15, 2010, the Panel shall submit an interim report on its findings to the congressional defense committees and to the Secretary of Defense.

(2) Not later than January 15, 2011, the Panel shall submit its final report, together with any recommendations, to the congressional defense committees and to the Secretary of Defense.

(3) Not later than February 15, 2011, the Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the committees referred to in paragraph (2) the Secretary’s comments on the Panel’s final report under that paragraph.
(h) Information From Federal Agencies.—The Panel may secure directly from the Department of Defense and any of its components such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(i) FFRDC Support.—Upon the request of the co-chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any federally funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

(j) Personnel Matters.—The Panel shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions set forth in such section.

(k) Payment of Panel Expenses.—Funds for activities of the Panel shall be provided from amounts available to the Department of Defense.

(l) Termination.—The Panel shall terminate 45 days after the date on which the Panel submits its final report under subsection (g)(2).
SEC. 1036. REPORT REQUIRED ON NOTIFICATION OF DETAINERS OF RIGHTS UNDER MIRANDA V. ARIZONA.

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 how the reading of rights under Miranda v. Arizona (384 U.S. 436 (1966)) to individuals detained by the United States in Afghanistan may affect—

(1) the rules of engagement of the Armed Forces deployed in support of Operation Enduring Freedom;

(2) post-capture interrogations and intelligence-gathering activities conducted as part of Operation Enduring Freedom;

(3) the overall counterinsurgency strategy and objectives of the United States for Operation Enduring Freedom;

(4) United States military operations and objectives in Afghanistan; and

(5) potential risks to members of the Armed Forces operating in Afghanistan.
SEC. 1037. ANNUAL REPORT ON THE ELECTRONIC WARFARE STRATEGY OF THE DEPARTMENT OF
DEFENSE.

(a) ANNUAL REPORT REQUIRED.—At the same time
as the President submits to Congress the budget under
section 1105(a) of title 31, United States Code, for fiscal
year 2011, and for each subsequent fiscal year, the Sec-
retary of Defense, in coordination with the Chairman of
the Joint Chiefs of Staff and the Secretary of each of the
military departments, shall submit to the congressional de-
fense committees an annual report on the electronic war-
fare strategy of the Department of Defense.

(b) CONTENTS OF REPORT.—Each report required
under subsection (a) shall include each of the following:

(1) A description and overview of—

(A) the Department of Defense’s electronic
warfare strategy;

(B) how such strategy supports the Na-
tional Defense Strategy; and

(C) the organizational structure assigned
to oversee the development of the Department’s
electronic warfare strategy, requirements, capa-
bilities, programs, and projects.

(2) A list of all the electronic warfare acquisi-
tion programs and research and development
projects of the Department of Defense and a de-
scription of how each program or project supports
the Department’s electronic warfare strategy.

(3) For each unclassified program or project on
the list required by paragraph (2)—

(A) the senior acquisition executive and or-
ganization responsible for oversight of the pro-
gram or project;

(B) whether or not validated requirements
exist for each program or project and, if such
requirements exist, the date on which the re-
quirements were validated and by which organi-
zational authority;

(C) the total amount of funding appro-
priated, obligated, and forecasted by fiscal year
for the program or project, to include the pro-
gram element or procurement line number from
which the program or project receives funding;

(D) the development or procurement
schedule for the program or project;

(E) an assessment of the cost, schedule,
and performance of the program or project as
it relates to the program or project’s current
program baseline and the original program
baseline if such baselines are not the same;
(F) the technology readiness level of each critical technology that is part of the program or project;

(G) whether or not the program or project is redundant or overlaps with the efforts of another military department; and

(H) what capability gap the program or project is being developed or procured to fulfill.

(4) A classified annex that contains the items described in subparagraphs (A) through (H) for each classified program or project on the list required by paragraph (2).

SEC. 1038. STUDIES TO ANALYZE ALTERNATIVE MODELS FOR ACQUISITION AND FUNDING OF TECHNOLOGIES SUPPORTING NETWORK-CENTRIC OPERATIONS.

(a) Studies Required.—

(1) Independent Study.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with an independent federally funded research and development center to carry out a comprehensive study of policies, procedures, organization, and regulatory constraints affecting the acquisition of technologies supporting network-centric operations. The contract
shall be funded from amounts appropriated pursuant
to an authorization of appropriations in this Act or
otherwise made available for fiscal year 2010 for op-
eration and maintenance for Defense-wide activities.

(2) JOINT CHIEFS OF STAFF STUDY.—The
Chairman of the Joint Chiefs of Staff shall carry out
a comprehensive study of the same subjects covered
by paragraph (1). The study shall be independent of
the study required by paragraph (1) and shall be
carried out in conjunction with the military depart-
ments and in coordination with the Secretary of De-
fense.

(b) MATTERS TO BE ADDRESSED.—Each study re-
quired by subsection (a) shall address the following mat-
ters:

(1) Development of a system for understanding
the various foundational components that contribute
to network-centric operations, such as data trans-
port, processing, storage, data collection, and dis-
semination of information.

(2) Determining how acquisition and funding
programs that are in place as of the date of the en-
actment of this Act relate to the system developed
under paragraph (1).
(3) Development of acquisition and funding models using the system developed under paragraph (1), including—

(A) a model under which a joint entity independent of any military department (such as the Joint Staff) is established with responsibility and control of all funding for the acquisition of technologies for network-centric operations, and with authority to oversee the incorporation of such technologies into the acquisition programs of the military departments;

(B) a model under which an executive agent is established to manage and oversee the acquisition of technologies for network-centric operations, but would not have exclusive control of the funding for such programs;

(C) a model under which the acquisition and funding programs that are in place as of the date of the enactment of this Act are maintained; and

(D) any other model that the entity carrying out the study considers relevant.

(4) An analysis of each of the models developed under paragraph (3) with respect to potential benefits in—
(A) collecting, processing, and disseminating information;
(B) network commonality;
(C) common communications;
(D) interoperability;
(E) mission impact and success; and
(F) cost effectiveness.

(5) An evaluation of each of the models developed under paragraph (3) with respect to feasibility, including identification of legal, policy, or regulatory barriers that may impede the implementation of such model.

(c) REPORT REQUIRED.—Not later than September 30, 2010, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the studies required by subsection (a). The report shall include the findings and recommendations of the studies and any observations and comments that the Secretary considers appropriate.

(d) NETWORK-CENTRIC OPERATIONS DEFINED.—In this section, the term “network-centric operations” refers to the ability to exploit all human and technical elements of the Joint Force and mission partners through the full integration of collected information, awareness, knowledge, experience, and decision-making, enabled by secure
access and distribution, all to achieve agility and effectiveness in a dispersed, decentralized, dynamic, or uncertain operational environment.

SEC. 1039. REPORT ON COMPETITIVE PROCEDURES USED FOR EARMARKS IN DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2008.

(a) Report Requirement.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the congressional earmarks described in subsection (b).

(b) Congressional Earmarks Described.—The congressional earmarks described in this subsection are the congressional earmarks (House) and the congressionally directed spending items (Senate) on the list published in compliance with clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate and contained on pages 372 to 476 of the Joint Explanatory Statement submitted by the Committee of Conference for the conference report to accompany H.R. 3222 of the 110th Congress (Report 110–434).

(c) Matters Covered by Report.—The report required by subsection (a) shall set forth the following with respect to each congressional earmark on the list referred to in subsection (b):
(1) The competitive procedures used to procure each earmark, including the process used, the tools employed, and the decisions reached.

(2) If competitive procedures were not used to procure an earmark, the reasons why competitive procedures were not used, including a discussion of the decision making process and how the decision to use procedures other than competitive procedures was reached.

SEC. 1040. STUDY ON NATIONAL SECURITY PROFESSIONAL CAREER DEVELOPMENT AND SUPPORT.

(a) Study Required.—Not later than 30 days after the date of the enactment of this Act, the President shall designate an Executive agency to commission a study by an appropriate independent, non-profit organization. The organization selected shall study the design and implementation of an interagency system for the career development and support of national security professionals. The organization selected shall be qualified on the basis of having performed related work in the fields of national security and human capital development, and on the basis of such other criteria as the head of the Executive agency may determine.

(b) Matters Considered.—The study required by subsection (a) shall, at a minimum, include the following:
(1) The qualifications required to certify an employee as a national security professional.

(2) Methods for identifying and designating positions within the Federal Government which require the knowledge, skills and aptitudes of a national security professional.

(3) The essential elements required for an accredited interagency national security professional education system.

(4) A system for training national security professionals to ensure they develop and maintain the qualifications identified under paragraph (1).

(5) An institutional structure for managing a national security professional career development system.

(6) Potential mechanisms for funding a national security professional career development program.

(c) REPORT.—A report containing the findings and recommendations resulting from the study required by subsection (a), together with any views or recommendations of the President, shall be submitted to Congress by December 1, 2010.

(d) DEFINITIONS.—For purposes of this section—
(1) the term “Executive agency” has the meaning given such term by section 105 of title 5, United States Code;

(2) the term “employee” has the meaning given such term by section 2105 of title 5, United States Code; and

(3) the term “national security professional” means, with respect to an employee of an Executive agency, an employee of such agency in a position relating to the planning of, coordination of, or participation in, interagency national security operations.

Subtitle E—Other Matters

SEC. 1041. PROHIBITION RELATING TO PROPAGANDA.

(a) IN GENERAL.—

(1) PROHIBITION.—Chapter 134 of title 10, United States Code, is amended by inserting after section 2241 the following new section:

“§ 2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States

“Funds available to the Department of Defense may not be obligated or expended for publicity or propaganda purposes within the United States not otherwise specifically authorized by law.”.
(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States.”.

(b) **EFFECTIVE DATE.**—Section 2241a of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2009, or the date of the enactment of this Act, whichever is later.

SEC. 1042. EXTENSION OF CERTAIN AUTHORITY FOR MAKING REWARDS FOR COMBATING TERRORISM.

Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking “2009” and inserting “2010”.

SEC. 1043. TECHNICAL AND CLERICAL AMENDMENTS.

(a) **TITLE 10, UNITED STATES CODE.**—Title 10, United States Code, is amended as follows:

(1) The heading of section 1567 is amended to read as follows:

“§ 1567. Duration of military protective orders”.

(2) The heading of section 1567a is amended to read as follows:
“§ 1567a. Mandatory notification of issuance of military protective order to civilian law enforcement”.

(3) Section 2306c(h) is amended by striking “section 2801(c)(2)” and inserting “section 2801(c)(4)”.

(4) Section 2667(g)(1) is amended by striking “Secretary concerned concerned” and inserting “Secretary concerned”.

(b) TITLE 37, UNITED STATES CODE.—Section 308(a)(2)(A)(ii) of title 37, United States Code, is amended by striking the comma before the period at the end.

(c) DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—Effective as of October 14, 2008, and as if included therein as enacted, the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) is amended as follows:

(1) Section 314(a) (122 Stat. 4410; 10 U.S.C. 2710 note) is amended by striking “Secretary” and inserting “Secretary of Defense”.

(2) Section 523(1) (122 Stat. 4446) is amended by striking “serving or” and inserting “serving in or”.
(3) Section 616 (122 Stat. 4486) is amended by striking “of title” in subsections (b) and (c) and inserting “of such title”.

(4) Section 732(2) (122 Stat. 4511) is amended by striking “year.” and inserting “year”.

(5) Section 811(c)(6)(A)(iv)(I) (122 Stat.4524) is amended by striking “after of ‘the program’” and inserting “after ‘of the program’”.

(6) Section 813(d)(3) (122 Stat. 4527) is amended by striking “each of subsections (c)(2)(A) and (d)(2)” and inserting “subsection (c)(2)(A)”.

(7) Section 825(b) (122 Stat. 4534) is amended in the new item being added by inserting a period after “thereof”.

(8) Section 834(a)(2) (122 Stat. 4537) is amended by inserting “subchapter II of” before “chapter 87”.

(9) Section 845(a) (122 Stat. 4541) is amended—

(A) in paragraph (1), by striking “Subchapter I” and inserting “Subchapter II”; and

(B) in paragraph (2), by striking “subchapter I” and inserting “subchapter II”.

(10) Section 855 (122 Stat. 4545) is repealed.
(11) Section 921(1) (122 Stat. 4573) is amended by striking “subsections (f) and (g) as subsections (g) and (h)” and inserting “subsections (f), (g), and (h) as subsections (g), (h), and (i)”.

(12) Section 931(b)(5) (122 Stat. 4575) is amended—

(A) by striking “Section 201(e)(2)” and inserting “Section 201(f)(2)(E)”;

(B) by striking “(6 U.S.C. 121(e)(2))” and inserting “(6 U.S.C. 121(f)(2)(E))”.

(13) Section 932 (122 Stat. 4576) is repealed.

(14) Section 1033(b) (122 Stat. 4593) is amended by striking “chapter 941” and inserting “chapter 931”.

(15) Section 1059 (122 Stat. 4611) is amended by striking “Act of” and inserting “Act for”.

(16) Section 1061(b)(3) (122 Stat. 4613) is amended by striking “103” and inserting “188”.

(17) Section 1109 (122 Stat. 4618) is amended in subsection (c)(1) of the matter proposed to be added by striking “the date of the enactment of this Act” and inserting “October 14, 2008,.”.

(18) Section 2104(b) (122 Stat. 4664) is amended in the matter preceding paragraph (1) by
striking “section 2401” and inserting “section 2101”.

(19) Section 3508(b) (122 Stat. 4769) is amended to read as follows:

“(b) CONFORMING AMENDMENT.—The chapter 541 of title 46, United States Code, as inserted and amended by the amendments made by subparagraphs (A) through (D) of section 3523(a)(6) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 599), is repealed.”.

(20) Section 3511(d) (122 Stat. 4770) is amended by inserting before the period the following: “, and by striking ‘CALENDAR’ and inserting ‘FISCAL’ in the heading for paragraph (2)”.

**SEC. 1044. REPEAL OF PILOT PROGRAM ON COMMERCIAL FEE-FOR-SERVICE AIR REFUELING SUPPORT FOR THE AIR FORCE.**

SEC. 1045. EXTENSION OF SUNSET FOR CONGRESSIONAL COMMISSION ON THE STRATEGIC POSTURE OF THE UNITED STATES.

Section 1062 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 319) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) in subsection (h), as redesignated by paragraph (1) of this subsection, by striking “June 1, 2009” and inserting “September 30, 2010”; and

(3) by inserting after subsection (e) the following new subsection (f):

“(f) FOLLOW-ON REPORT.—Not later than May 1, 2010, the commission shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Committee on Armed Services of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Armed Services of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives a follow-on report to the report submitted under subsection (e). With respect to the matters described under subsection (e), the follow-on report shall include, at a minimum, the following:

“(1) A review of—
“(A) the nuclear posture review required
by section 1070 of this Act; and

“(B) the Quadrennial Defense Review re-
quired to be submitted under section 118 of
title 10, United States Code.

“(2) A review of legislative actions taken by the
111th Congress.”.

SEC. 1046. AUTHORIZATION OF APPROPRIATIONS FOR PAY-
MENTS TO PORTUGUESE NATIONALS EMP-
LOYED BY THE DEPARTMENT OF DEFENSE.

(a) Authorization for Payments.—Subject to
subsection (b), the Secretary of Defense may authorize
payments to Portuguese nationals employed by the De-
partment of Defense in Portugal, for the difference be-
tween—

(1) the salary increases resulting from section
8002 of the Department of Defense Appropriations
Act, 2006 (Public Law 109–148; 119 Stat. 2697; 10
U.S.C. 1584 note) and section 8002 of the Depart-
ment of Defense Appropriations Act, 2007 (Public
Law 109–289; 120 Stat. 1271; 10 U.S.C. 1584
note); and

(2) salary increases supported by the Depart-
ment of Defense Azores Foreign National wage sur-
veys for survey years 2006 and 2007.
(b) LIMITATION.—The authority provided in subsection (a) may be exercised only if—

(1) the wage survey methodology described in the United States—Portugal Agreement on Cooperation and Defense, with supplemental technical and labor agreements and exchange of notes, signed at Lisbon on June 1, 1995, and entered into force on November 21, 1995, is eliminated; and

(2) the agreements and exchange of notes referred to in paragraph (1) and any implementing regulations thereto are revised to provide that the obligations of the United States regarding annual pay increases are subject to United States appropriation law governing the funding available for such increases.

(e) AUTHORIZATION FOR APPROPRIATION.—Of the amounts authorized to be appropriated under title III, not less than $240,000 is authorized to be appropriated for fiscal year 2010 for the purpose of the payments authorized by subsection (a).

SEC. 1047. COMBAT AIR FORCES RESTRUCTURING.

(a) LIMITATIONS RELATING TO LEGACY AIRCRAFT.—Until the expiration of the 90-day period beginning on the date the Secretary of the Air Force submits
a report in accordance with subsection (b), the following
provisions apply:

(1) **Prohibition on Retirement of Aircraft.**—The Secretary of the Air Force may not re-
tire any fighter aircraft pursuant to the Combat Air
Forces restructuring plan announced by the Sec-
etary on May 18, 2009.

(2) **Prohibition on Personnel Reassignments.**—The Secretary of the Air Force may not
reassign any Air Force personnel (whether on active
duty or a member of a reserve component, including
the National Guard) associated with such restruc-
turing plan.

(3) **Requirements to Continue Funding.**—

(A) Of the funds authorized to be appro-
priated in title III of this Act for operations
and maintenance for the Air Force, at least
$344,600,000 shall be expended for continued
operation and maintenance of the 249 fighter
aircraft scheduled for retirement in fiscal year
2010 pursuant to such restructuring plan.

(B) Of the funds authorized to be appro-
priated in title I of this Act for procurement for
the Air Force, at least $10,500,000 shall be
available for obligation to provide for any modi-
fications necessary to sustain the 249 fighter aircraft.

(b) REPORT.—The report under subsection (a) shall be submitted to the Committees on Armed Services of the House of Representatives and the Senate and shall include the following information:

(1) A detailed plan of how the force structure and capability gaps resulting from the retirement actions will be addressed.

(2) An explanation of the assessment conducted of the current threat environment and current capabilities.

(3) A description of the follow-on mission assignments for each affected base.

(4) An explanation of the criteria used for selecting the affected bases and the particular fighters chosen for retirement.

(5) A description of the environmental analyses being conducted.

(6) An identification of the reassignment and manpower authorizations necessary for the Air Force personnel (both active duty and reserve component) affected by the retirements if such retirements are accomplished.
(7) A description of the funding needed in fiscal years 2010 through 2015 to cover operation and maintenance costs, personnel, and aircraft procurement, if the restructuring plan is not carried out.

(8) An estimate of the cost avoidance should the restructuring plan more forward and a description of how such funds would be invested during the future-years defense plan to ensure the remaining fighter force achieves the desired service life and is sufficiently modernized to outpace the threat.

(c) EXCEPTION FOR CERTAIN AIRCRAFT.—The prohibition in subsection (a)(1) shall not apply to the five fighter aircraft scheduled for retirement in fiscal year 2010, as announced when the budget for fiscal year 2009 was submitted to Congress.

SEC. 1048. SENSE OF CONGRESS HONORING THE HONORABLE ELLEN O. TAUSCHER.

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

(1) In 1996, Representative Ellen O. Tauscher was elected to represent California’s 10th Congressional district, which is located in the East Bay Area of northern California and consists of parts of Solano, Contra Costa, Alameda, and Sacramento counties.
(2) Representative Tauscher also represents two of the Nation’s defense laboratories, Lawrence Livermore and the California campus of Sandia, as well as Travis Air Force Base, home of the 60th Air Mobility Wing and the Camp Parks Army Reserve facility.

(3) Prior to her service in Congress, Representative Tauscher worked in the private sector for 20 years, 14 of which were on Wall Street.

(4) At age 25, Representative Tauscher became one of the first women, and the youngest at the time, to hold a seat on the New York Stock Exchange, and she later served as an officer of the American Stock Exchange.

(5) Representative Tauscher moved to California in 1989 and shortly afterwards founded the first national research service to help parents verify the background of childcare workers while she sought quality childcare for her own daughter.

(6) Subsequently, Representative Tauscher published a book to help working parents make informed decisions about their own childcare needs.

(7) Representative Tauscher is known by her colleagues in Congress as a leader on national security and nonproliferation issues.
During her tenure, she has introduced legislation to increase and expand the Nation’s non-proliferation programs, strengthen the Stockpile Stewardship Program, and provide the Nation’s troops with the support and equipment they deserve.

In the 110th Congress, Representative Tauscher was appointed Chairman of the Strategic Forces Subcommittee of the Armed Services Committee of the House of Representatives, becoming only the third woman in history to chair an Armed Services subcommittee.

Representative Tauscher is also the first California Democrat to be elevated to an Armed Services Subcommittee Chairmanship since 1992.

Representative Tauscher is currently serving her second term as the Chairman of the House New Democrat Coalition, and she was appointed by the Speaker of the House to serve as the Vice Chair for the Future Security and Defense Capabilities Subcommittee of the Defense and Security Committee of NATO’s Parliamentary Assembly.

On May 5, 2009, the President nominated Representative Tauscher to serve as Under Secretary of State for Arms Control and International Security at the Department of State.
(b) Sense of Congress.—It is the Sense of Congress that the Honorable Ellen O. Tauscher, Representative from California, has served the House of Representatives and the American people selflessly and with distinction, and that she deserves the sincere and humble gratitude of Congress and the Nation.

SEC. 1049. SENSE OF CONGRESS CONCERNING THE DISPOSITION OF SUBMARINE NR–1.

(a) Findings.—Congress makes the following findings:

(1) The Deep Submergence Vessel NR–1 (hereinafter in this section referred to as “NR–1”) was built by the Electric Boat Company in Groton, Connecticut, entered service in 1969, and was the only nuclear-powered research submersible in the United States Navy.

(2) NR–1 was assigned to Naval Submarine Base New London, located in Groton, Connecticut throughout her entire service life.

(3) NR–1 was inactivated in December 2008.

(4) Due to the unique capabilities of NR–1, it conducted numerous missions of significant military and scientific value most notably in the fields of geological survey and oceanographic research.
(5) In 1986, NR–1 played a key role in the search for and recovery of the Space Shuttle Challenger.

(6) The mission of the Submarine Force Library and Museum in Groton, Connecticut, is to collect, preserve, and interpret the history of the United States Naval Submarine Force in order to honor veterans and to educate naval personnel and the public in the heritage and traditions of the Submarine Force.

(7) NR–1 is a unique and irreplaceable part of the history of the Navy and the Submarine Force and an educational and historical asset that should be shared with the Nation and the world.

(b) SENSE OF CONGRESS.—It is the Sense of Congress that—

(1) NR–1 is a unique and irreplaceable part of the Nation’s history and as much of the vessel as possible should be preserved for the historical and educational benefit of all Americans at the Submarine Force Museum and Library in Groton, Connecticut; and

(2) the Secretary of the Navy should ensure that as much of the vessel as possible, including unique components of on-board equipment and clear-
ly recognizable sections of the hull and super-
structure, to the full extent practicable, are made
available for transfer to the Submarine Force Mu-
seum and Library.

SEC. 1050. COMPLIANCE WITH REQUIREMENT FOR PLAN
ON THE DISPOSITION OF DETAINEES AT
NAVAL STATION, GUANTANAMO BAY, CUBA.

The Secretary of Defense shall comply with the re-
quirements of section 1023(b) of this Act, regarding the
transfer or release of the individuals detained at Naval
Station, Guantanamo Bay, Cuba.

SEC. 1051. SENSE OF CONGRESS REGARDING CARRIER AIR
WING FORCE STRUCTURE.

(a) F INDINGS.—Congress makes the following find-
ings:

(1) The requirement of section 5062(b) of title
10, United States Code, for the Navy to maintain
not less than 11 operational aircraft carriers, means
that the naval combat forces of the Navy also in-
clude not less than 10 carrier air wings.

(2) The Department of the Navy currently re-
quires a carrier air wing to include not less than 44
strike fighter aircraft.

(3) In spite of the potential warfighting benefits
that may result in the deployment of fifth-generation
strike fighter aircraft, for the foreseeable future the
majority of the strike fighter aircraft assigned to a
carrier air wing will not be fifth-generation assets.
(b) SENSE OF CONGRESS.—It is the sense of Con-
gress that—

(1) in addition to the forces described in section
5062(b) of title 10, United States Code, the naval
combat forces of the Navy should include not less
than 10 carrier air wings (even if the number of air-
craft carriers is temporarily reduced) that are com-
prised of, in addition to any other aircraft, not less
than 44 strike fighter aircraft; and

(2) the Secretary of the Navy should take all
appropriate actions necessary to make resources
available in order to include such number of strike
fighter aircraft in each carrier air wing.

SEC. 1052. SENSE OF CONGRESS ON DEPARTMENT OF DE-
FENSE FINANCIAL IMPROVEMENT AND
AUDIT READINESS; PLAN.

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

(1) The Department of Defense is the largest
agency in the Federal Government, owning 86 per-
cent of the Government’s assets, estimated at $4.6
trillion.
(2) It is essential that the Department maintain strong financial management and business systems that allow for comprehensive auditing, in order to improve financial management government-wide and to achieve an opinion on the Federal Government’s consolidated financial statements.

(3) Several major pieces of legislation, such as the Chief Financial Officers Act of 1990 (Public Law 101–576) and the Federal Financial Management Improvement Act of 1996 (Public Law 104–208; 31 U.S.C. 3512 note) have required published financial statement audits, reporting by auditors regarding whether the Department’s financial management systems comply substantially with Federal accounting standards, and other measures intended to ensure financial management systems of the Department provide accurate, reliable, and timely financial management information.

(4) Nevertheless, according to the January 2009 update to the Government Accountability Office High Risk Series, to date, only “* * * the U.S. Army Corps of Engineers, Civil Works has achieved a clean audit opinion on its financial statements. None of the military services have received favorable financial statement audit opinions, and the Depart-
ment has annually acknowledged that long-standing pervasive weaknesses in its business systems, processes, and controls have prevented auditors from determining the reliability of reported financial statement information.”.

(5) In response to a congressional mandate, the Department issued its first biennial Financial Improvement and Audit Readiness Plan in December 2005, to delineate its strategy for addressing financial management challenges and achieving clean audit opinions. This 2005 report projected that 69 percent of assets and 80 percent of liabilities would be “clean” by 2009, yet in the latest report in March 2009 the Department projects it will achieve an unqualified audit on only 45 percent of its assets and liabilities by 2009. The Department of Defense is falling behind its original plan to achieve full compliance with the law by 2017.

(6) Following the passage of the Sarbanes-Oxley Act of 2002 (Public Law 107–204), publicly traded corporations in the United States would face severe penalties for similar deficiencies in financial management and accountability.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is no longer excusable to allow poor business
systems, a deficiency of resource allocation, or a lack of commitment from senior Department of Defense leadership to foster waste or non-accountability to the United States taxpayer. It is the further sense of Congress that the Secretary of Defense has not made compliance with financial management and audit readiness standards a top priority and should require, through the Chief Management Officer of the Department of Defense, that each component of the Department develop and implement a specific plan to become compliant with the law well in advance of 2017.

(c) PLAN.—In the next update of the Financial Improvement and Audit Readiness Plan, following the date of the enactment of this Act, the Secretary of Defense shall outline a plan to achieve a full, unqualified audit of the Department of Defense by September 30, 2013. In the plan, the Secretary shall also identify a mechanism to conduct audits of the military intelligence programs and agencies and to submit audited financial statements for such agencies to Congress in a classified manner.

SEC. 1053. JUSTICE FOR VICTIMS OF TORTURE AND TERRORISM.

(a) FINDINGS.—Congress makes the following findings:
(1) At the request of President George W. Bush, Congress permitted the President to waive applicable provisions of the National Defense Authorization Act for Fiscal Year 2008 with respect to judicially cognizable claims of American victims of torture and hostage taking by the Government of Iraq.

(2) In return, however, Congress requested the executive branch to resolve these claims through negotiations with Iraq.

(3) After considerable delay, officials of the Department of State have informed Members of Congress that these negotiations are underway.

(4) Congress appreciates the start of the negotiations and will monitor the progress in the prompt and equitable resolution of these claims.

(5) Congress notes that the House of Representatives in the 110th Congress unanimously adopted H.R. 5167, the Justice for Victims of Torture and Terrorism Act, which set forth an appropriate compromise of these claims.

(6) In the interest of assisting the new democratic government of Iraq, H.R. 5167 offers a considerable compromise to all parties involved by waiving all punitive damages awarded by the courts.
in these cases, as well as approximately two-thirds of compensatory damages awarded by the courts.

(b) Sense of Congress.—It is the sense of Congress that as the negotiations to resolve the claims of American victims of torture and hostage taking by the Government of Iraq that are referred to in subsection (a)(1) proceed, Congress continues to view the provisions of H.R. 5167 of the 110th Congress as representing a fair compromise of these claims.

SEC. 1054. REPEAL OF CERTAIN LAWS PERTAINING TO THE JOINT COMMITTEE FOR THE REVIEW OF COUNTERPROLIFERATION PROGRAMS OF THE UNITED STATES.


SEC. 1055. NOTIFICATION AND ACCESS OF INTERNATIONAL COMMITTEE OF THE RED CROSS WITH RESPECT TO DETAINEES AT THEATER INTERNMENT FACILITY AT BAGRAM AIR BASE, AFGHANISTAN.

(a) NOTIFICATION.—The head of a military service or department, or of a Federal department or agency, that has custody or effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, or of any individual detained at such facility, shall, upon the detention of any such individual at facility, notify the International Committee of the Red Cross (referred to in this section as the “ICRC”) of such custody or effective control, as soon as possible.

(b) ACCESS.—The head of a military service or department, or of a Federal department or agency, with effective control of the Theater Internment Facility at Bagram Air Base, Afghanistan, pursuant to subsection (a), shall ensure ICRC access to any detainee within 24 hours of the receipt by such head of an ICRC request to access the detainee. Such access to the detainee shall continue pursuant to ICRC protocols and agreements reached between the ICRC and the head of a military service or department, or of a Federal department or agency, with effective control over the Theater Internment Facility at Bagram Air Base, Afghanistan.
(c) Scope of Access.—The ICRC shall be provided access, in accordance with this section, to any physical locality at the Theater Internment Facility at Bagram Air Base, Afghanistan, determined by the ICRC to be relevant to the treatment of the detainee, including the detainee’s cell or room, interrogation facilities or rooms, hospital or related health care facilities or rooms, or other locations not named in this section.

(d) Construction.—Nothing in this section shall be construed to—

(1) create or modify the authority of a military service or department, a Federal law enforcement agency, or the intelligence community to detain an individual; or

(2) limit or otherwise affect any other rights or obligations which may arise under the Geneva Conventions, other international agreements, or other laws, or to state all of the situations under which notification to and access for the International Committee of the Red Cross is required or allowed.

SEC. 1056. SENSE OF CONGRESS HONORING THE HONORABLE JOHN M. MCHUGH.

(a) Findings.—Congress makes the following findings:
(1) In 1993, Representative John M. McHugh was elected to represent New York’s 23rd Congressional district, which is located in northern New York and consists of Clinton, Hamilton, Lewis, Oswego, Madison, and Saint Lawrence counties and parts of Essex, Franklin, Fulton, and Oneida counties.

(2) Representative McHugh also represents Fort Drum, home of the 10th Mountain Division.

(3) Prior to his service in Congress, Representative McHugh served four terms in the New York State Senate, representing the 48th district from 1984 to 1992.

(4) Representative McHugh began his public service career in 1971 in his hometown of Watertown, New York, where he served for five years as a Confidential Assistant to the City Manager.

(5) Subsequently, Representative McHugh served for nine years as Chief of Research and Liaison with local governments for New York State Senator H. Douglas Barclay.

(6) Representative McHugh is known by his colleagues as a leader on national defense and security issues and a tireless advocate for America’s military personnel and their families.
(7) During his tenure, he has led the effort to increase Army and Marine Corps end-strength levels, increase military personnel pay, reduce the unfair tax on veterans’ disability and military retired pay (concurrent receipt) and safeguard military retiree benefits for our troops.

(8) Since the 103rd Congress, Representative McHugh has served on the Armed Services Committee of the House of Representatives and subsequently was appointed Chairman of the Morale, Welfare, and Recreation Panel before being appointed Chairman of the Military Personnel Subcommittee.

(9) Representative McHugh began serving on the United States Military Academy Board of Visitors in 1995, and he was appointed to the Board of Visitors by the Speaker of the House in 2007.

(10) In the 111th Congress, Representative McHugh was appointed Ranking Member of the Armed Services Committee of the House of Representatives by the Republican membership of the House of Representatives.

(11) On June 2, 2009, the President announced his intention to nominate Representative McHugh to serve as the Secretary of the Army.
(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Honorable John M. McHugh, Representative from New York, has served the House of Representatives and the American people selflessly and with distinction and that he deserves the sincere and humble gratitude of Congress and the Nation.

**SEC. 1057. PUBLIC DISCLOSURE OF NAMES OF STUDENTS AND INSTRUCTORS AT WESTERN HEMISPHERE INSTITUTE FOR SECURITY CO-OPERATION.**

Section 2166 of title 10, United States Code, is amended by adding at the end the following new subsection:

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“(j) **PUBLIC DISCLOSURE OF STUDENTS AND INSTRUCTORS.**—(1) The Secretary of Defense shall release to the public, upon request, the information described in paragraph (2) for each of fiscal years 2005, 2006, 2007, 2008, and 2009, and any fiscal year thereafter.

“(2) The information to be released under paragraph (1) shall include the following with respect to the fiscal year covered:

“(A) The entire name, including the first, middle, and maternal and paternal surnames, with respect to each student and instructor at the Institute.

“(B) The rank of each student and instructor.
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“(C) The country of origin of each student and instructor.

“(D) The courses taken by each student.

“(E) The courses taught by each instructor.

“(F) Any years of attendance by each student in addition to the fiscal year covered.”.

SEC. 1058. REQUIREMENT FOR VIDEOTAPE RECORDING OR OTHERWISE ELECTRONICALLY RECORDING STRATEGIC INTELLIGENCE INTERROGATIONS OF PERSONS IN THE CUSTODY OF OR UNDER THE EFFECTIVE CONTROL OF THE DEPARTMENT OF DEFENSE.

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

(1) In January 2009, the Secretary of Defense tasked a special Department of Defense team to review the conditions of confinement at Naval Station, Guantanamo Bay, Cuba, to ensure all detainees there are being held “in conformity with all applicable laws governing the conditions of confinement, including Common Article 3 of the Geneva Conventions”, pursuant to the President’s Executive Order on Review and Disposition of Individuals Detained at the Guantánamo Bay Naval Base and Closure of Detention Facilities, dated January 22, 2009.
(2) That review, led by Admiral Patrick M. Walsh, included as one of its five key recommendations the following statement: “Fourth, we endorse the use of video recording in all camps and for all interrogations. The use of video recordings to confirm humane treatment could be an important enabler for detainee operations. Just as internal controls provide standardization, the use of video recordings provides the capability to monitor performance and maintain accountability.”.

(3) Congress concurs and finds that the implementation of such a detainee videorecording requirement within the Department of Defense is in the national security interest of the United States.

(b) In general.—In accordance with the Army Field Manual on Human Intelligence Collector Operations (FM 2–22.3, September 2006), or any successor thereto, and the guidelines developed pursuant to subsection (f), the Secretary of Defense shall take such actions as are necessary to ensure the videotaping or otherwise electronically recording of each strategic intelligence interrogation of any person who is in the custody or under the effective control of the Department of Defense or under detention in a Department of Defense facility.
(c) Classification of Information.—To protect United States national security, the safety of the individuals conducting or assisting in the conduct of a strategic intelligence interrogation, and the privacy of persons described in subsection (b), the Secretary of Defense shall provide for the appropriate classification of video tapes or other electronic recordings made pursuant to subsection (b). The use of such classified video tapes or other electronic recordings in proceedings conducted under the Detainee Treatment Act of 2005 (title 14 of Public Law 109–163 and title 10 of Public Law 109–148), the Military Commissions Act of 2006 (10 U.S.C. 948 et seq.; Public Law 109–366), or any other provision of law shall be governed by applicable rules, regulations, and law.

(d) Strategic Intelligence Interrogation Defined.—For purposes of this section, the term “strategic intelligence interrogation” means an interrogation of a person described in subsection (b) conducted at a theater-level detention facility.

(e) Exclusion.—Nothing in this section shall be construed as requiring—

(1) any member of the Armed Forces engaged in direct combat operations to videotape or otherwise electronically record a person described in subsection (b); or
(2) the videotaping or other electronic recording
of tactical questioning, as such term is defined in
the Army Field Manual on Human Intelligence Col-
lector Operations (FM 2–22.3, September 2006), or
any successor thereto.

(f) GUIDELINES FOR VIDEOTAPE AND OTHER ELECTRONIC RECORDINGS.—

(1) DEVELOPMENT OF GUIDELINES.—The Sec-
retary of Defense, acting through the Judge Advo-
cates General (as defined in section 801(1) of title
10, United States Code, (Article 1 of the Uniform
Code of Military Justice)), shall develop and adopt
uniform guidelines designed to ensure that the
videotaping or other electronic recording required
under subsection (b), at a minimum—

(A) promotes full compliance with the laws
of the United States;

(B) is maintained for a length of time that
serves the interests of justice in cases for which
trials are being or may be conducted pursuant
to the Detainee Treatment Act of 2005 (title 14
of Public Law 109–163 and title 10 of Public
Law 109–148), the Military Commissions Act
of 2006 (10 U.S.C. 948 et seq.; Public Law
109–366), or any other provision of law;
(C) promotes the exploitation of intelligence; and

(D) ensures the safety of all participants in the interrogations.

(2) Submittal to Congress.—Not later than 30 days after the date of the enactment of this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the guidelines developed under paragraph (1). Such report shall be in an unclassified form but may include a classified annex.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. Authority to employ individuals completing the National Security Education Program.
Sec. 1102. Authority for employment by Department of Defense of individuals who have successfully completed the requirements of the science, mathematics, and research for transformation (SMART) defense scholarship program.
Sec. 1103. Authority for the employment of individuals who have successfully completed the Department of Defense information assurance scholarship program.
Sec. 1104. Additional personnel authorities for the Special Inspector General for Afghanistan Reconstruction.
Sec. 1105. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
Sec. 1106. Extension of certain benefits to Federal civilian employees on official duty in Pakistan.
Sec. 1107. Authority to expand scope of provisions relating to unreduced compensation for certain reemployed annuitants.
Sec. 1108. Requirement for Department of Defense strategic workforce plans.
Sec. 1109. Adjustments to limitations on personnel and requirement for annual manpower reporting.
Sec. 1110. Modification to Department of Defense laboratory personnel authority.
Sec. 1111. Pilot program for the temporary exchange of information technology personnel.


Sec. 1114. Sense of Congress on pay parity for Federal employees service at Joint Base McGuire/Dix/Lakehurst.

SEC. 1101. AUTHORITY TO EMPLOY INDIVIDUALS COMPLETING THE NATIONAL SECURITY EDUCATION PROGRAM.

(a) AUTHORITY FOR EMPLOYMENT.—Section 802 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902) is amended by adding at the end the following new subsection:

“(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—The Secretary of Defense, the head of an element of the intelligence community, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—

“(1) may, without regard to any provision of title 5 governing appointment of employees to positions in the Department of Defense, an element of the intelligence community, the Department of Homeland Security, the Department of State, or such Federal agency or office, appoint to a position that is identified under subsection (b)(2)(A)(i) as having national security responsibilities, or to a posi-
tion in such Federal agency or office, in the excepted
service an individual who has successfully completed
an academic program for which a scholarship or fel-
lowship under this section was awarded and who,
under the terms of the agreement for such scholar-
ship or fellowship, at the time of such appointment
owes a service commitment to such Department,
such element, or such Federal agency or office; and

“(2) may, upon satisfactory completion of two
years of substantially continuous service by an in-
cumbent who was appointed to an excepted service
position under the authority of paragraph (1), con-
vert the appointment of such individual, without
competition, to a career or career conditional ap-
pointment.”.

(b) TECHNICAL AMENDMENT.—Section 808 of such
Act (50 U.S.C. 1908) is amended by adding at the end
the following new paragraph:

“(6) The term ‘intelligence community’ has the
meaning given the term in section 3(4) of the Na-
tional Security Act of 1947 (50 U.S.C. 401a(4)).”.
SEC. 1102. AUTHORITY FOR EMPLOYMENT BY DEPARTMENT OF DEFENSE OF INDIVIDUALS WHO HAVE SUCCESSFULLY COMPLETED THE REQUIREMENTS OF THE SCIENCE, MATHEMATICS, AND RESEARCH FOR TRANSFORMATION (SMART) DEFENSE SCHOLARSHIP PROGRAM.

(a) Authority for Employment.—Subsection (d) of section 2192a of title 10, United States Code, is amended to read as follows:

“(d) Employment of Program Participants.—The Secretary of Defense—

“(1) may, without regard to any provision of title 5 governing appointment of employees to positions in the Department of Defense, appoint to a position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship or fellowship under this section was awarded and who, under the terms of the agreement for such scholarship or fellowship, at the time of such appointment owes a service commitment to the Department; and

“(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), con-
vert the appointment of such individual, without
competition, to a career or career conditional ap-
pointment.”.

(b) CONFORMING AMENDMENT.—Subsection (c)(2)
of such section is amended by striking “Except as pro-
vided in subsection (d), the” in the second sentence and
inserting “The”.

(c) TECHNICAL AMENDMENTS.—Subsection (f) of
such section is amended—

(1) by striking the first sentence; and

(2) by striking “the authorities provided in such
chapter” and inserting “the other authorities pro-
vided in this chapter”.

(d) REPEAL OF OBSOLETE PROVISION.—Such sec-
tion is further amended by striking subsection (g).

SEC. 1103. AUTHORITY FOR THE EMPLOYMENT OF INDIVID-
UALS WHO HAVE SUCCESSFULLY COM-
PLETED THE DEPARTMENT OF DEFENSE IN-
FORMATION ASSURANCE SCHOLARSHIP PRO-
GRAM.

Section 2200a of title 10, United States Code, is
amended by adding at the end the following new sub-
section:

“(g) EMPLOYMENT OF PROGRAM PARTICIPANTS.—
The Secretary of Defense—
“(1) may, without regard to any provision of title 5 governing appointments in the competitive service, appoint to an information technology position in the Department of Defense in the excepted service an individual who has successfully completed an academic program for which a scholarship under this section was awarded and who, under the terms of the agreement for such scholarship, at the time of such appointment owes a service commitment to the Department; and

“(2) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of paragraph (1), convert the appointment of such individual, without competition, to a career or career conditional appointment.”.

SEC. 1104. ADDITIONAL PERSONNEL AUTHORITIES FOR THE SPECIAL INSPECTOR GENERAL FOR AFGHANISTAN RECONSTRUCTION.

Section 1229(h) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 381) is amended by striking paragraph (1) and inserting the following:

“(1) PERSONNEL.—
“(A) IN GENERAL.—The Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

“(B) ADDITIONAL AUTHORITIES.—

“(i) IN GENERAL.—Subject to clause (ii), the Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

“(ii) PERIODS OF APPOINTMENTS.—In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) of this subparagraph—

“(I) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and
“(II) no period of appointment may exceed the date on which the Office of the Special Inspector General for Afghanistan Reconstruction terminates under subsection (o).”.

SEC. 1105. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.


SEC. 1106. EXTENSION OF CERTAIN BENEFITS TO FEDERAL CIVILIAN EMPLOYEES ON OFFICIAL DUTY IN PAKISTAN.

amended by inserting “Pakistan or” after “is on official
duty in”.

SEC. 1107. AUTHORITY TO EXPAND SCOPE OF PROVISIONS
RELATING TO UNREDUCED COMPENSATION
FOR CERTAIN REEMPLOYED ANNUITANTS.

(a) IN GENERAL.—Section 9902(h) of title 5, United
States Code, is amended—

(1) by redesignating paragraph (3) as para-
graph (4); and

(2) by inserting after paragraph (2) the fol-
lowing:

“(3) Benefits similar to those provided by para-
graphs (1) and (2) may be extended, in accordance
with regulations prescribed by the President, so as
to be made available with respect to reemployed an-
nuitants within the Department of Defense who are
subject to such other retirement systems for Govern-
ment employees as may be provided for under such
regulations.”.

(b) CONFORMING AMENDMENT.—Paragraph (4) of
section 9902(h) of such title 5 (as so designated by sub-
section (a)(1)) is amended by striking the period and in-
serting “, excluding paragraph (3).”.

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SEC. 1108. REQUIREMENT FOR DEPARTMENT OF DEFENSE STRATEGIC WORKFORCE PLANS.

(a) Codification of Requirement for Strategic Workforce Plan.—

(1) In general.—Chapter 2 of title 10, United States Code, is amended by adding after section 115a the following new section:

“§115b. Annual strategic workforce plan

“(a) Annual Plan Required.—(1) The Secretary of Defense shall submit to the congressional defense committees on an annual basis a strategic workforce plan to shape and improve the civilian employee workforce of the Department of Defense.

“(2) The Under Secretary of Defense for Personnel and Readiness shall have overall responsibility for developing and implementing the strategic workforce plan, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics.

“(b) Contents.—Each strategic workforce plan under subsection (a) shall include, at a minimum, the following:

“(1) An assessment of—

“(A) the critical skills and competencies that will be needed in the future within the civilian employee workforce by the Department of Defense to support national security require-
ments and effectively manage the Department
during the seven-year period following the year
in which the plan is submitted;

“(B) the appropriate mix of military, civil-
ian, and contractor personnel capabilities;

“(C) the critical skills and competencies of
the existing civilian employee workforce of the
Department and projected trends in that work-
force based on expected losses due to retirement
and other attrition; and

“(D) gaps in the existing or projected civil-
ian employee workforce of the Department that
should be addressed to ensure that the Depart-
ment has continued access to the critical skills
and competencies described in subparagraphs
(A) and (C).

“(2) A plan of action for developing and re-
shaping the civilian employee workforce of the De-
partment to address the gaps in critical skills and
competencies identified under paragraph (1)(D), in-
cluding—

“(A) specific recruiting and retention
goals, especially in areas identified as critical
skills and competencies under paragraph (1),
including the program objectives of the Depart-
ment to be achieved through such goals and the
funding needed to achieve such goals;

“(B) specific strategies for developing,
training, deploying, compensating, and moti-
vating 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;

“(C) any incentives necessary to attract or
retain any civilian personnel possessing the
skills and competencies identified in paragraph
(1);

“(D) any changes in the number of per-
sonnel authorized in any category of personnel
listed in subsection (f)(1) or in the acquisition
workforce that may be needed to address such
gaps and effectively meet the needs of the De-
partment;

“(E) any changes in the rates or methods
of pay for any category of personnel listed in
subsection (f)(1) or in the acquisition workforce
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; and

“(F) any legislative changes that may be necessary to achieve the goals referred to in subparagraph (A).

“(3) An assessment, using results-oriented performance measures, of the progress of the Department in implementing the strategic workforce plan under this section during the previous year.

“(4) Any additional matters the Secretary of Defense considers necessary to address.

“(c) SENIOR MANAGEMENT, FUNCTIONAL, AND TECHNICAL WORKFORCE.—Each strategic workforce 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, including the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2).

“(d) DEFENSE ACQUISITION WORKFORCE.—(1) Each strategic workforce 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 specifically address—

“(A) the requirements set forth in subparagraphs (A) through (F) of subsection (b)(2);

“(B) a plan for funding needed improvements in the military and civilian workforce of the Department, including—

“(i) 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, along with a description of how such funding is being implemented and whether it is being fully used; and

“(ii) a description of any continuing shortfalls in funding available for the 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 workforce plan required by this section.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘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.


“(E) Scientists and engineers appointed pursuant to section 1101 of the Strom Thur-

“(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.

“(2) The term ‘acquisition workforce’ includes individuals designated under section 1721 as filling acquisition positions.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 115a the following new item:

“115b. Annual strategic workforce plan.”.

(b) COMPTROLLER GENERAL REVIEW.—Not later than 180 days after the date on which the Secretary of Defense submits to the congressional defense committees an annual strategic workforce plan under section 115b of title 10, United States Code (as added by subsection (a)), in each of 2009, 2010, 2011, and 2012, the Comptroller General of the United States shall submit to the congressional defense committees a report on the plan so submitted.

(c) CONFORMING REPEALS.—The following provisions are repealed:


SEC. 1109. ADJUSTMENTS TO LIMITATIONS ON PERSONNEL AND REQUIREMENT FOR ANNUAL MANPOWER REPORTING.


(1) in paragraph (1) of subsection (b), by striking “requirements of—” and all that follows through the end of subparagraph (C) and inserting “the requirements of section 115b of this title; or”;

(2) in paragraph (2) of subsection (b), by striking “purposes described in paragraphs (1) through (4) of subsection (e).” and inserting the following:
“any of the following purposes:

“(A) Performance of inherently governmental functions.

“(B) Performance of work pursuant to section 2463 of title 10, United States Code.

“(C) Ability to maintain sufficient organic expertise and technical capability.

“(D) Performance of work that, while the position may not exercise an inherently governmental function, nevertheless should be performed only by officers or employees of the Federal Government or members of the Armed Forces because of the critical nature of the work.”; and

(3) by striking subsections (c) and (d).

(b) CONSOLIDATED ANNUAL REPORT.—

(1) INCLUSION IN ANNUAL DEFENSE MANPOWER REQUIREMENTS REPORT.—Section 115a of title 10, United States Code, is amended by inserting after subsection (e) the following new subsection:

“(f) The Secretary shall also include in each such report the following information with respect to personnel assigned to or supporting major Department of Defense headquarters activities:
“(1) The military end strength and civilian full-time equivalents assigned to major Department of Defense headquarters activities for the preceding fiscal year and estimates of such numbers for the current fiscal year and subsequent fiscal years.

“(2) A summary of the replacement during the preceding fiscal year of contract workyears providing support to major Department of Defense headquarters activities with military end strength or civilian full-time equivalents, including an estimate of the number of contract workyears associated with the replacement of contracts performing inherently governmental or exempt functions.

“(3) The plan for the continued review of contract personnel supporting major Department of Defense headquarters activities for possible conversion to military or civilian performance in accordance with section 2463 of this title.

“(4) The amount of any adjustment in the limitation on personnel made by the Secretary of Defense or the Secretary of a military department, and, for each adjustment made pursuant to section 1111(b)(2) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 143 note), the purpose of the adjustment.”.
(2) **Technical Amendments to Reflect Name of Report.**—

(A) Subsection (a) of section 115a of such title is amended by inserting “defense” before “manpower requirements report.”.

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

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

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

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

(3) **Conforming Repeal.**—Subsections (b) and (c) of section 901 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 272; 10 U.S.C. 221 note) are repealed.

**SEC. 1110. Modification to Department of Defense Laboratory Personnel Authority.**

(a) **Additional Science and Technology Reinvention Laboratories.**—

(1) **Designation.**—Each of the following is hereby designated as a Department of Defense science and technology reinvention laboratory (as de-

(A) The Tank and Automotive Research Development and Engineering Center.

(B) The Armament Research Development and Engineering Center.

(C) The Naval Air Warfare Center, Weapons Division.

(D) The Naval Air Warfare Center, Aircraft Division.

(E) The Space and Naval Warfare Systems Center, Pacific.

(F) The Space and Naval Warfare Systems Center, Atlantic.

(2) CONVERSION PROCEDURES.—The Secretary of Defense shall implement procedures to convert the civilian personnel of each facility identified in paragraph (1) from their current personnel system to the personnel system under an appropriate demonstration project (as referred to in such section 342(b)). Any conversion under this paragraph—

(A) shall not adversely affect any employee with respect to pay or any other term or condition of employment;
(B) shall be consistent with the terms of any collective bargaining agreement which might apply; and

(C) shall be completed within 18 months after the date of the enactment of this Act.

(b) EXCLUSION FROM NATIONAL SECURITY PERSONNEL SYSTEM.—

(1) IN GENERAL.—Section 9902(c)(2) of title 5, United States Code, is amended—

(A) in subparagraph (I), by striking “and” after the semicolon;

(B) in subparagraph (J), by striking the period and inserting “; and”; and

(C) by adding after subparagraph (J) the following:

“(K) the Tank and Automotive Research Development and Engineering Center;

“(L) the Armament Research Development and Engineering Center;

“(M) the Naval Air Warfare Center, Weapons Division;

“(N) the Naval Air Warfare Center, Aircraft Division;

“(O) the Space and Naval Warfare Systems Center, Pacific; and
“(P) the Space and Naval Warfare Systems Center, Atlantic.”.

(2) Extension of period of exclusion.—Section 9902(c)(1) of title 5, United States Code, is amended by striking “2011” each place it appears and inserting “2014”.

SEC. 1111. PILOT PROGRAM FOR THE TEMPORARY EXCHANGE OF INFORMATION TECHNOLOGY PERSONNEL.

(a) Assignment Authority.—The Secretary of Defense may, with the agreement of the private sector organization concerned, arrange for the temporary assignment of an employee to such private sector organization, or from such private sector organization to a Department of Defense organization under this section. An employee shall be eligible for such an assignment only if—

(1) the employee—

(A) works in the field of information technology management;

(B) is considered to be an exceptional employee;

(C) is expected to assume increased information technology management responsibilities in the future; and
(D) is compensated at not less than the GS–11 level (or the equivalent); and

(2) the proposed assignment meets applicable requirements of section 209(b) of the E-Government Act of 2002 (44 U.S.C. 3501 note).

(b) AGREEMENTS.—The Secretary of Defense shall provide for a written agreement between the Department of Defense and the employee concerned regarding the terms and conditions of the employee’s assignment under this section. The agreement—

(1) shall require that Department of Defense employees, upon completion of the assignment, will serve in the civil service for a period equal to the length of the assignment; and

(2) shall provide that if the Department of Defense or private sector employee fails to carry out the agreement, such employee shall be liable to the United States for payment of all expenses of the assignment, unless that failure was for good and sufficient reason (as determined by the Secretary of Defense).

An amount for which an employee is liable under paragraph (2) shall be treated as a debt due the United States.

(c) TERMINATION.—An assignment under this section may, at any time and for any reason, be terminated
by the Department of Defense or the private sector organi-

zation concerned.

(d) DURATION.—An assignment under this section
shall be for a period of not less than 3 months and not
more than 1 year, and may be extended in 3-month incre-
ments for a total of not more than 1 additional year; how-
ever, no assignment under this section may commence
after September 30, 2013.

(e) CONSIDERATIONS.—In carrying out this section,
the Secretary of Defense—

(1) shall ensure that, of the assignments made
under this section each year, at least 20 percent are
from small business concerns (as defined by section
3703(e)(2)(A) of title 5, United States Code); and

(2) shall take into consideration the question of
how assignments under this section might best be
used to help meet the needs of the Department of
Defense with respect to the training of employees in
information technology management.

(f) NUMERICAL LIMITATION.—In no event may more
than 10 employees be participating in assignments under
this section as of any given time.

(g) REPORTING REQUIREMENT.—For each of fiscal
years 2010 through 2015, the Secretary of Defense shall
submit to the congressional defense committees, not later
than 1 month after the end of the fiscal year involved,
a report on any activities carried out under this section
during such fiscal year, including information con-
cerning—

(1) the respective organizations (as referred to
in subsection (a)) to and from which any employee
was assigned under this section;

(2) the positions those employees held while
they were so assigned; and

(3) a description of the tasks they performed
while they were so assigned.

(h) **REPEAL OF SUPERSEDED SECTION.**—Section
1109 of the National Defense Authorization Act for Fiscal
Year 2008 (Public Law 110–181; 122 Stat. 358) is re-
pealed, except that—

(1) nothing in this subsection shall, in the case
of any assignment commencing under such section
1109 on or before the date of the enactment of this
Act, affect—

(A) the duration of such assignment or the
authority to extend such assignment in accord-
ance with subsection (d) of such section 1109,
as last in effect; or

(B) the terms or conditions of the agree-
ment governing such assignment, including with
respect to any service obligation under sub-
section (b) thereof; and

(2) any employee whose assignment is allowed
to continue by virtue of paragraph (1) shall be taken
into account for purposes of—

(A) the numerical limitation under sub-
section (f); and

(B) the reporting requirement under sub-
section (g).

SEC. 1112. PROVISIONS RELATING TO THE NATIONAL SECU-
RITY PERSONNEL SYSTEM.

(a) DEFINITIONS.—For purposes of this section—

(1) the term “National Security Personnel Sys-
tem” or “NSPS” refers to a human resources man-
agement system established under authority of chap-
ter 99 of title 5, United States Code; and

(2) the term “statutory pay sytem” means a
pay system under—

(A) subchapter III of chapter 53 of title 5,
United States Code (relating to General Sched-
ule pay rates); 

(B) subchapter IV of chapter 53 of title 5,
United States Code (relating to prevailing rate
systems); or
(C) such other provisions of law as would apply if chapter 99 of title 5, United States Code, had never been enacted.

(b) REQUIREMENT THAT ALL APPOINTMENTS MADE AFTER JUNE 16, 2009, BE SUBJECT TO THE APPROPRIATE STATUTORY PAY SYSTEM AND NOT NSPS.—Notwithstanding any other provision of law—

(1) the National Security Personnel System—

(A) shall not apply to any individual who is not subject to such System as of June 16, 2009; and

(B) shall not apply to any position which is not subject to such System as of June 16, 2009; and

(2) any individual who, after June 16, 2009, is appointed to any position within the Department of Defense shall accordingly be subject to the statutory pay system and all other aspects of the personnel system which would otherwise apply (with respect to the individual or position involved) if the National Security Personnel System had never been established.

(e) TERMINATION OF NSPS AND CONVERSION OF ANY EMPLOYEES AND POSITIONS REMAINING SUBJECT TO NSPS.—
(1) IN GENERAL.—The Secretary of Defense shall take all actions which may be necessary to provide, within 12 months after the date of enactment of this Act, for the termination of the National Security Personnel System and for the conversion of any employees and positions which, as of such date of enactment, remain subject to such System, to—

(A) the statutory pay system and all other aspects of the personnel system that last applied to such employee or position (as the case may be) before the National Security Personnel System applied; or

(B) if subparagraph (A) does not apply, the statutory pay system and all other aspects of the personnel system that would have applied if the National Security Personnel System had never been established.

No employee shall suffer any loss of or decrease in pay because of the preceding sentence.

(2) REPORT.—If the Secretary of Defense is of the view that the National Security Personnel System should not be terminated in accordance with paragraph (1), the Secretary shall submit to the President and both Houses of Congress as soon as practicable, but in no event later than 6 months
after the date of the enactment of this Act, a written report setting forth a statement of the Secretary’s views and the reasons therefor. Such report shall specifically include—

   (A) the Secretary’s opinion as to whether the System should be continued with or without changes; and

   (B) if, in the opinion of the Secretary, the System should be continued with changes—

     (i) a detailed description of the proposed changes; and

     (ii) a description of any administrative action or legislation which may be necessary.

(d) Restoration of Full Annual Pay Adjustments Under NSPS Pending Its Termination.—Section 9902(e)(7) of title 5, United States Code, is amended by striking “no less than 60 percent” and all that follows and inserting “the full amount of such adjustment.”.

SEC. 1113. PROVISIONS RELATING TO THE DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM.

(a) Definitions.—For purposes of this section—

   (1) the term “covered position” means a defense intelligence position in the Department of Defense established under chapter 83 of title 10,
United States Code, excluding an Intelligence Senior Level position designated under section 1607 of such title and any position in the Defense Intelligence Senior Executive Service;

(2) the term “DCIPS pay system”, as used with respect to a covered position, means the provisions of the Defense Civilian Intelligence Personnel System under which the rate of salary or basic pay for such position is determined, excluding any provisions relating to bonuses, awards, or any other amounts not in the nature of salary or basic pay;

(3) the term “Defense Civilian Intelligence Personnel System” means the personnel system established under chapter 83 of title 10, United States Code; and

(4) the term “appropriate pay system”, as used with respect to a covered position, means—

(A) the system under which, as of September 30, 2007, the rate of salary or basic pay for such position was determined; or

(B) if subparagraph (A) does not apply, the system under which, as of September 30, 2007, the rate of salary or basic pay was determined for the positions within the Department of Defense most similar to the position involved,
excluding any provisions relating to bonuses, awards, or any other amounts which are not in the nature of salary or basic pay.

(b) Requirement That Appointments to Covered Positions after June 16, 2009, Be Subject to the Appropriate Pay System.—Notwithstanding any other provision of law—

(1) the DCIPS pay system—

   (A) shall not apply to any individual holding a covered position who is not subject to such system as of June 16, 2009; and

   (B) shall not apply to any covered position which is not subject to such system as of June 16, 2009; and

(2) any individual who, after June 16, 2009, is appointed to a covered position shall accordingly be subject to the appropriate pay system.

(c) Termination of DCIPS Pay System for Covered Positions and Conversion of Employees Holding Covered Positions to the Appropriate Pay System.—

(1) In General.—The Secretary of Defense shall take all actions which may be necessary to provide, within 12 months after the date of enactment of this Act, for the termination of the DCIPS pay
system with respect to covered positions and for the conversion of any employees holding any covered positions which, as of such date of enactment, remain subject to the DCIPS pay system, to the appropriate pay system. No employee shall suffer any loss of or decrease in pay because of the preceding sentence.

(2) REPORT.—If the Secretary of Defense is of the view that the DCIPS pay system should not be terminated with respect to covered positions, as required by paragraph (1), the Secretary shall submit to the President and both Houses of Congress as soon as practicable, but in no event later than 6 months after the date of the enactment of this Act, a written report setting forth a statement of the Secretary’s views and the reasons therefor. Such report shall specifically include—

(A) the Secretary’s opinion as to whether the DCIPS pay system should be continued, with or without changes, with respect to covered positions; and

(B) if, in the opinion of the Secretary, the DCIPS pay system should be continued with respect to covered positions, with changes—

(i) a detailed description of the proposed changes; and
(ii) a description of any administrative
action or legislation which may be nec-
essary.

The requirements of this paragraph shall be carried
out by the Secretary of Defense in conjunction with
the Director of the Office of Personnel Management.

(d) RULE OF CONSTRUCTION.—Nothing in this sec-
tion shall be considered to affect—

(1) the provisions of the Defense Civilian Intelli-
gence Personnel System governing aspects of com-
pensation apart from salary or basic pay; or

(2) the application of such provisions with re-
spect to a covered position or any individual holding
a covered position, including after June 16, 2009.

SEC. 1114. SENSE OF CONGRESS ON PAY PARITY FOR FED-
ERAL EMPLOYEES SERVICE AT JOINT BASE
MCGUIRE/DIX/LAKEHURST.

It is the sense of Congress that for the purposes of
determining any pay for an employee serving at Joint
Base McGuire/Dix/Lakehurst—

(1) the pay schedules and rates to be used shall
be the same as if such employee were serving in the
pay locality, wage area, or other area of locality
(whichever would apply to determine pay for the em-
ployees involved) that includes Ocean County, New Jersey; and

(2) the Office of Personnel Management should develop regulations to ensure pay parity for employees serving at Joint Bases.

**TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

Subtitle A—Assistance and Training

Sec. 1201. Modification and extension of authority for security and stabilization assistance.

Sec. 1202. Increase of authority for support of special operations to combat terrorism.

Sec. 1203. Modification of report on foreign-assistance related programs carried out by the Department of Defense.

Sec. 1204. Report on authorities to build the capacity of foreign military forces and related matters.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

Sec. 1211. Limitation on availability of funds for certain purposes relating to Iraq.

Sec. 1212. Reauthorization of Commanders’ Emergency Response Program.

Sec. 1213. Reimbursement of certain Coalition nations for support provided to United States military operations.

Sec. 1214. Pakistan Counterinsurgency Fund.

Sec. 1215. Program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan.

Sec. 1216. Reports on campaign plans for Iraq and Afghanistan.

Sec. 1217. Required assessments of United States efforts in Afghanistan.

Sec. 1218. Report on responsible redeployment of United States Armed Forces from Iraq.

Sec. 1219. Report on Afghan Public Protection Program.

Sec. 1220. Updates of report on command and control structure for military forces operating in Afghanistan.

Sec. 1221. Report on payments made by United States Armed Forces to residents of Afghanistan as compensation for losses caused by United States military operations.

Sec. 1222. Assessment and report on United States-Pakistan military relations and cooperation.

Sec. 1223. Required assessments of progress toward security and stability in Pakistan.

Sec. 1224. Repeal of GAO war-related reporting requirement.

Sec. 1225. Plan to govern the disposition of specified defense items in Iraq.

Sec. 1226. Civilian ministry of defense advisor program.
Sec. 1228. Sense of Congress supporting United States policy for Afghanistan.
Sec. 1229. Analysis of required force levels and types of forces needed to secure southern and eastern regions of Afghanistan.
Sec. 1230. Modification of report on progress toward security and stability in Afghanistan.
Sec. 1230A. No permanent military bases in Afghanistan.

Subtitle C—Other Matters

Sec. 1231. NATO Special Operations Coordination Center.
Sec. 1232. Annual report on military power of the Islamic Republic of Iran.
Sec. 1233. Annual report on military and security developments involving the People's Republic of China.
Sec. 1235. Risk assessment of United States space export control policy.
Sec. 1236. Patriot air and missile defense battery in Poland.
Sec. 1238. Expansion of United States-Russian Federation joint center to include exchange of data on missile defense.
Sec. 1239. Limitation on funds to implement reductions in the strategic nuclear forces of the United States pursuant to any treaty or other agreement with the Russian Federation.
Sec. 1240. Map of mineral-rich zones and areas under the control of armed groups in Democratic Republic of the Congo.
Sec. 1241. Sense of Congress relating to the State of Israel.

Subtitle A—Assistance and Training

SEC. 1201. MODIFICATION AND EXTENSION OF AUTHORITY FOR SECURITY AND STABILIZATION ASSISTANCE.

(1) by striking “(b) LIMITATION.—” and all
that follows through “the aggregate value” and in-
serting “(b) LIMITATION.—The aggregate value”;
(2) by striking “$100,000,000” and inserting
“$25,000,000”; and
(3) by striking paragraph (2).
(b) EXTENSION OF AUTHORITY.—Subsection (g) of
such section, as most recently amended by section 1207(c)
of the Duncan Hunter National Defense Authorization
4626), is further amended by striking “September 30,
2009” and inserting “September 30, 2010”.
(e) EFFECTIVE DATE.—The amendments made by
this section shall take effect on October 1, 2009.
SEC. 1202. INCREASE OF AUTHORITY FOR SUPPORT OF
SPECIAL OPERATIONS TO COMBAT TERRORISM.
Section 1208(a) of the Ronald W. Reagan National
Defense Authorization Act for Fiscal Year 2005 (Public
Law 108–375; 118 Stat. 2086), as amended by section
1208(a) of the Duncan Hunter National Defense Author-
ization Act for Fiscal Year 2009 (Public Law 110–417;
122 Stat. 4626), is further amended by striking
“$35,000,000” and inserting “$50,000,000”.
SEC. 1203. MODIFICATION OF REPORT ON FOREIGN-ASSISTANCE RELATED PROGRAMS CARRIED OUT BY THE DEPARTMENT OF DEFENSE.

(a) AMENDMENT.—Section 1209 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 368) is amended—

(1) in subsection (a), by striking “180 days after the date of the enactment of this Act” and inserting “February 1 of each year”; and

(2) in subsection (b)(1)—

(A) in subparagraph (G), by striking “and” at the end; and

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

“(I) subsection (b)(6) of section 166a of title 10, United States Code; and”.

(b) REPORT FOR FISCAL YEARS 2008 AND 2009.—The report required to be submitted not later than February 1, 2010, under section 1209(a) of the National Defense Authorization Act for Fiscal Year 2008, as amended by subsection (a), shall include information required under such section with respect to fiscal years 2008 and 2009.
SEC. 1204. REPORT ON AUTHORITIES TO BUILD THE CAPACIT Y OF FOREIGN MILITARY FORCES AND RELATED MATTERS.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the President shall transmit to the congressional committees specified in subsection (b) a report on the following:

(1) The relationship between authorities of the Department of Defense to conduct security cooperation programs to train and equip, or otherwise build the capacity of, foreign military forces and security assistance authorities of the Department of State and other foreign assistance agencies to provide assistance to train and equip, or otherwise build the capacity of, foreign military forces, including the distinction, if any, between the purposes of such authorities, the processes to generate requirements to satisfy the purposes of such authorities, and the contribution such authorities make to the core missions of each such department and agency.

(2) The strengths and weaknesses of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), the Arms Export Control Act (22 U.S.C. 2171 et seq.), title 10, United States Code, and any other provision of law relating to training and equipping, or otherwise building the capacity of, foreign mili-
tary forces, including to conduct counterterrorist op-

erations or participate in or support military and

stability operations in which the United State Armed

Forces are a participant.

(3) The changes, if any, that should be made
to the provisions of law described in paragraph (2)
that would improve the ability of the United States
Government to train and equip, or otherwise build
the capacity of, foreign military forces, including to
conduct counterterrorist operations or participate in
or support military and stability operations in which
the United State Armed Forces are a participant.

(4) The organizational and procedural changes,
if any, that should be made in the Department of
Defense and the Department of State and other for-

eign assistance agencies to improve the ability of
such departments and agencies to conduct programs
to train and equip, or otherwise build the capacity
of, foreign military forces, including to conduct
counterterrorist operations or participate in or sup-
port military and stability operations in which the
United State Armed Forces are a participant.

(5) The resources and funding mechanisms re-
quired to ensure adequate funding for such pro-

grams.
(b) Specified Congressional Committees.—The congressional committees specified in this subsection are the following:

(1) The Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) The Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1211. 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.

SEC. 1212. REAUTHORIZATION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

(a) Authority for Fiscal Year 2010.—Subsection (a) of section 1202 of the National Defense Au-
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(1) in the heading, by striking “FISCAL YEARS 2008 AND 2009” and inserting “FISCAL YEAR 2010”; and

(2) in the matter preceding paragraph (1)—

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

(B) by striking “$1,700,000,000 in fiscal year 2008 and $1,500,000,000 in fiscal year 2009” and inserting “$1,300,000,000 in fiscal year 2010”.

(b) QUARTERLY REPORTS.—Subsection (b) of such section is amended by striking “fiscal years 2008 and 2009” and inserting “fiscal year 2010”.

SEC. 1213. REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) AUTHORITY.—From funds made available for the Department of Defense by section 1510 for operation and maintenance, Defense-wide activities, the Secretary of De-
fense may reimburse any key cooperating nation for logistical and military support provided by that nation to or in connection with United States military operations in Operation Iraqi Freedom or Operation Enduring Freedom.

(b) Amounts of Reimbursement.—Reimbursement authorized by subsection (a) may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of the Office of Management and Budget, may determine, based on documentation determined by the Secretary of Defense to adequately account for the support provided.

(e) Limitations.—

(1) Limitation on Amount.—The total amount of reimbursements made under the authority in subsection (a) during fiscal year 2010 may not exceed $1,600,000,000.

(2) Prohibition on Contractual Obligations to Make Payments.—The Secretary of Defense may not enter into any contractual obligation to make a reimbursement under the authority in subsection (a).

(d) Notice to Congress.—The Secretary of Defense shall notify the appropriate congressional commit-
tees not less than 15 days before making any reimburse-
ment under the authority in subsection (a). In the case
of any reimbursement to Pakistan under the authority in
subsection (a), such notification shall be made in accord-
ance with the notification requirements under section
1232(b) of the National Defense Authorization Act for

(e) QUARTERLY REPORTS.—The Secretary of De-
fense shall submit to the appropriate congressional com-
mittees on a quarterly basis a report on any reimburse-
ments made under the authority in subsection (a) during
such quarter.

(f) EXTENSION OF NOTIFICATION REQUIREMENT
RELATING TO DEPARTMENT OF DEFENSE COALITION
SUPPORT FUNDS FOR PAKISTAN.—Section 1232(b)(6) of
the National Defense Authorization Act for Fiscal Year
2008 (Public Law 110–181; 122 Stat. 393), as amended
by section 1217(d) of the Duncan Hunter National De-
fense Authorization Act for Fiscal Year 2009 (Public Law
110–417; 122 Stat. 4635), is further amended by striking
“September 30, 2010” and inserting “September 30,
2011”.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES
DEFINED.—In this section, the term “appropriate con-
gressional committees” means—
(1) the Committee on Armed Services, the
Committee on Foreign Affairs, and the Committee
on Appropriations of the House of Representatives;
and
(2) the Committee on Armed Services, the
Committee on Foreign Relations, and the Committee
on Appropriations of the Senate.

SEC. 1214. PAKISTAN COUNTERINSURGENCY FUND.

(a) Amounts in Fund.—The Pakistan Counter-
insurgency Fund (in this section referred to as the
“Fund”) shall consist of the following:

(1) Amounts appropriated to the Fund for fis-
cal year 2009.

(2) Amounts transferred to the Fund pursuant
to subsection (d).

(b) Use of Funds.—

(1) In General.—Amounts in the Fund shall
be made available to the Secretary of Defense, with
the concurrence of the Secretary of State, to provide
assistance to the security forces of Pakistan (including
program management and the provision of
equipment, supplies, services, training, facility and
infrastructure repair, renovation, and construction)
to improve the counterinsurgency capability of Paki-
stan’s security forces (including Pakistan’s military,
Frontier Corps, and other security forces), and of which not more than $2,000,000 may be made available to provide humanitarian assistance to the people of Pakistan only as part of civil-military training exercises for Pakistan’s security forces receiving assistance under the Fund.

(2) Relation to other authorities.—Except as otherwise provided in section 1215 of this Act (relating to the program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan), amounts in the Fund are authorized to be made available notwithstanding any other provision of law. The authority to provide assistance under this subsection is in addition to any other authority to provide assistance to foreign countries.

c) Transfers from Fund.—

(1) In general.—The Secretary of Defense may transfer such amounts as the Secretary determines to be appropriate from the Fund—

(A) to any account available to the Department of Defense, or

(B) with the concurrence of the Secretary of State and head of the relevant Federal de-
partment or agency, to any other non-intel-
ligence related Federal account,

for purposes consistent with this section.

(2) Treatment of transferred funds.—
Amounts transferred to an account under the au-
thority of paragraph (1) shall be merged with
amounts in such account and shall be made available
for the same purposes, and subject to the same con-
ditions and limitations, as amounts in such account.

(3) Transfers back to fund.—Upon a de-
termination by the Secretary of Defense with respect
to funds transferred under paragraph (1)(A), or the
head of the other Federal department or agency with
the concurrence of the Secretary of State with re-
spect to funds transferred under paragraph (1)(B),
that all or part of amounts transferred from the
Fund under paragraph (1) are not necessary for the
purpose provided, such amounts may be transferred
back to the Fund and shall be made available for the
same purposes, and subject to the same conditions
and limitations, as originally applicable under sub-
section (b).

(d) Transfers to fund.—

(1) In general.—The Fund may include
amounts transferred by the Secretary of State, with
the concurrence of the Secretary of Defense, under any authority of the Secretary of State to transfer funds under any provision of law.

(2) TREATMENT OF TRANSFERRED FUNDS.—

Amounts transferred to the Fund under the authority of paragraph (1) shall be merged with amounts in the Fund and shall be made available for the same purposes, and subject to the same conditions and limitations, as amounts in the Fund.

(e) CONGRESSIONAL NOTIFICATION.—

(1) IN GENERAL.—Amounts in the Fund may not be obligated or transferred from the Fund under this section until 15 days after the date on which the Secretary of Defense notifies the appropriate congressional committees in writing of the details of the proposed obligation or transfer.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives; and
(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.

(f) SUNSET.—

(1) IN GENERAL.—Except as provided in paragraph (2), the authority provided under this section terminates at the close of September 30, 2010.

(2) EXCEPTION.—Any program supported from amounts in the Fund established before the close of September 30, 2010, may be completed after that date but only using amounts appropriated or transferred to the Fund on or before that date.

SEC. 1215. PROGRAM TO PROVIDE FOR THE REGISTRATION AND END-USE MONITORING OF DEFENSE ARTICLES AND DEFENSE SERVICES TRANSFERRED TO AFGHANISTAN AND PAKISTAN.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall establish and carry out a program to provide for the registration and end-use monitoring of defense articles and defense services transferred to Afghanistan and Pakistan in accordance with the requirements under subsection (b) and to prohibit the retransfer of such defense articles and defense services without the consent of the United States. The
program required under this subsection shall be limited to the transfer of defense articles and defense services—

(A) pursuant to authorities other than the Arms Export Control Act or the Foreign Assistance Act of 1961; and

(B) using funds made available to the Department of Defense, including funds available pursuant to the Pakistan Counterinsurgency Fund.

(2) PROHIBITION.—No defense articles or defense services that would be subject to the program required under this subsection may be transferred to—

(A) the Government of Afghanistan or any other group, organization, citizen, or resident of Afghanistan, or

(B) the Government of Pakistan or any other group, organization, citizen, or resident of Pakistan,

until the Secretary of Defense certifies to the specified congressional committees that the program required under this subsection has been established.

(b) REGISTRATION AND END-USE MONITORING REQUIREMENTS.—The registration and end-use monitoring
requirements under this subsection shall include the following:

(1) A detailed record of the origin, shipping, and distribution of defense articles and defense services transferred to—

(A) the Government of Afghanistan and other groups, organizations, citizens, and residents of Afghanistan; and

(B) the Government of Pakistan and other groups, organizations, citizens, and residents of Pakistan.

(2) A program of end-use monitoring of lethal defense articles and defense services transferred to the entities and individuals described in subparagraphs (A) and (B) of paragraph (1).

(e) REVIEW; EXEMPTION.—

(1) REVIEW.—The Secretary of Defense shall periodically review the defense articles and defense services subject to the registration and end-use monitoring requirements under subsection (b) to determine which defense articles and defense services, if any, should no longer be subject to such registration and monitoring requirements. The Secretary of Defense shall submit to the specified congressional
committees the results of each review conducted under this paragraph.

(2) EXEMPTION.—The Secretary of Defense may exempt a defense article or defense service from the registration and end-use monitoring requirements under subsection (b) beginning on the date that is 30 days after the date on which the Secretary provides notice of the proposed exemption to the specified congressional committees. Such notice shall describe any controls to be imposed on such defense article or defense service, as the case may be, under any other provision of law.

(d) DEFINITIONS.—In this section:

(1) DEFENSE ARTICLE.—The term “defense article”—

(A) includes—

(i) any weapon, including a small arm (as defined in paragraph (3)), weapons system, munition, aircraft, vessel, boat or other implement of war;

(ii) any property, installation, commodity, material, equipment, supply, or goods used for the purposes of furnishing military assistance;
(iii) any machinery, facility, tool, material supply, or other item necessary for the manufacture, production, processing, repair, servicing, storage, construction, transportation, operation, or use of any article listed in this paragraph; or

(iv) any component or part of any article listed in this paragraph; but

(B) does not include merchant vessels or, as defined by the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), source material (except uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity), by-product material, special nuclear material, production facilities, utilization facilities, or atomic weapons or articles involving Restricted Data.

(2) **Defense Service.**—The term “defense service” includes any service, test, inspection, repair, publication, or technical or other assistance or defense information used for the purposes of furnishing military assistance, but does not include military educational and training activities under

(3) SMALL ARM.—The term “small arm” means—

(A) a handgun or pistol;

(B) a shoulder-fired weapon, including a sub-carbine, carbine, or rifle;

(C) a light, medium, or heavy automatic weapon up to and including a .50 caliber machine gun;

(D) a recoilless rifle up to and including 106mm;

(E) a mortar up to and including 81mm;

(F) a rocket launcher, man-portable;

(G) a grenade launcher, rifle and shoulder fired; and

(H) an individually-operated weapon which is portable or can be fired without special mounts or firing devices and which has potential use in civil disturbances and is vulnerable to theft.

(4) SPECIFIED CONGRESSIONAL COMMITTEES.—The term “specified congressional committees” means—
(A) the Committee on Foreign Affairs and
the Committee on Armed Services of the House
of Representatives; and

(B) the Committee on Foreign Relations
and the Committee on Armed Services of the
Senate.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in para-
graph (2), this section shall take effect 180 days
after the date of the enactment of this Act.

(2) EXCEPTION.—The Secretary of Defense
may delay the effective date of this section by an ad-
ditional period of up to 90 days if the Secretary cer-
tifies in writing to the specified congressional com-
mittees for such additional period that it is in the
vital interest of the United States to do so and in-
cludes in the certification a description of such vital
interest.

SEC. 1216. REPORTS ON CAMPAIGN PLANS FOR IRAQ AND
AFGHANISTAN.

(a) Reports Required.—Not later than 180 days
after the date of the enactment of this Act, the Com-
troller General of the United States shall submit to the
congressional defense committees separate reports con-
taining assessments of the extent to which the campaign
plan for Iraq and the campaign plan for Afghanistan each
adhere to military doctrine (as defined in the Department
of Defense’s Joint Publication 5–0, Joint Operation Plan-
ing), including the elements set forth in subsection (b).

(b) MATTERS TO BE ASSESSED.—The matters to be
included in the assessments required under subsection (a)
are as follows:

(1) The extent to which each campaign plan
identifies and prioritizes the conditions that must be
achieved in each phase of the campaign.

(2) The extent to which each campaign plan re-
ports the number of combat brigade teams and other
forces required for each campaign phase.

(3) The extent to which each campaign plan es-
timates the time needed to reach the desired end
state and complete the military portion of the cam-
paign.

(c) UPDATE OF REPORT.—The Comptroller General
shall submit to the congressional defense committees an
update of the report on the campaign plan for Iraq or
the campaign plan for Afghanistan required under sub-
section (a) whenever the campaign plan for Iraq or the
campaign plan for Afghanistan, as the case may be, is sub-
stantially updated or altered.
(d) EXCEPTION.—If the Comptroller General determines that a report submitted to Congress by the Comptroller General before the date of the enactment of this Act substantially meets the requirements of subsection (a) for the submission of a report on the campaign plan for Iraq or the campaign plan for Afghanistan, the Comptroller General shall so notify the congressional defense committees in writing, but shall provide an update of the report as required under subsection (e).

(e) TERMINATION.—

(1) REPORTS ON IRAQ.—The requirement to submit updates of reports on the campaign plan for Iraq under subsection (c) shall terminate on December 31, 2011.

(2) REPORTS ON AFGHANISTAN.—The requirement to submit updates of reports on the campaign plan for Afghanistan under subsection (c) shall terminate on September 30, 2012.

SEC. 1217. REQUIRED ASSESSMENTS OF UNITED STATES EFFORTS IN AFGHANISTAN.

(a) ASSESSMENTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall conduct an assessment, which shall be not more than 30 days in duration, of the progress toward defeating al Qa’ida and its affili-
ated networks and extremist allies and preventing the establishment of safe havens in Afghanistan for al Qa‘ida and its affiliated networks and extremist allies.

(b) AREAS TO BE ASSESSED.—In carrying out subsection (a), the President should assess progress in the following areas:

(1) Ending the ability of the Taliban, al Qa‘ida, and other anti-government elements—

(A) to establish control over the population of Afghanistan or regions of Afghanistan;

(B) to establish safe havens in Afghanistan; and

(C) to conduct attacks inside or outside Afghanistan.

(2) Spreading legitimate and functional governance.

(3) Spreading the rule of law.

(4) Improving the legal economy of Afghanistan.

(5) Other areas the President determines to be important.

(c) REQUIREMENT TO DEVELOP GOALS AND TIMELINES.—For each area required to be assessed under subsection (b), the President, in consultation with the Government of Afghanistan and the governments of other
countries the President determines to be necessary, shall
establish goals for each area and timelines for meeting
such goals.

(d) Metrics.—The President shall develop metrics
that allows for the accurate and thorough assessment of
progress toward each goal and along each timeline re-
quired under subsection (c).

(e) Report Required.—

(1) In general.—Not later than 30 days after
the completion of each assessment required under
subsection (a), the President shall transmit to Con-
gress a report on the assessment.

(2) Elements.—The report required under
paragraph (1) should include, at a minimum, the fol-
lowing elements:

(A) The results of the assessment of—

(i) the progress of the government
and people of Afghanistan, with the assist-
ance of the international community, in
each area required to be assessed under
subsection (b); and

(ii) the effectiveness of United States
efforts to assist the government and people
of Afghanistan to make progress in each
area required to be assessed under subsection (b).

(B) A description of the goals and timelines for meeting such goals required under subsection (c).

(C) A description of the metrics required to be developed under subsection (d) and how such metrics were used to assess progress in each area required to be assessed under subsection (b).

(3) FORM.—The report required under paragraph (1) shall be transmitted in unclassified form, but may contain a classified annex if necessary.

(f) SUNSET.—The requirement to conduct assessments under subsection (a) shall not apply beginning on the date that is 5 years after the date of the enactment of this Act.

SEC. 1218. REPORT ON RESPONSIBLE REDEPLOYMENT OF UNITED STATES ARMED FORCES FROM IRAQ.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, or December 31, 2009, whichever occurs later, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report concerning the responsible redeployment of United States Armed Forces
from Iraq in accordance with the policy announced by the
President on February 27, 2009, and the Agreement Be-
tween the United States of America and the Republic of
Iraq On the Withdrawal of United States Forces From
Iraq and the Organization of Their Activities During
Their Temporary Presence in Iraq.

(b) ELEMENTS.—The report required under sub-
section (a) shall include the following elements:

(1) The number of United States military per-
sonnel in Iraq by service and component for each
month of the preceding 90-day period and an esti-
mate of the personnel levels in Iraq for the 90-day
period following submission of the report.

(2) The number and type of military installa-
tions in Iraq occupied by 100 or more United States
military personnel and the number of such military
installations closed, consolidated, or transferred to
the Government of Iraq in the preceding 90-day pe-
riod.

(3) An estimate of the number of military vehi-
cles, containers of equipment, tons of ammunition,
or other significant items belonging to the Depart-
ment of Defense removed from Iraq during the pre-
ceeding 90-day period, an estimate of the remaining
amount of such items belonging to the Department
of Defense, and an assessment of the likelihood of
successfully removing, demilitarizing, or otherwise
transferring all items belonging to the Department
of Defense from Iraq on or before December 31,
2011.

(4) An assessment of United States detainee
operations and releases. Such assessment should in-
clude the total number of detainees held by the
United States in Iraq, the number of detainees in
each threat level category, the number of detainees
who are not nationals of Iraq, the number of detain-
ees transferred to Iraqi authorities, the number of
detainees who were released from United States cus-
tody and the reasons for their release, and the num-
ber of detainees who having been released in the
past were recaptured or had their remains identified
planning or after carrying out attacks on United
States or Coalition forces.

(5) A listing of the objective and subjective fac-
tors utilized by the commander of Multi-National
Force–Iraq, including any changes to that list in the
case of an update to the report, to determine risk
levels associated with the drawdown of United States
Armed Forces, and the process and timing that will
be utilized by the commander of Multi-National
Force–Iraq and the Secretary of Defense to assess risk and make recommendations to the President about either continuing the redeployment of United States Armed Forces from Iraq in accordance with the schedule announced by the President or modifying the pace or timing of that redeployment.

(c) INCLUSION IN OTHER REPORTS.—The report required under subsection (a) and any updates to the report may be included in any other required report on Iraq submitted to Congress by the Secretary of Defense.

(d) FORM.—The report required under subsection (a), whether or not included in another report on Iraq submitted to Congress by the Secretary of Defense, may include a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.
SEC. 1219. REPORT ON AFGHAN PUBLIC PROTECTION PROGRAM.

(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 the Afghan Public Protection Program (in this section referred to as the “program”).

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the program in the initial pilot districts in Afghanistan, including, at a minimum, the following elements:

   (A) An evaluation of the changes in security conditions in the initial pilot districts from the program’s inception to the date of the report.

   (B) The extent to which the forces developed under the program in the initial pilot districts are generally representative of the ethnic groups in the respective districts.

   (C) If the forces developed under the program are appropriately representative of the geographic area of responsibility.

   (D) An assessment of the views of the local communities, to include both Afghan national,
provincial, and district governmental officials
and leaders of the local communities, of the
successes and failures of the program.

(E) Any formal reviews of the program
that are planned for the future and the
timelines on which the reviews would be con-
ducted, by whom the reviews would be con-
ducted, and the criteria that would be used.

(F) The selection criteria that were used to
select members of the program in the initial
pilot districts and how the members were vet-
ted.

(G) The costs to the Department of De-
fense to support the program in the initial pilot
districts, to include any Commanders’ Emer-
gency Response Program funds spent as formal
or informal incentives.

(H) The roles of the Afghanistan National
Security Forces (ANSF) in supporting and
training forces under the program.

(I) Any other criteria used to evaluate the
program in the initial pilot districts by the
Commander of United States Forces–Afghani-
stan.
(2) An assessment of the future of the program, including, at a minimum, the following elements:

(A) A description of the goals and objectives expected to be met by the expansion of the program.

(B) A description of how such an expansion supports the functions of the Afghan National Police.

(C) A description of how the decision will be made whether to expand the program outside the initial pilot districts and the criteria that will be used to make that decision.

(D) A description of how districts or provinces outside of the initial pilot districts will be chosen to participate in the program, including an explanation of the following:

(i) What mechanisms the Government of Afghanistan will use to select additional districts or provinces, including participants in the decision process and the criteria used.

(ii) How the views of relevant United States Government departments and agencies will be taken into account by the Gov-
ernment of Afghanistan when choosing districts or provinces to participate in the program.

(iii) How the views of other North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) Coalition partners will be taken into account during the decision process.

(iv) What process will be used to evaluate any changes to the program as executed in the initial pilot districts to account for different or unique circumstances in additional areas of expansion.

(E) An assessment of personnel or assets of the Department of Defense that would likely be required to support any expansion of the program, including a description of the following:

(i) Any requirement for personnel to train or mentor additional forces developed under the program or to train additional members of the ANSF to train forces under the program.
(ii) Any Department of Defense funding that would be provided to support additional forces under the program.

(iii) Any assistance that would reasonably be required to assist the Government of Afghanistan manage any additional forces developed under the program.

(F) A description of the formal process, led by the Government of Afghanistan, that will be used to evaluate the program, including a description of the following:

(i) A listing of the criteria that are expected to be considered in the process.

(ii) The roles in the process of—

(I) the Government of Afghanistan;

(II) relevant United States Government departments and agencies;

(III) NATO-ISAF Coalition partners;

(IV) nongovernmental representatives of the people of Afghanistan; and

(V) any other appropriate individuals and entities.
(G) If members of the forces developed under the program will be transitioned to the ANSF or to other employment in the future, a description of—

(i) the process that will be used to transition the forces;

(ii) additional training that may be required;

(iii) how decisions will be made to transition the forces to the ANSF or other employment; and

(iv) any other relevant information.

(H) The Afghan chain of command that will be used to implement the program and provide command and control over the units created by the program.

SEC. 1220. UPDATES OF REPORT ON COMMAND AND CONTROL STRUCTURE FOR MILITARY FORCES OPERATING IN AFGHANISTAN.

Section 1216(d) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4634) is amended by adding at the end the following new sentence: “Any update of the report required under subsection (c) may be included in the report required under section 1230 of the National Defense

SEC. 1221. REPORT ON PAYMENTS MADE BY UNITED STATES ARMED FORCES TO RESIDENTS OF AFGHANISTAN AS COMPENSATION FOR LOSSES CAUSED BY UNITED STATES MILITARY OPERATIONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on payments made by United States Armed Forces to residents of Afghanistan as compensation for losses caused by United States military operations.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include—

(1) the total amount of funds provided for losses caused by United States military operations;

(2) a breakdown of the number of payments by type, to include—

(A) compensation for the death of a non-combatant Afghan resident;

(B) compensation for the injury of a non-combatant Afghan resident;
(C) compensation for property damage caused during combat operations or noncombat operations; and

(D) any other category for which compensation was paid by United States Armed Forces; and

(3) the average amount of compensation for each type of payment described in paragraph (2).

(e) Scope of Report.—The initial report required under subsection (a) shall include the information required under subsection (b) for the 5-year period ending on the date of submission of the initial report and each update of the report required under subsection (a) shall include the information required under subsection (b) for the period since the submission of last report.

(d) Termination.—The requirement to submit reports under subsection (a) shall terminate on September 30, 2012.

SEC. 1222. ASSESSMENT AND REPORT ON UNITED STATES-PAKISTAN MILITARY RELATIONS AND CO-OPERATION.

(a) Assessment Required.—The Secretary of Defense, in consultation with the Secretary of State, shall conduct an assessment of possible alternatives to reimbursements to Pakistan for logistical, military, or other
support provided by Pakistan to or in connection with United States military operations, which could encourage the Pakistani military to undertake counterterrorism and counterinsurgency operations and achieve the goals and objectives for long-term United States-Pakistan military relations and cooperation.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report on the assessment required under subsection (a).

(c) FORM.—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex if necessary.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives;

and

(2) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate.
SEC. 1223. REQUIRED ASSESSMENTS OF PROGRESS TOWARD SECURITY AND STABILITY IN PAKISTAN.

(a) Assessments Required.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall conduct an assessment, which shall be not more than 30 days in duration, of the progress toward long-term security and stability in Pakistan.

(b) Areas to Be Assessed.—In carrying out subsection (a), the President should assess—

(1) the effectiveness of efforts—

(A) to disrupt, dismantle, and defeat al Qa’ida, its affiliated networks, and other extremist forces in Pakistan;

(B) to eliminate the safe havens for such forces in Pakistan; and

(C) to prevent the return of such forces to Pakistan or Afghanistan; and

(2) the effectiveness of United States security assistance to Pakistan to achieve the strategic goal described in paragraph (1).

(c) Requirement to Develop Goals and Objectives and Timelines.—For any area assessed under subsection (b), the President, in consultation with the Government of Pakistan and the governments of other
countries the President determines to be necessary, shall
establish goals and objectives and timelines for meeting
such goals and objectives.

(d) **Requirement to Develop Metrics.**—The President shall develop metrics that allow for the accurate and thorough assessment of progress toward each goal and objective and along each timeline required under subsection (c).

(e) **Report Required.**—

(1) **In General.**—Not later than 30 days after the completion of each assessment required under subsection (a), the President shall transmit to Congress a report on the assessment.

(2) **Elements.**—The report required under paragraph (1) should include, at a minimum, the following elements:

(A) The results of the assessment required under subsection (a).

(B) A description of the goals and objectives and timelines for meeting such goals and objectives required under subsection (c).

(C) A description of the metrics required to be developed under subsection (d) and how such metrics were used to assess progress in
each area required to be assessed under sub-
section (b).

(3) FORM.—The report required under para-
graph (1) shall be transmitted in unclassified form,
but may contain a classified annex if necessary.

(f) SUNSET.—The requirement to conduct assess-
ments under subsection (a) shall not apply beginning on
the date that is 5 years after the date of the enactment
of this Act.

SEC. 1224. REPEAL OF GAO WAR-RELATED REPORTING RE-
QUIREMENT.

Section 1221(c) of the National Defense Authoriza-
tion Act for Fiscal Year 2006 (Public Law 109–163; 119
Stat. 3462) is amended by striking the following: “Based
on these reports, the Comptroller General shall provide to
Congress quarterly updates on the costs of Operation Iraqi
Freedom and Operation Enduring Freedom.”.

SEC. 1225. PLAN TO GOVERN THE DISPOSITION OF SPECI-
IFIED DEFENSE ITEMS IN IRAQ.

(a) PLAN REQUIRED.—The Secretary of Defense
shall prepare a plan to govern the disposition of specified
defense items in Iraq.

(b) ELEMENTS OF PLAN.—The plan required under
subsection (a) shall, at a minimum, address the following
elements:
(1) The identification of an individual, position, or office that will be responsible for making recommendations to the Secretary of Defense regarding the disposition of specified defense items in Iraq.

(2) A mechanism for conducting a thorough inventory of specified defense items in Iraq owned by the Department of Defense, including specified defense items in Iraq that are operated by contractors.

(3) A mechanism for soliciting input regarding potential requirements for specified defense items in Iraq. Such potential requirements may include—

(A) use in other overseas contingency operations involving the Armed Forces;

(B) use to reset the Armed Forces;

(C) use by other United States combatant commanders to enhance their capability to carry out missions in their respective combatant commands;

(D) use to refill prepositioned stocks;

(E) transfer to the security forces of Iraq or Afghanistan; and

(F) use by other Federal departments and agencies or political subdivisions of the United States.
(4) A mechanism for identifying specified defense items in Iraq that are not economically viable to remove from Iraq or which are not needed to meet other requirements, and for soliciting and evaluating proposals for the disposition of those items.

(5) A mechanism for ensuring that the views and inputs, as may be required by law, of other Federal departments and agencies are taken into account.

(c) REPORT REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees a report outlining the plan required under subsection (a) and including the elements required under subsection (b). The report shall further include an assessment of current authorities for the disposition of equipment and recommendations about changes to such authorities that the Secretary determines to be necessary. The report required under this subsection shall be submitted not later than the date of submission to Congress of the President’s budget for fiscal year 2011 pursuant to section 1105(a) of title 31, United States Code.

(d) REVIEW BY THE COMPTROLLER GENERAL.—Not later than 60 days after the date of submission of the report required under subsection (c), the Comptroller General of the United States shall submit to the congressional
defense committees a review of the plan required under subsection (a) and the recommendations of the Secretary of Defense contained in the report required under subsection (c).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to authorize the transfer of specified defense items in Iraq to any entity outside the Department of Defense except pursuant to relevant laws currently in force.

(f) SPECIFIED DEFENSE ITEMS IN IRAQ DEFINED.—In this section, the term “specified defense items in Iraq” includes major end items and tactical equipment items owned by the Department of Defense that are present in Iraq as of the date of enactment of this Act and are no longer required to support United States military operations in Iraq.

SEC. 1226. CIVILIAN MINISTRY OF DEFENSE ADVISOR PROGRAM.

(a) AUTHORITY.—The Secretary of Defense, with the concurrence of the Secretary of State, may provide civilian advisors to senior civilian and military officials of the Governments of Iraq and Afghanistan for the purpose of providing institutional, ministerial-level advice and other training to such officials in support of stabilization efforts and United States military operations in those countries.
(b) FORMULATION OF ADVICE AND TRAINING PROGRAM.—The Secretary of Defense and the Secretary of State shall jointly formulate any program to provide advice and training under subsection (a).

(c) LIMITATION.—The Secretary of Defense may not expend more than $13,100,000 for any fiscal year in carrying out any program in Iraq and Afghanistan as described in subsection (a).

(d) ADDITIONAL AUTHORITY.—The authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations or forces.

(e) TERMINATION OF AUTHORITY.—The authority to provide assistance under this section terminates at the close of September 30, 2010.

SEC. 1227. REPORT ON THE STATUS OF INTERAGENCY COORDINATION IN THE AFGHANISTAN AND OPERATION ENDURING FREEDOM THEATER OF OPERATIONS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense and the Secretary of State shall submit to the appropriate congressional committees a report on the status of interagency
coordination in the Afghanistan and Operation Enduring Freedom theater of operations.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include a description of the following:

(1) The staffing structure of United States-led Provincial Reconstruction Teams (PRTs) in Afghanistan, including the roles of members of the Armed Forces, the roles of non-Armed Forces personnel, and unfilled staffing, training, and resource needs.

(2) The use of members of the Armed Forces for reconstruction, development, and capacity building programs outside the jurisdiction of the Department of Defense.

(3) Coordination between United States-led and NATO ISAF-led programs to develop the capacity of national, provincial, and local government and other civil institutions as well as reconstruction and development activities in Afghanistan.

(4) Unfilled staffing and resource requirements for reconstruction, development, and civil institution capacity building programs.

(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—
(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1228. SENSE OF CONGRESS SUPPORTING UNITED STATES POLICY FOR AFGHANISTAN.

It is the sense of Congress that—

(1) Afghanistan is a central front in the global struggle against al Qa’ida and its affiliated networks;

(2) the United States has a vital national security interest in ensuring that Afghanistan does not revert back to its pre-September 11, 2001, status and become a sanctuary for trans-national terrorists;

(3) the President outlined a strategy for Afghanistan and Pakistan on March 27, 2009, that is rightly focused on disrupting, dismantling, and defeating al Qa’ida and its affiliated networks and their safe havens;

(4) the implementation of the President’s strategy requires a long-term, integrated civilian-military counterinsurgency strategy and a sustained, sub-
stansial commitment of military resources to Af-
ghanistan;

(5) as part of such an effort, the President
should continue to provide United States military
commanders with the forces requested to conduct
combat operations and to train and mentor Afghan
security forces; and

(6) in support of the President’s strategy, Con-
gress should ensure that United States military com-
manders in Afghanistan have the necessary funding
and resources to succeed.

SEC. 1229. ANALYSIS OF REQUIRED FORCE LEVELS AND
TYPES OF FORCES NEEDED TO SECURE
SOUTHERN AND EASTERN REGIONS OF AF-
GHANISTAN.

(a) Study Required.—At the request of the Com-
mander of United States Forces for Afghanistan
(USFOR-A), the Secretary of Defense shall enter into a
contract with a Federally Funded Research Development
Center (FFRDC) to provide analysis and support to the
commander to assist with analyzing the required force lev-
els and types of forces needed to secure the southern and
eastern regions of Afghanistan in an effort to provide a
space for the government of Afghanistan to establish effec-
(b) FUNDING.—Of the amount authorized to be appropriated for Defense-wide operation and maintenance in section 301(5), $3,000,000 may be used to carry out subsection (a).

SEC. 1230. MODIFICATION OF REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

(a) MATTERS TO BE INCLUDED: STRATEGIC DIRECTION OF UNITED STATES ACTIVITIES RELATING TO SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (c) of section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (B) as subparagraph (C); and

(B) by inserting after subparagraph (A) the following new subparagraph:

“(B) The specific substance of any existing formal or informal agreement with NATO ISAF countries regarding the following:

“(i) Mutually agreed upon goals.
“(ii) Strategies to achieve such goals, including strategies identified in ‘The Comprehensive Political Military Strategic Plan’ agreed to by the Heads of State and Government from Allied and other troop-contributing nations.

“(iii) Resource and force requirements, including the requirements as determined by NATO military authorities in the agreed ‘Combined Joint Statement of Requirements’ (CJSOR).

“(iv) Commitments and pledges of support regarding troops and resource levels.”;

(2) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively; and

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

“(2) NON-NATO ISAF TROOP-CONTRIBUTING COUNTRIES.—A description of the specific substance of any existing formal or informal agreement with non-NATO ISAF troop-contributing countries regarding the following:

“(A) Mutually agreed upon goals.

“(B) Strategies to achieve such goals.
“(C) Resource and force requirements.

“(D) Commitments and pledges of support regarding troops and resource levels.”.

(b) MATTERS TO BE INCLUDED: PERFORMANCE INDICATORS AND MEASURES OF PROGRESS TOWARD SUSTAINABLE LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN.—Subsection (d)(2) of such section is amended—

(1) in subparagraph (A)—

(A) by striking “individual NATO ISAF countries” and inserting “each individual NATO ISAF country”; and

(B) by inserting “estimated in the most recent NATO ISAF Troops Placemat” after “, including levels of troops and equipment”; 

(2) by redesignating subparagraphs (C) through (K) as subparagraphs (D) through (L), respectively;

(3) by inserting after subparagraph (B) the following new subparagraph:

“(C) With respect to non-NATO ISAF troop-contributing countries, a listing of contributions from each individual country, including levels of troops and equipment, the effect of contributions on operations, and unfulfilled commitments.”; and
(4) in subparagraph (I) (as redesignated)—

(A) by redesignating clause (ii) as clause (iii); and

(B) by inserting after clause (i) the following:

“(ii) The location, funding, staffing requirements, current staffing levels, and activities of each Provincial Reconstruction Team led by a nation other than the United States.”.

(e) CONFORMING AMENDMENT.—Subsection (d)(2) of such section, as amended, is further amended in subparagraph (J) (as redesignated) by striking “subsection (c)(4)” and inserting “subsection (c)(5)”.

SEC. 1230A. NO PERMANENT MILITARY BASES IN AFGHANISTAN.

None of the funds authorized to be appropriated by this Act or otherwise made available by this or any other Act shall be obligated or expended by the United States Government to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.
Subtitle C—Other Matters

SEC. 1231. NATO SPECIAL OPERATIONS COORDINATION CENTER.

(a) AUTHORIZATION.—Of the amounts authorized to be appropriated for fiscal year 2010 pursuant to section 301(1) for operation and maintenance for the Army, to be derived from amounts made available for support of North Atlantic Treaty Organization (hereinafter in this section referred to as “NATO”) operations, the Secretary of Defense is authorized to use up to $30,000,000 for the purposes set forth in subsection (b).

(b) PURPOSES.—The Secretary shall provide funds for the NATO Special Operations Coordination Center (hereinafter in this section referred to as the “NSCC”) to—

(1) improve coordination and cooperation between the special operations forces of NATO nations;

(2) facilitate joint operations by the special operations forces of NATO nations;

(3) support special operations forces peculiar command, control, and communications capabilities;

(4) promote special operations forces intelligence and informational requirements within the NATO structure; and
(5) promote interoperability through the development of common equipment standards, tactics, techniques, and procedures, and through execution of a multinational education and training program.

(c) Certification.—Not less than 180 days after the date of enactment of this Act, the Secretary shall certify to the Committees on Armed Services of the Senate and House of Representatives that the Secretary of Defense has assigned executive agent responsibility for the NSCC to an appropriate organization within the Department of Defense, and detail the steps being undertaken by the Department of Defense to strengthen the role of the NSCC in fostering special operations capabilities within NATO.

SEC. 1232. ANNUAL REPORT ON MILITARY POWER OF THE ISLAMIC REPUBLIC OF IRAN.

(a) Annual Report.—Not later than March 1 of each year, the Secretary of Defense shall submit to the appropriate congressional committees a report, in both classified and unclassified form, on the current and future military strategy of the Islamic Republic of Iran. The report shall address the current and probable future course of military developments on Iran’s Army, Air Force, Navy and the Iranian Revolutionary Guard Corps, and the tenets and probable development of Iran’s grand strategy,
security strategy, and military strategy, and of military
organizations and operational concepts.

(b) MATTERS TO BE INCLUDED.—The report re-
quired under subsection (a) shall include at least the fol-
lowing elements:

(1) An assessment of Iranian grand strategy,
security strategy, and military strategy, including
the following:

(A) The goals of Iran’s grand strategy, se-
curity strategy, and military strategy.

(B) Trends in Iran’s strategy that would
be designed to establish Iran as the leading
power in the Middle East and to enhance the
influence of Iran in other regions of the world.

(C) The security situation in the Persian
Gulf and the Levant.

(D) Iranian strategy regarding other coun-
tries in the region, including Israel, Lebanon,
Iraq, Afghanistan, Saudi Arabia, Turkey, Bah-
rain, Kuwait, the United Arab Emirates, Arme-
nia, and Azerbaijan.

(2) An assessment of the capabilities of Iran’s
conventional forces, including the following:

(A) The size, location, and capabilities of
Iran’s conventional forces.
(B) A detailed analysis of Iran’s forces facing United States forces in the region and other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(C) Major developments in Iranian military doctrine.

(D) An estimate of the funding provided for each branch of Iran’s conventional forces.

(3) An assessment of Iran’s unconventional forces, including the following:

(A) The size and capability of Iranian special operations units, including the Iranian Revolutionary Guard Corps–Quds Force.

(B) The types and amount of support provided to groups designated by the United States as terrorist organizations, including Hezbollah, Hamas, and the Special Groups in Iraq, in particular those forces as having been assessed as to be willing to carry out terrorist operations on behalf of Iran or in response to a military attack by another country on Iran.

(C) A detailed analysis of Iran’s unconventional forces facing United States forces in the
region and other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.

(D) An estimate of the amount of funds spent by Iran to develop and support special operations forces and terrorist groups.

(4) An assessment of Iranian capabilities related to nuclear and missile forces, including the following:

(A) A summary of nuclear capabilities and developments in the preceding year, including the location of major facilities believed to be involved in a nuclear weapons program.

(B) A summary of the capabilities of Iran’s strategic missile forces, including the size of the Iranian strategic missile arsenal and the locations of missile launch sites.

(C) A detailed analysis of Iran’s strategic missile forces facing United States forces in the region and other countries in the region, including Israel, Lebanon, Iraq, Afghanistan, Saudi Arabia, Turkey, Bahrain, Kuwait, the United Arab Emirates, Armenia, and Azerbaijan.
(D) An estimate of the amount of funding expended by Iran on programs to develop a capability to build nuclear weapons or to enhance Iran’s strategic missile capability.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

(2) IRAN’S CONVENTIONAL FORCES.—The term “Iran’s conventional forces”—

(A) means military forces of the Islamic Republic of Iran designed to conduct operations on sea, air, or land, other than Iran's unconventional forces and Iran’s strategic missile forces; and
(B) includes Iran’s Army, Iran’s Air Force, Iran’s Navy, and elements of the Iranian Revolutionary Guard Corps, other than the Iranian Revolutionary Guard Corps–Quds Force.

(3) IRAN’S UNCONVENTIONAL FORCES.—The term “Iran’s unconventional forces”—

(A) means forces of the Islamic Republic of Iran that carry out missions typically associated with special operations forces; and

(B) includes—

(i) the Iranian Revolutionary Guard Corps–Quds Force; and

(ii) any organization that—

(I) has been designated a terrorist organization by the United States;

(II) receives assistance from Iran; and

(III)(aa) is assessed as being willing in some or all cases of carrying out attacks on behalf of Iran; or

(bb) is assessed as likely to carry out attacks in response to a military attack by another country on Iran.
(4) **Iran’s strategic missile forces.**—The term “Iran’s strategic missile forces” means those elements of the military forces of the Islamic Republic of Iran that employ missiles capable of flights in excess of 500 kilometers.

**SEC. 1233. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE’S REPUBLIC OF CHINA.**

(a) **Annual Report.**—Subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note) is amended—

(1) in the first sentence, by striking “on the current and future military strategy of the People’s Republic of China” and inserting “on military and security developments involving the People’s Republic of China”;

(2) in the second sentence—

(A) by striking “on the People’s Liberation Army” and inserting “of the People’s Liberation Army”; and

(B) by striking “Chinese grand strategy, security strategy,” and inserting “Chinese security strategy”; and
(3) by adding at the end the following new sentence: “The report shall also address United States-China engagement and cooperation on security matters during the period covered by the report, including through United States-China military-to-military contacts, and the United States strategy for such engagement and cooperation in the future.”.

(b) MATTERS TO BE INCLUDED.—Subsection (b) of such section, as amended by section 1263 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 407), is further amended—

(1) in paragraph (1)—

(A) by striking “goals of” inserting “goals and factors shaping”; and

(B) by striking “Chinese grand strategy, security strategy,” and inserting “Chinese security strategy”;

(2) by amending paragraph (2) to read as follows:

“(2) Trends in Chinese security and military behavior that would be designed to achieve, or that are inconsistent with, the goals described in paragraph (1).”;

(3) in paragraph (6)—
(A) by inserting “and training” after “military doctrine”; and

(B) by striking “, focusing on (but not lim-
ited to) efforts to exploit a transformation in
military affairs or to conduct preemptive
strikes”; and

(4) by adding at the end the following new
paragraphs:

“(10) In consultation with the Secretary of En-
ergy and the Secretary of State, developments re-
garding United States-China engagement and co-
operation on security matters.

“(11) The current state of United States mili-
tary-to-military contacts with the People’s Libera-
tion Army, which shall include the following:

“(A) A comprehensive and coordinated
strategy for such military-to-military contacts
and updates to the strategy.

“(B) A summary of all such military-to-
military contacts during the period covered by
the report, including a summary of topics dis-
cussed and questions asked by the Chinese par-
ticipants in those contacts.

“(C) A description of such military-to-mili-
tary contacts scheduled for the 12-month period
following the period covered by the report and
the plan for future contacts.

“(D) The Secretary’s assessment of the
benefits the Chinese expect to gain from such
military-to-military contacts.

“(E) The Secretary’s assessment of the
benefits the Department of Defense expects to
gain from such military-to-military contacts,
and any concerns regarding such contacts.

“(F) The Secretary’s assessment of how
such military-to-military contacts fit into the
larger security relationship between the United
States and the People’s Republic of China.

“(12) Other military and security developments
involving the People’s Republic of China that the
Secretary of Defense considers relevant to United
States national security.”.

(c) CONFORMING AMENDMENT.—Such section is fur-
ther amended in the heading by striking “MILITARY
POWER OF” and inserting “MILITARY AND SECURITY
DEVELOPMENTS INVOLVING”.

(d) REPEALS.—Section 1201 of the National Defense
Authorization Act for Fiscal Year 2000 (Public Law 106–
65; 113 Stat. 779; 10 U.S.C. 168 note) is amended by
striking subsections (e) and (f).
(c) Effective Date.—

(1) In General.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to reports required to be submitted under subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 2000, as so amended, on or after that date.

(2) Strategy and Updates for Military-to-Military Contacts with People’s Liberation Army.—The requirement to include the strategy described in paragraph (11)(A) of section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000, as so amended, in the report required to be submitted under section 1202(a) of such Act, as so amended, shall apply with respect to the first report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act. The requirement to include updates to such strategy shall apply with respect to each subsequent report required to be submitted under section 1202(a) of such Act on or after the date of the enactment of this Act.
SEC. 1234. REPORT ON IMPACTS OF DRAWDOWN AUTHORITIES ON THE DEPARTMENT OF DEFENSE.

(a) Report Required.—The Secretary of Defense shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate an annual report, in unclassified form but with a classified annex if necessary, on the impacts of drawdown authorities on the Department of Defense. The report required under this subsection shall be submitted concurrent with the budget submitted to Congress by the President pursuant to section 1105(a) of title 31, United States Code.

(b) Elements of Report.—The report required under subsection (a) shall contain the following elements:

(1) A list of each drawdown for which a presidential determination was issued in the preceding year.

(2) A summary of the types and quantities of equipment that was provided under each drawdown in the preceding year.

(3) The cost to the Department of Defense to replace any equipment transferred as part of each drawdown, not including any depreciation, in the preceding year.
(4) The cost to the Department of Defense of any other item, including fuel or services, transferred as part of each drawdown in the preceding year.

(5) The total amount of funds transferred under each drawdown in the preceding year.

(6) A copy of any statement of impact on readiness or statement of impact on operations and maintenance that any military service furnished as part of the process of developing a drawdown package in the preceding year.

(7) An assessment by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff of the impact of transfers carried out as part of drawdowns in the previous year on—

(A) the ability of the Armed Forces to meet the requirements of ongoing overseas contingency operations;

(B) the level of risk associated with the ability of the Armed Forces to execute the missions called for under the National Military Strategy as described in section 153(b) of title 10, United States Code;

(C) the ability of the Armed Forces to reset from current contingency operations;
(D) the ability of both the active and Reserve forces to conduct necessary training; and
(E) the ability of the Reserve forces to respond to domestic emergencies.

(c) DEFINITIONS.—In this section:

(1) DRAWDOWN.—The term “drawdown” means any transfer or package of transfers of equipment, services, fuel, funds or any other items carried out pursuant to a presidential determination issued under a drawdown authority.

(2) DRAWDOWN AUTHORITY.—The term “drawdown authority” means an authority under—

(A) section 506(a) (1) or (2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2318(a) (1) or (2));

(B) section 552(c)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2348a(c)(2));

or

(C) any other substantially similar provision of law.

SEC. 1235. RISK ASSESSMENT OF UNITED STATES SPACE EXPORT CONTROL POLICY.

(a) ASSESSMENT REQUIRED.—The Secretary of Defense and the Secretary of State shall carry out an assessment of the national security risks of removing satellites
and related components from the United States Munitions List.

(b) MATTERS TO BE INCLUDED.—The assessment required under subsection (a) shall included the following matters:

(1) A review of the space and space-related technologies currently on the United States Munitions List, to include satellite systems, dedicated subsystems, and components.

(2) An assessment of the national security risks of removing certain space and space-related technologies identified under paragraph (1) from the United States Munitions List.

(3) An examination of the degree to which other nations’ export control policies control or limit the export of space and space-related technologies for national security reasons.

(4) Recommendations for—

(A) the space and space-related technologies that should remain on, or may be candidates for removal from, the United States Munitions List based on the national security risk assessment required paragraph (2);

(B) the safeguards and verifications necessary to—
(i) prevent the proliferation and diversion of such space and space-related technologies;

(ii) confirm appropriate end use and end users; and

(iii) minimize the risk that such space and space-related technologies could be used in foreign missile, space, or other applications that may pose a threat to the security of the United States; and

(C) improvements to the space export control policy and processes of the United States that do not adversely affect national security.

(e) Consultation.—In conducting the assessment required under subsection (a), the Secretary of Defense and the Secretary of State may consult with the heads of other relevant departments and agencies of the United States Government as the Secretaries determine is necessary.

(d) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the congressional defense committees and the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on the assess-
ment required under subsection (a). The report shall be in unclassified form but may include a classified annex.

(e) Definition.—In this section, the term “United States Munitions List” means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

SEC. 1236. PATRIOT AIR AND MISSILE DEFENSE BATTERY IN POLAND.

Consistent with United States national security interests and the Declaration on Strategic Cooperation Between the United States of America and Republic of Poland (signed in Warsaw, Poland, on August 20, 2008), and subject to the availability of appropriations, the Secretary of Defense shall seek to deploy a United States Army Patriot air and missile defense battery and the personnel required to operate and maintain such battery to Poland by 2012.

SEC. 1237. REPORT ON POTENTIAL FOREIGN MILITARY SALES OF THE F–22A FIGHTER AIRCRAFT TO JAPAN.

(a) Report Required.—Not later than 30 days after the date of the enactment of this Act, Secretary of Defense, in coordination with the Secretary of State and in consultation with the Secretary of the Air Force, shall submit to the congressional defense committees and the
Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a report on potential foreign military sales of the F–22A fighter aircraft to the Government of Japan.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) should detail—

(1) the cost of developing an exportable version of the F–22A fighter aircraft to the United States Government, industry, and the Government of Japan;

(2) whether an exportable version of the F–22A fighter aircraft is technically feasible and executable, and the timeline for achieving such an exportable version of the aircraft;

(3) the potential strategic implication for allowing the sale of the F–22A fighter aircraft to Japan;

(4) the impact of foreign military sales of the F–22A fighter aircraft on the United States aerospace and aviation industry and the benefit or drawback such sales might have on sustaining such industry; and

(5) any changes to existing law needed to allow foreign military sales of the F–22A fighter aircraft to Japan.
SEC. 1238. EXPANSION OF UNITED STATES-RUSSIAN FEDERATION JOINT CENTER TO INCLUDE EXCHANGE OF DATA ON MISSILE DEFENSE.

(a) Expansion Authorized.—In conjunction with the Government of the Russian Federation, the Secretary of Defense may expand the United States-Russian Federation joint center for the exchange of data from early warning systems for launches of ballistic missiles, as established pursuant to section 1231 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–329), to include the exchange of data on missile defense-related activities.

(b) Report Required.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on plans for expansion of the joint data exchange center.

(c) Authorization of Appropriations.—Of the amount authorized to be appropriated pursuant to section 201(1) for research, development, test, and evaluation for the Army, $5,000,000, to be derived from PE 0604869A, shall be available to carry out this section.
SEC. 1239. LIMITATION ON FUNDS TO IMPLEMENT REDUCTIONS IN THE STRATEGIC NUCLEAR FORCES OF THE UNITED STATES PURSUANT TO ANY TREATY OR OTHER AGREEMENT WITH THE RUSSIAN FEDERATION.

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

(1) In the Joint Statement by President Dmitriy Medvedev of the Russian Federation and President Barack Obama of the United States of America after their meeting in London, England on April 1, 2009, the two Presidents agreed “to pursue new and verifiable reductions in our strategic offensive arsenals in a step-by-step process, beginning by replacing the Strategic Arms Reduction Treaty with a new, legally-binding treaty.”.

(2) At that meeting, the two Presidents instructed their negotiators to reach an agreement that “will mutually enhance the security of the Parties and predictability and stability in strategic offensive forces, and will include effective verification measures drawn from the experience of the Parties in implementing the START Treaty.”.

(3) Subsequently, on April 5, 2009, in a speech in Prague, the Czech Republic, President Obama proclaimed: “Iran’s nuclear and ballistic missile ac-
tivity poses a real threat, not just to the United States, but to Iran’s neighbors and our allies. The Czech Republic and Poland have been courageous in agreeing to host a defense against these missiles. As long as the threat from Iran persists, we will go forward with a missile defense system that is cost-effective and proven.”.

(4) President Obama also said: “As long as these [nuclear] weapons exist, the United States will maintain a safe, secure and effective arsenal to deter any adversary, and guarantee that defense to our allies—including the Czech Republic. But we will begin the work of reducing our arsenal.”.

(b) LIMITATION.—Funds authorized to be appropriated by this Act or otherwise made available to the Department of Defense for fiscal year 2010 may be obligated or expended to implement reductions in the strategic nuclear forces of the United States pursuant to any treaty or other agreement entered into between the United States and the Russian Federation on strategic nuclear forces after the date of enactment of this Act only if the President certifies to Congress that—

(1) the treaty or other agreement provides for sufficient mechanisms to verify compliance with the treaty or agreement;
(2) the treaty or other agreement does not place limitations on the ballistic missile defense systems, space capabilities, or advanced conventional weapons of the United States; and

(3) the fiscal year 2011 budget request for programs of the Department of Energy’s National Nuclear Security Administration will be sufficiently funded to—

(A) maintain the reliability, safety, and security of the remaining strategic nuclear forces of the United States; and

(B) modernize and refurbish the nuclear weapons complex.

(e) Report.—Not later than 90 days after the date of the enactment of this Act, the President shall transmit to the congressional committees specified in subsection (d) a report on the stockpiles of strategic and non-strategic weapons of the United States and the Russian Federation.

(d) Specified Congressional Committees.—The congressional committees specified in this subsection are the following:

(1) The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representa-
(2) The Committee on Armed Services and the
Committee on Foreign Relations of the Senate.

(c) DEFINITION.—For the purposes of this section,
the term "advanced conventional weapons" means any ad-
vanced weapons system that has been specifically designed
not to carry a nuclear payload.

SEC. 1240. MAP OF MINERAL-RICH ZONES AND AREAS
UNDER THE CONTROL OF ARMED GROUPS IN
DEMOCRATIC REPUBLIC OF THE CONGO.

(a) IN GENERAL.—Not later than 120 days after the
date of the enactment of this Act, the Secretary of De-
fense, in consultation with the Secretary of State, shall,
consistent with the recommendation from the United Na-
tions Group of Experts on the Democratic Republic of the
Congo in their December 2008 report, work with other
member states of the United Nations and local and inter-
national nongovernmental organizations—

(1) to produce a map of mineral-rich zones and
areas under the control of armed groups in the
Democratic Republic of the Congo; and

(2) to make such map available to the public.

The map required under this subsection shall be known
as the "Congo Conflict Minerals Map". Mines located in
areas under the control of armed groups in the Democratic
Republic of the Congo, as depicted on the Congo Conflict Minerals Map, shall be known as “conflict zone mines”.

(b) Updates.—The Secretary of Defense, in consultation with the Secretary of State, shall update the map required by subsection (a) not less frequently than once every 180 days until the Secretary of Defense certifies that no armed party to any ongoing armed conflict in the Democratic Republic of the Congo or any other country is involved in the mining, sale, or export of columbite-tantalite, cassiterite, wolframite, or gold, or the control thereof, or derives benefits from such activities.

SEC. 1241. SENSE OF CONGRESS RELATING TO THE STATE OF ISRAEL.

It is the sense of Congress that—

(1) the State of Israel is one of the strongest allies of the United States;

(2) Israel and the United States face many common enemies; and

(3) the United States should continue to work with Israeli Prime Minister Netanyahu, the Israeli Government, and the people of Israel to ensure that Israel continues to receive critical military assistance, including missile defense capabilities, needed to address existential threats.
TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Utilization of contributions to the Cooperative Threat Reduction Program.
Sec. 1304. National Academy of Sciences study of metrics for the Cooperative Threat Reduction Program.
Sec. 1305. Cooperative Threat Reduction program authority for urgent threat reduction activities.
Sec. 1306. Cooperative Threat Reduction Defense and Military Contacts Program.

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 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) Fiscal Year 2010 Cooperative Threat Reduction Funds Defined.—As used in this title, the term “fiscal year 2010 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

SEC. 1302. FUNDING ALLOCATIONS.

(a) Funding for Specific Purposes.—Of the $434,093,000 authorized to be appropriated to the Department of Defense for fiscal year 2010 in section 301(20) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination in Russia, $66,385,000.

(2) For strategic nuclear arms elimination in Ukraine, $6,800,000.

(3) For nuclear weapons storage security in Russia, $15,090,000.

(4) For nuclear weapons transportation security in Russia, $46,400,000.

(5) For weapons of mass destruction proliferation prevention in the states of the former Soviet Union, $90,886,000.

(6) For biological threat reduction in the former Soviet Union, $152,132,000.

(7) For chemical weapons destruction, $1,000,000.
(8) For defense and military contacts, $5,000,000.

(9) For new Cooperative Threat Reduction initiatives, $29,000,000.

(10) For activities designated as Other Assessments/Administrative Costs, $21,400,000.

(b) Report on Obligation or Expenditure of Funds for Other Purposes.—No fiscal year 2010 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 30 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 2010 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 2010 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.

SEC. 1303. UTILIZATION OF CONTRIBUTIONS TO THE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, may enter into one or more agreements with any person (including a foreign government, international organization, multinational entity, non-governmental organization, or individual) that the Secretary of Defense considers appropriate, under
which the person contributes funds for activities conducted under the Cooperative Threat Reduction Program of the Department of Defense.

(b) RETENTION AND USE OF AMOUNTS.—Subject to the availability of appropriations, the Secretary of Defense may retain and use amounts contributed under an agreement under subsection (a) for purposes of the Cooperative Threat Reduction Program of the Department of Defense. Amounts so contributed shall be retained in a separate fund established in the Treasury for such purposes, subject to the availability of appropriations, consistent with an agreement under subsection (a).

(c) RETURN OF AMOUNTS NOT USED WITHIN FIVE YEARS.—If an amount contributed under an agreement under subsection (a) is not used under this section within five years after it was contributed, the Secretary of Defense shall return that amount to the person who contributed it.

(d) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on the receipt and use of amounts under this
section during the period covered by the report. Each report shall set forth—

(A) a statement of any amounts received under this section, including, for each such amount, the value of the contribution and the person who contributed it;

(B) a statement of any amounts used under this section, including, for each such amount, the purposes for which the amount was used; and

(C) a statement of the amounts retained but not used under this section including, for each such amount, the purposes (if known) for which the Secretary intends to use the amount.

(2) IMPLEMENTATION PLAN.—In addition to the statements described in subparagraphs (A) through (C) of paragraph (1), the first report submitted under such paragraph shall include an implementation plan for the authority provided under this section.

(e) EXPIRATION.—The authority to accept contributions under this section shall expire on December 31, 2012. The authority to retain and use contributions under this section shall expire on December 31, 2015.
(f) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

SEC. 1304. NATIONAL ACADEMY OF SCIENCES STUDY OF METRICS FOR THE COOPERATIVE THREAT REDUCTION PROGRAM.

(a) Study Required.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an arrangement with the National Academy of Sciences under which the Academy shall carry out a study to identify metrics to measure the impact and effectiveness of activities under the Cooperative Threat Reduction Program of the Department of Defense to address threats arising from the proliferation of chemical, nuclear, and biological weapons and weapons-related materials, technologies, and expertise.

(b) Submission of National Academy of Sciences Report.—The National Academy of Sciences
shall submit to Congress and the Secretary of Defense a report on the results of the study carried out under subsection (a).

(c) Secretary of Defense Report.—

(1) In general.—Not later than 90 days after receipt of the report required by subsection (b), the Secretary shall submit to Congress a report on the study carried out under subsection (a).

(2) Matters to be included.—The report under paragraph (1) shall include the following:

(A) A summary of the results of the study carried out under subsection (a).

(B) An assessment by the Secretary of the study.

(C) A statement of the actions, if any, to be undertaken by the Secretary to implement any recommendations in the study.

(3) Form.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) Funding.—Of the amounts appropriated pursuant to the authorization of appropriations in section 301(20) or otherwise made available for Cooperative Threat Reduction Programs for fiscal year 2010, not more
than $1,000,000 may be obligated or expended to carry out this section.

SEC. 1305. COOPERATIVE THREAT REDUCTION PROGRAM

AUTHORITY FOR URGENT THREAT REDUCTION ACTIVITIES.

(a) In General.—Subject to the notification requirement under subsection (b), not more than 10 percent of the total amounts appropriated or otherwise made available in any fiscal year for the Cooperative Threat Reduction Program of the Department of Defense may be expended, notwithstanding any provision of law identified pursuant to subsection (b)(2)(B), for activities described under subsection (b)(1)(A).

(b) Determination and Notice.—

(1) Determination.—The Secretary of Defense, in consultation with the Secretary of State, may make a written determination that—

(A) certain activities of the Cooperative Threat Reduction Program of the Department of Defense are urgently needed to address threats arising from the proliferation of chemical, nuclear, and biological weapons or weapons-related materials, technologies, and expertise;
(B) certain provisions of law would unnecessarily impede the Secretary's ability to carry out such activities; and

(C) it is necessary to expend amounts described in subsection (a) to carry out such activities.

(2) NOTICE REQUIRED.—Not later than 15 days before expending funds under the authority provided in subsection (a), the Secretary of Defense shall notify the appropriate congressional committees of the determination made under paragraph (1). The notice shall include—

(A) the determination;

(B) an identification of each provision of law the Secretary determines would unnecessarily impede the Secretary’s ability to carry out the activities described under paragraph (1)(A);

(C) the activities of the Cooperative Threat Reduction Program to be undertaken pursuant to the determination;

(D) the expected time frame for such activities; and

(E) the expected costs of such activities.
(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—

In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

SEC. 1306. COOPERATIVE THREAT REDUCTION DEFENSE AND MILITARY CONTACTS PROGRAM.

The Secretary of Defense shall ensure the following:

(1) The Defense and Military Contacts Program under the Cooperative Threat Reduction Program of the Department of Defense—

(A) is strategically used to advance the mission of the Cooperative Threat Reduction Program;

(B) is focused and expanded to support specific relationship-building opportunities, which could lead to Cooperative Threat Reduction Program development in new geographic areas and achieve other Cooperative Threat Reduction Program benefits;
(C) is directly administered as part of the Cooperative Threat Reduction Program; and

(D) includes, within an overall strategic framework, cooperation and coordination with—

(i) the unified combatant commands that operate in areas in which Cooperative Threat Reduction activities are carried out; and

(ii) related diplomatic efforts.

(2) Beginning with fiscal year 2010, the strategy and activities of the Defense and Military Contacts Program, in accordance with this section, are included in the Cooperative Threat Reduction Annual Report to Congress for each fiscal year, as required by section 1308 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–341; 22 U.S.C. 5959 note).

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1403. Defense Health Program.
Sec. 1404. Chemical agents and munitions destruction, defense.
Sec. 1405. Drug Interdiction and Counter-Drug Activities, Defense-wide.

Subtitle B—National Defense Stockpile

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Sec. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2010 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, $141,388,000.
2. For the Defense Working Capital Fund, Defense Commissary, $1,313,616,000.

Sec. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for the fiscal year 2010 for the National Defense Sealift Fund in the amount of $1,702,758,000.

Sec. 1403. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Defense Health Program, in the amount of $26,963,187,000, of which—
(1) $26,292,463,000 is for Operation and Maintenance;

(2) $493,192,000 is for Research, Development, Test, and Evaluation; and

(3) $177,532,000 is for Procurement.

SEC. 1404. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of $1,560,760,000, of which—

(1) $1,146,802,000 is for Operation and Maintenance;

(2) $401,269,000 is for Research, Development, Test, and Evaluation; and

(3) $12,689,000 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 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, in the amount of $1,050,984,000.

SEC. 1406. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, in the amount of $279,224,000, of which—

(1) $278,224,000 is for Operation and Maintenance; and

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

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) Obligation of Stockpile Funds.—During fiscal year 2010, the National Defense Stockpile Manager
may obligate up to $41,179,000 of the funds in the Na-
tional Defense Stockpile Transaction Fund established
under subsection (a) of section 9 of the Strategic and Crit-
ical Materials Stock Piling Act (50 U.S.C. 98h) for the
authorized uses of such funds under subsection (b)(2) of
such section, including the disposal of hazardous materials
that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National De-
defense Stockpile Manager may obligate amounts in excess
of the amount specified in subsection (a) if the National
Defense Stockpile Manager notifies Congress that extraor-
dinary or emergency conditions necessitate the additional
obligations. The National Defense Stockpile Manager may
make the additional obligations described in the notifica-
tion after the end of the 45-day period beginning on the
date on which Congress receives the notification.

(c) LIMITATIONS.—The authorities provided by this
section shall be subject to such limitations as may be pro-
vided in appropriations Acts.

SEC. 1412. EXTENSION OF PREVIOUSLY AUTHORIZED DIS-
POSAL OF COBALT FROM NATIONAL DE-
FENSE STOCKPILE.

Section 3305(a)(5) of the National Defense Author-
ization Act for Fiscal Year 1998 (Public Law 105–85; 50
U.S.C. 98d note), as most recently amended by section

SEC. 1413. REPORT ON IMPLEMENTATION OF RECONFIGURATION OF THE NATIONAL DEFENSE STOCKPILE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any actions the Secretary plans to take in response to the recommendations in the April 2009 report entitled “Reconfiguration of the National Defense Stockpile Report to Congress” submitted by the Under Secretary of Defense for Acquisition, Logistics, and Technology, as required by House Report 109–89, House Report 109–452, and Senate Report 110–115.

(b) CONGRESSIONAL NOTIFICATION.—The Secretary may not take any action regarding the implementation of any initiative recommended in the report required under subsection (a) until 45 days after the Secretary submits to the congressional defense committees such report.
Subtitle C—Armed Forces

Retirement Home

SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is authorized to be appropriated for fiscal year 2010 from the Armed Forces Retirement Home Trust Fund the sum of $134,000,000 for the operation of the Armed Forces Retirement Home.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Sec. 1501. Purpose.
Sec. 1502. Army procurement.
Sec. 1504. Limitation on obligation of funds for Joint Improvised Explosive Device Defeat Organization pending report to Congress.
Sec. 1505. Navy and Marine Corps procurement.
Sec. 1506. Air Force procurement.
Sec. 1507. Defense-wide activities procurement.
Sec. 1508. Mine Resistant Ambush Protected Vehicle Fund.
Sec. 1509. Research, development, test, and evaluation.
Sec. 1510. Operation and maintenance.
Sec. 1511. Working capital funds.
Sec. 1512. Military personnel.
Sec. 1513. Afghanistan Security Forces Fund.
Sec. 1514. Iraq Freedom Fund.
Sec. 1515. Other Department of Defense programs.
Sec. 1516. Limitations on Iraq Security Forces Fund.
Sec. 1517. Continuation of prohibition on use of United States funds for certain facilities projects in Iraq.
Sec. 1518. Special transfer authority.
Sec. 1519. Treatment as additional authorizations.

SEC. 1501. PURPOSE.

The purpose of this title is to authorize appropriations for the Department of Defense for fiscal year 2010
to provide additional funds for overseas contingency opera-
tions being carried out by the Armed Forces.

SEC. 1502. ARMY PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Army in amounts as follows:

(1) For aircraft procurement, $1,976,474,000.

(2) For ammunition procurement, $370,635,000.

(3) For weapons and tracked combat vehicles procurement, $874,466,000.

(4) For missile procurement, $531,570,000.

(5) For other procurement, $6,021,786,000.

SEC. 1503. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Joint Improvised Explosive Device Defeat Fund in the amount of $1,435,000,000.

(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 section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122
Stat. 4649), shall apply to the funds appropriated pursuant to the authorization of appropriations in subsection (a) and made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund.

(c) **MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.**—Not later than 15 days after the end of each month of fiscal year 2010, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of action.

**SEC. 1504. LIMITATION ON OBLIGATION OF FUNDS FOR JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT ORGANIZATION PENDING REPORT TO CONGRESS.**

(a) **LIMITATION.**—Of the amounts remaining unobligated as of the date of the enactment of this Act from amounts described in subsection (b) for the Joint Improvised Explosive Device Defeat Organization (in this section referred to as “JIEDDO”), not more than 50 percent of such remaining amounts may be obligated until JIEDDO submits to the congressional defense committees a report containing the following information regarding projects funded for fiscal years 2008, 2009, and 2010:
(1) A description of the purpose, funding, and schedule of the project.

(2) A description of related projects.

(3) An acquisition strategy.

(b) COVERED AUTHORIZATION OF APPROPRIATIONS.—The limitation contained in subsection (a) applies with respect to amounts made available pursuant to the authorization of appropriations—

(1) in section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649); and

(2) in section 1503(a) of this Act.

(c) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if the Secretary determines that the waiver is necessary to fulfill a critical need by United States military forces deployed in overseas contingency operations. The Secretary shall notify the congressional defense committees of any waiver granted under this subsection and the reasons for the waiver.

SEC. 1505. NAVY AND MARINE CORPS PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Navy and Marine Corps in amounts as follows:

(1) For aircraft procurement, Navy, $916,553,000.
(2) For weapons procurement, Navy, $73,700,000.
(3) For ammunition procurement, Navy and Marine Corps, $710,780,000.
(4) For other procurement, Navy, $318,018,000.
(5) For procurement, Marine Corps, $1,164,445,000.

SEC. 1506. AIR FORCE PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for procurement accounts of the Air Force in amounts as follows:
(1) For aircraft procurement, $1,151,776,000.
(2) For ammunition procurement, $256,819,000.
(3) For missile procurement, $36,625,000.
(4) For other procurement, $2,321,549,000.

SEC. 1507. DEFENSE-WIDE ACTIVITIES PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2010 for the procurement account for Defense-wide in the amount of $799,830,000.
SEC. 1508. MINE RESISTANT AMBUSH PROTECTED VEHICLE
FUND.

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

SEC. 1509. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

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

(1) For the Army, $57,962,000.
(2) For the Navy, $107,180,000.
(3) For the Air Force, $29,286,000.
(4) For Defense-wide activities, $215,826,000.

SEC. 1510. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2010 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, $51,970,661,000.
(2) For the Navy, $6,219,583,000.
(3) For the Marine Corps, $3,701,600,000.
(4) For the Air Force, $10,152,068,000.
(5) For Defense-wide activities, $7,578,300,000.
(6) For the Army Reserve, $204,326,000.
(7) For the Navy Reserve, $68,059,000
(8) For the Marine Corps Reserve, $86,667,000.
(9) For the Air Force Reserve, $125,925,000.
(10) For the Army National Guard, $321,646,000.
(11) For the Air National Guard, $289,862,000.

SEC. 1511. WORKING CAPITAL FUNDS.
Funds are hereby authorized to be appropriated for fiscal year 2010 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 $396,915,000.

SEC. 1512. MILITARY PERSONNEL.
Funds are hereby authorized to be appropriated for fiscal year 2010 to the Department of Defense for military personnel accounts in the total amount of $13,586,341,000.

SEC. 1513. AFGHANISTAN SECURITY FORCES FUND.
(a) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal year 2010 for the Afghanistan Security Forces Fund in the amount of $7,462,769,000.
(b) **LIMITATION.**—Funds appropriated pursuant to
the authorization of appropriations in subsection (a) or in
any other Act and made available to the Department of
Defense for the Afghanistan Security Forces Fund shall
be subject to the conditions contained in subsections (b)
through (g) of section 1513 of the National Defense Au-
thorization Act for Fiscal Year 2008 (Public Law 110–
181; 122 Stat. 428).

SEC. 1514. IRAQ FREEDOM FUND.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds
are hereby authorized to be appropriated for fiscal year
2010 for the Iraq Freedom Fund in the amount of
$115,300,000.

(b) **TRANSFER.**—

(1) **TRANSFER AUTHORIZED.**—Subject to para-
graph (2), amounts authorized to be appropriated by
subsection (a) may be transferred from the Iraq
Freedom Fund to any accounts as follows:

(A) Operation and maintenance accounts
of the Armed Forces.

(B) Military personnel accounts.

(C) Research, development, test, and eval-
uation accounts of the Department of Defense.

(D) Procurement accounts of the Depart-
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. 1515. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(a) DEFENSE HEALTH PROGRAM.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise
provided for, for the Defense Health Program in the amount of $1,155,235,000 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 2010 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide in the amount of $324,603,000.

e) Defense Inspector General.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2010 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense in the amount of $8,876,000 for operation and maintenance.

SEC. 1516. LIMITATIONS ON IRAQ SECURITY FORCES FUND.

Funds made available to the Department of Defense for the Iraq Security Forces Fund for fiscal year 2010 shall be subject to the conditions contained in subsections (b) through (g) of section 1512 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 426).
SEC. 1517. CONTINUATION OF PROHIBITION ON USE OF UNITED STATES FUNDS FOR CERTAIN FACILITIES PROJECTS IN IRAQ.

Section 1508(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4651) shall apply to funds authorized to be appropriated by this title.

SEC. 1518. 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 for fiscal year 2010 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 $4,000,000,000.

(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. 1519. 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.

TITLE XVI—GUAM WORLD WAR II LOYALTY RECOGNITION ACT

SEC. 1601. SHORT TITLE.

This title may be cited as the “Guam World War II Loyalty Recognition Act”.

SEC. 1602. RECOGNITION OF THE SUFFERING AND LOYALTY OF THE RESIDENTS OF GUAM.

(a) RECOGNITION OF THE SUFFERING OF THE RESIDENTS OF GUAM.—The United States recognizes that, as described by the Guam War Claims Review Commission, the residents of Guam, on account of their United States nationality, suffered unspeakable harm as a result of the occupation of Guam by Imperial Japanese military forces during World War II, by being subjected to death, rape, severe personal injury, personal injury, forced labor, forced march, or internment.

(b) RECOGNITION OF THE LOYALTY OF THE RESIDENTS OF GUAM.—The United States forever will be
grateful to the residents of Guam for their steadfast loyalty to the United States of America, as demonstrated by the countless acts of courage they performed despite the threat of death or great bodily harm they faced at the hands of the Imperial Japanese military forces that occupied Guam during World War II.

SEC. 1603. PAYMENTS FOR GUAM WORLD WAR II CLAIMS.

(a) Payments for Death, Personal Injury, Forced Labor, Forced March, and Internment.—Subject to the availability of appropriations authorized to be appropriated under section 1606(a), after receipt of certification pursuant to section 1604(b)(8) and in accordance with the provisions of this title, the Secretary of the Treasury shall make payments as follows:

(1) Residents injured.—The Secretary shall pay compensable Guam victims who are not deceased before any payments are made to individuals described in paragraphs (2) and (3) as follows:

(A) If the victim has suffered an injury described in subsection (c)(2)(A), $15,000.

(B) If the victim is not described in subparagraph (A) but has suffered an injury described in subsection (c)(2)(B), $12,000.
(C) If the victim is not described in sub-
paragraph (A) or (B) but has suffered an in-
jury described in subsection (c)(2)(C), $10,000.

(2) **Survivors of residents who died in**
war.—In the case of a compensable Guam decedent,
the Secretary shall pay $25,000 for distribution to
eligible survivors of the decedent as specified in sub-
section (b). The Secretary shall make payments
under this paragraph after payments are made
under paragraph (1) and before payments are made
under paragraph (3).

(3) **Survivors of deceased injured resi-
dents.**—In the case of a compensable Guam victim
who is deceased, the Secretary shall pay $7,000 for
distribution to eligible survivors of the victim as
specified in subsection (b). The Secretary shall make
payments under this paragraph after payments are
made under paragraphs (1) and (2).

(b) **Distribution of survivor payments.**—Pay-
ments under paragraph (2) or (3) of subsection (a) to eli-
gible survivors of an individual who is a compensable
Guam decedent or a compensable Guam victim who is de-
ceased shall be made as follows:
(1) If there is living a spouse of the individual, but no child of the individual, all of the payment shall be made to such spouse.

(2) If there is living a spouse of the individual and one or more children of the individual, one-half of the payment shall be made to the spouse and the other half to the child (or to the children in equal shares).

(3) If there is no living spouse of the individual, but there are one or more children of the individual alive, all of the payment shall be made to such child (or to such children in equal shares).

(4) If there is no living spouse or child of the individual but there is a living parent (or parents) of the individual, all of the payment shall be made to the parents (or to the parents in equal shares).

(5) If there is no such living spouse, child, or parent, no payment shall be made.

(c) DEFINITIONS.—For purposes of this title:

(1) COMPENSABLE GUAM DECEDENT.—The term “compensable Guam decedent” means an individual determined under section 1604(a)(1) to have been a resident of Guam who died or was killed as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War
II, or incident to the liberation of Guam by United States military forces, and whose death would have been compensable under the Guam Meritorious Claims Act of 1945 (Public Law 79–224) if a timely claim had been filed under the terms of such Act.

(2) COMPENSABLE GUAM VICTIM.—The term “compensable Guam victim” means an individual determined under section 1604(a)(1) to have suffered, as a result of the attack and occupation of Guam by Imperial Japanese military forces during World War II, or incident to the liberation of Guam by United States military forces, any of the following:

(A) Rape or severe personal injury (such as loss of a limb, dismemberment, or paralysis).

(B) Forced labor or a personal injury not under subparagraph (A) (such as disfigurement, scarring, or burns).

(C) Forced march, internment, or hiding to evade internment.

(3) DEFINITIONS OF SEVERE PERSONAL INJURIES AND PERSONAL INJURIES.—The Foreign Claims Settlement Commission shall promulgate regulations to specify injuries that constitute a severe personal injury or a personal injury for purposes of
subparagraphs (A) and (B), respectively, of paragraph (2).

SEC. 1604. ADJUDICATION.

(a) Authority of Foreign Claims Settlement Commission.—

(1) In general.—The Foreign Claims Settlement Commission is authorized to adjudicate claims and determine eligibility for payments under section 1603.

(2) Rules and regulations.—The chairman of the Foreign Claims Settlement Commission shall prescribe such rules and regulations as may be necessary to enable it to carry out its functions under this title. Such rules and regulations shall be published in the Federal Register.

(b) Claims Submitted for Payments.—

(1) Submittal of claim.—For purposes of subsection (a)(1) and subject to paragraph (2), the Foreign Claims Settlement Commission may not determine an individual is eligible for a payment under section 1603 unless the individual submits to the Commission a claim in such manner and form and containing such information as the Commission specifies.
(2) FILING PERIOD FOR CLAIMS AND NOTICE.—All claims for a payment under section 1603 shall be filed within 1 year after the Foreign Claims Settlement Commission publishes public notice of the filing period in the Federal Register. The Foreign Claims Settlement Commission shall provide for the notice required under the previous sentence not later than 180 days after the date of the enactment of this title. In addition, the Commission shall cause to be publicized the public notice of the deadline for filing claims in newspaper, radio, and television media on Guam.

(3) ADJUDICATORY DECISIONS.—The decision of the Foreign Claims Settlement Commission on each claim shall be by majority vote, shall be in writing, and shall state the reasons for the approval or denial of the claim. If approved, the decision shall also state the amount of the payment awarded and the distribution, if any, to be made of the payment.

(4) DEDUCTIONS IN PAYMENT.—The Foreign Claims Settlement Commission shall deduct, from potential payments, amounts previously paid under the Guam Meritorious Claims Act of 1945 (Public Law 79–224).
(5) **INTEREST.**—No interest shall be paid on payments awarded by the Foreign Claims Settlement Commission.

(6) **RE Muneration prohibited.**—No remuneration on account of representational services rendered on behalf of any claimant in connection with any claim filed with the Foreign Claims Settlement Commission under this title shall exceed one percent of the total amount paid pursuant to any payment certified under the provisions of this title on account of such claim. Any agreement to the contrary shall be unlawful and void. Whoever demands or receives, on account of services so rendered, any remuneration in excess of the maximum permitted by this section shall be fined not more than $5,000 or imprisoned not more than 12 months, or both.

(7) **Appeals and finality.**—Objections and appeals of decisions of the Foreign Claims Settlement Commission shall be to the Commission, and upon rehearing, the decision in each claim shall be final, and not subject to further review by any court or agency.

(8) **Certifications for payment.**—After a decision approving a claim becomes final, the chairman of the Foreign Claims Settlement Commission
shall certify it to the Secretary of the Treasury for
authorization of a payment under section 1603.

(9) **TREATMENT OF AFFIDAVITS.**—For pur-
poses of section 1603 and subject to paragraph (2),
the Foreign Claims Settlement Commission shall
treat a claim that is accompanied by an affidavit of
an individual that attests to all of the material facts
required for establishing eligibility of such individual
for payment under such section as establishing a
prima facie case of the individual's eligibility for
such payment without the need for further docu-
mentation, except as the Commission may otherwise
require. Such material facts shall include, with re-
spect to a claim under paragraph (2) or (3) of sec-
tion 1603(a), a detailed description of the injury or
other circumstance supporting the claim involved, in-
cluding the level of payment sought.

(10) **RELEASE OF RELATED CLAIMS.**—Accept-
ance of payment under section 1603 by an individual
for a claim related to a compensable Guam decedent
or a compensable Guam victim shall be in full satis-
faction of all claims related to such decedent or vic-
tim, respectively, arising under the Guam Meri-
torious Claims Act of 1945 (Public Law 79–224),
the implementing regulations issued by the United States Navy pursuant thereto, or this title.

(11) PENALTY FOR FALSE CLAIMS.—The provisions of section 1001 of title 18 of the United States Code (relating to criminal penalties for false statements) apply to claims submitted under this subsection.

SEC. 1605. GRANTS PROGRAM TO MEMORIALIZE THE OCCUPATION OF GUAM DURING WORLD WAR II.

(a) E STABLISHMENT.—Subject to section 1606(b) and in accordance with this section, the Secretary of the Interior shall establish a grants program under which the Secretary shall award grants for research, educational, and media activities that memorialize the events surrounding the occupation of Guam during World War II, honor the loyalty of the people of Guam during such occupation, or both, for purposes of appropriately illuminating and interpreting the causes and circumstances of such occupation and other similar occupations during a war.

(b) ELIGIBILITY.—The Secretary of the Interior may not award to a person a grant under subsection (a) unless such person submits an application to the Secretary for such grant, in such time, manner, and form and containing such information as the Secretary specifies.
SEC. 1606. AUTHORIZATION OF APPROPRIATIONS.

(a) Guam World War II Claims Payments and Adjudication.—For purposes of carrying out sections 1603 and 1604, there are authorized to be appropriated $126,000,000, to remain available for obligation until September 30, 2013, to the Foreign Claims Settlement Commission. Not more than 5 percent of funds made available under this subsection shall be used for administrative costs.

(b) Guam World War II Grants Program.—For purposes of carrying out section 1605, there are authorized to be appropriated $5,000,000, to remain available for obligation until September 30, 2013.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2010”.

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 XXVII 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, 2012; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013.

(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 Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2012; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2013 for military construction projects, land acquisition, family housing projects and facilities, and 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, 2009; or
(2) the date of the enactment of this Act.

**TITLE XXI—ARMY**

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Improvements to military family housing units.
Sec. 2104. Authorization of appropriations, Army.
Sec. 2105. Modification of authority to carry out certain fiscal year 2009 project.
Sec. 2106. Extension of authorizations of certain fiscal year 2006 projects.

**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:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Fort Richardson</td>
<td>$51,150,000</td>
</tr>
<tr>
<td></td>
<td>Fort Wainwright</td>
<td>$198,000,000</td>
</tr>
<tr>
<td>Alabama</td>
<td>Anniston Army Depot</td>
<td>$3,000,000</td>
</tr>
<tr>
<td></td>
<td>Redstone Arsenal</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Fort Huachuca</td>
<td>$27,700,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Pine Bluff Arsenal</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Fort Irwin</td>
<td>$9,500,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$342,950,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Elgin Air Force Base</td>
<td>$131,600,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$295,300,000</td>
</tr>
<tr>
<td></td>
<td>Fort Gillem</td>
<td>$10,800,000</td>
</tr>
<tr>
<td></td>
<td>Fort Stewart</td>
<td>$145,400,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Schofield Barracks</td>
<td>$184,000,000</td>
</tr>
<tr>
<td></td>
<td>Wheeler Army Air Field</td>
<td>$7,500,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Riley</td>
<td>$162,400,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Campbell</td>
<td>$14,400,000</td>
</tr>
<tr>
<td></td>
<td>Fort Knox</td>
<td>$70,000,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Fort Polk</td>
<td>$55,400,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Detrick</td>
<td>$46,400,000</td>
</tr>
<tr>
<td></td>
<td>Fort Meade</td>
<td>$2,350,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$170,800,000</td>
</tr>
</tbody>
</table>
Army: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Jersey</td>
<td>Picatinny Arsenal</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Drum</td>
<td>$92,700,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$111,150,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>$90,500,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>McAlester Army Ammunition Plant</td>
<td>$12,500,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Jackson</td>
<td>$103,500,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Dugway Proving Ground</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort A.P. Hill</td>
<td>$23,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>$18,700,000</td>
</tr>
<tr>
<td></td>
<td>McAlester Army Ammunition Plant</td>
<td>$12,500,000</td>
</tr>
<tr>
<td></td>
<td>Sunny Point Military Ocean Terminal</td>
<td>$28,900,000</td>
</tr>
<tr>
<td></td>
<td>Fort Sill</td>
<td>$90,500,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg</td>
<td>$111,150,000</td>
</tr>
<tr>
<td></td>
<td>Fort Hood</td>
<td>$40,600,000</td>
</tr>
<tr>
<td></td>
<td>Fort Sam Houston</td>
<td>$19,800,000</td>
</tr>
<tr>
<td></td>
<td>Fort Jackson</td>
<td>$103,500,000</td>
</tr>
<tr>
<td></td>
<td>Fort Lee</td>
<td>$5,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Lewis</td>
<td>$18,700,000</td>
</tr>
<tr>
<td></td>
<td>Charleston Naval Weapons Station</td>
<td>$21,800,000</td>
</tr>
<tr>
<td></td>
<td>Fort Hood</td>
<td>$40,600,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bliss</td>
<td>$219,400,000</td>
</tr>
<tr>
<td></td>
<td>Camp Humphreys</td>
<td>$50,200,000</td>
</tr>
<tr>
<td></td>
<td>Camp Arifjan</td>
<td>$82,000,000</td>
</tr>
<tr>
<td></td>
<td>Camp Arifjan</td>
<td>$82,000,000</td>
</tr>
<tr>
<td></td>
<td>Camp Humphreys</td>
<td>$50,200,000</td>
</tr>
</tbody>
</table>

(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

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>Bagram Air Base</td>
<td>$87,100,000</td>
</tr>
<tr>
<td>Belgium</td>
<td>Brussels</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Ansbach</td>
<td>$31,700,000</td>
</tr>
<tr>
<td></td>
<td>Kleber Kaserne</td>
<td>$20,000,000</td>
</tr>
<tr>
<td></td>
<td>Landstuhl</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Okinawa</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>Kuwait</td>
<td>Camp Humphreys</td>
<td>$50,200,000</td>
</tr>
</tbody>
</table>

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**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>Baumholder</td>
<td>38</td>
<td>$18,000,000</td>
</tr>
</tbody>
</table>

(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 $3,936,000.

**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 $219,300,000.

**SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September
30, 2009, for military construction, land acquisition, and
military family housing functions of the Department of the
Army in the total amount of $4,427,076,000 as follows:

(1) For military construction projects inside the
United States authorized by section 2101(a),
$2,738,150,000.

(2) For military construction projects outside
the United States authorized by section 2101(b),
$328,000,000.

(3) For unspecified minor military construction
projects authorized by section 2805 of title 10,
United States Code, $33,000,000.

(4) For host nation support and architectural
and engineering services and construction design
under section 2807 of title 10, United States Code,
$187,872,000.

(5) For military family housing functions:

(A) For construction and acquisition, plan-
ning and design, and improvement of military
family housing and facilities, $273,236,000.

(B) For support of military family housing
(including the functions described in section
2833 of title 10, United States Code),
$523,418,000.


(8) For the construction of increment 3 of the brigade 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), $23,500,000.

(9) For the construction of increment 3 of the brigade complex barracks and community support facility at Vicenza, Italy, authorized by section

(10) For the construction of increment 2 of a barracks and dining complex at Fort Carson, Colorado, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4659), $60,000,000.

(11) For the construction of increment 2 of a barracks and dining complex at Fort Stewart, Georgia, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4659), $80,000,000.

(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) $95,000,000 (the balance of the amount au-

thorized under section 2101(a) for an aviation task
force complex, Phase I at Fort Wainwright, Alaska).

SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT

CERTAIN FISCAL YEAR 2009 PROJECT.

In the case of the authorization contained in the table
in section 2101(a) of the Military Construction Authoriza-
tion Act of Fiscal Year 2009 (Public Law 110–417; 122
Stat. 4659) for Fort Bragg, North Carolina, for construc-
tion of a chapel at the installation, the Secretary of the
Army may construct up to a 22,600 square-feet (400 per-
son) chapel consistent with the Army’s standard square
footage for chapel construction guidelines.

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN

FISCAL YEAR 2006 PROJECTS.

(a) Extension.—Notwithstanding section 2701 of
the Military Construction Authorization Act for Fiscal
3501), authorizations set forth in the table in subsection
(b), as provided in section 2101 of that Act (119 Stat.
3485) and extended by section 2107 of the Military Con-
struction Authorization Act for Fiscal Year 2009 (division
B of Public Law 110–417; 122 Stat. 4665), shall remain
in effect until October 1, 2010, or the date of the enact-
ment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later:

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Army: Extension of 2006 Project Authorizations**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>Pohakuloa</td>
<td>Tactical Vehicle Wash Facility.</td>
<td>$9,207,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Battle Area Complex</td>
<td>$33,660,000</td>
</tr>
</tbody>
</table>

**TITLE XXII—NAVY**

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification and extension of authority to carry out certain fiscal year 2006 project.

**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:

**Navy: Inside the United States**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Marine Corps Air Station, Yuma</td>
<td>$28,770,000</td>
</tr>
<tr>
<td>California</td>
<td>Mountain Warfare Training Center Bridgeport.</td>
<td>$11,290,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Pendleton</td>
<td>$775,162,000</td>
</tr>
<tr>
<td></td>
<td>Edwards Air Force Base</td>
<td>$3,007,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station Monterey</td>
<td>$10,240,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Twentynine Palms</td>
<td>$513,680,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Miramar</td>
<td>$9,280,000</td>
</tr>
</tbody>
</table>
Navy: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connecticut</td>
<td>Point Loma Annex</td>
<td>$11,060,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, San Diego</td>
<td>$23,590,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Blount Island Command</td>
<td>$3,760,000</td>
</tr>
<tr>
<td></td>
<td>Eglin Air Force Base</td>
<td>$26,287,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Jacksonville</td>
<td>$5,917,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Mayport</td>
<td>$56,042,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Pensacola</td>
<td>$26,161,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Whiting Field</td>
<td>$4,120,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Marine Corps Logistics Base, Albany</td>
<td>$4,870,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Oahu</td>
<td>$5,380,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station, Pearl Harbor</td>
<td>$35,182,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Portsmouth Naval Shipyard</td>
<td>$7,090,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Naval Surface Warfare Center, Carderock</td>
<td>$6,520,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Patuxent River</td>
<td>$11,043,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Marine Corps Base, Camp Lejeune</td>
<td>$673,570,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Cherry Point</td>
<td>$22,960,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, New River</td>
<td>$107,090,000</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>Naval Station, Newport</td>
<td>$5,380,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Marine Corps Air Station, Beaufort</td>
<td>$1,280,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Recruit Depot, Parris Island</td>
<td>$6,972,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Naval Air Station, Corpus Christi</td>
<td>$19,764,000</td>
</tr>
<tr>
<td></td>
<td>Naval Air Station, Kingsville</td>
<td>$4,470,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Naval Amphibious Base, Little Creek</td>
<td>$13,095,000</td>
</tr>
<tr>
<td></td>
<td>Naval Station Norfolk</td>
<td>$18,139,000</td>
</tr>
<tr>
<td></td>
<td>Naval Special Weapons Center, Dahlgren</td>
<td>$3,660,000</td>
</tr>
<tr>
<td></td>
<td>Norfolk Naval Shipyard, Portsmouth</td>
<td>$226,969,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Quantico</td>
<td>$105,240,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Naval Station, Everett</td>
<td>$3,810,000</td>
</tr>
<tr>
<td></td>
<td>Naval Magazine, Indian Island</td>
<td>$13,130,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(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

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahrain</td>
<td>Southwest Asia</td>
<td>$41,526,000</td>
</tr>
<tr>
<td>Djibouti</td>
<td>Camp Lemonier</td>
<td>$41,845,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Naval Base, Guana</td>
<td>$505,161,000</td>
</tr>
<tr>
<td>Spain</td>
<td>Naval Station, Rota</td>
<td>$110,297,000</td>
</tr>
<tr>
<td></td>
<td>Naval Magazine, Indian Island</td>
<td>$26,278,000</td>
</tr>
</tbody>
</table>
SEC. 2202. FAMILY HOUSING.

(a) Construction and Acquisition.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(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:

<table>
<thead>
<tr>
<th>Location</th>
<th>Installation or Location</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Korea</td>
<td>Pusan</td>
<td>Welcome center/warehouse.</td>
<td>$4,376,000</td>
</tr>
<tr>
<td>Mariana Islands</td>
<td>Naval Activities, Guam.</td>
<td>30</td>
<td>$20,730,000</td>
</tr>
</tbody>
</table>

(b) Planning and Design.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(5)(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 $2,771,000.

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(5)(A), the Secretary of the Navy may improve existing military fam-
ily housing units in an amount not to exceed
$118,692,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

Funds are hereby authorized to be appropriated for
fiscal years beginning after September 30, 2009, for mili-
tary construction, land acquisition, and military family
housing functions of the Department of the Navy in the
total amount of $4,220,719,000, as follows:

(1) For military construction projects inside the
United States authorized by section 2201(a),
$2,792,210,000.

(2) For military construction projects outside
the United States authorized by section 2201(b),
$483,845,000.

(3) For unspecified minor military construction
projects authorized by section 2805 of title 10,
United States Code, $17,483,000.

(4) For architectural and engineering services
and construction design under section 2807 of title
10, United States Code, $179,652,000.

(5) For military family housing functions:

(A) For construction and acquisition, plan-
ning and design, and improvement of military
family housing and facilities, $146,569,000.
(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $368,540,000.


(9) For the construction of increment 3 of a submarine drive-in magazine silencing facility at Naval Base Pearl Harbor, Hawaii, authorized by
section 2201(a) of the Military Construction Author-
ization Act for Fiscal Year 2008 (division B of Pub-
lic Law 110–181; 122 Stat. 510), $8,645,000.

SEC. 2205. MODIFICATION AND EXTENSION OF AUTHORITY
TO CARRY OUT CERTAIN FISCAL YEAR 2006
PROJECT.

(a) MODIFICATION.—The table in section 2201(a) of
the Military Construction Authorization Act for Fiscal
3490) is amended in the item relating to Naval Submarine
Base, Bangor, Washington, by striking “$60,160,000”
and inserting “$127,163,000”.

(b) CONFORMING AMENDMENT.—Section 2204(b) of
that Act (119 Stat. 3492) is amended by adding at the
end the following new paragraph:

“(11) $67,003,000 (the balance of the amount
authorized under section 2201(a) for construction of
a waterfront security enclave at Naval Submarine
Base, Bangor, Washington).”.

(c) EXTENSION.—Notwithstanding section 2701 of
the Military Construction Authorization Act for Fiscal
3501), the authorization relating to enclave fencing/park-
ing at Naval Submarine Base, Bangor, Washington (for-
merly referred to as a project at Naval Submarine Base,
Bangor, Washington), as provided in section 2201 of that Act, shall remain in effect until October 1, 2012, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2013, whichever is later.

**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. 2305. Extension of authorizations of certain fiscal year 2007 projects.
Sec. 2306. Extension of authorizations of certain fiscal year 2006 projects.

**SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **Inside the United States.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Clear Air Force Station</td>
<td>$24,300,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Elmdorf Air Force Base</td>
<td>$15,700,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>$41,900,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Little Rock Air Force Base</td>
<td>$16,200,000</td>
</tr>
<tr>
<td>California</td>
<td>Los Angeles Air Force Base</td>
<td>$8,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Travis Air Force Base</td>
<td>$12,900,000</td>
</tr>
<tr>
<td>California</td>
<td>Vandenberg Air Force Base</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Peterson Air Force Base</td>
<td>$32,300,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>United States Air Force Academy</td>
<td>$17,500,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>$84,360,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Hurlburt Field</td>
<td>$19,900,000</td>
</tr>
<tr>
<td>Florida</td>
<td>MacDill Air Force Base</td>
<td>$59,300,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Warner Robins Air Force Base</td>
<td>$6,200,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Hickam Air Force Base</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Wheeler Air Force Base</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Mountain Home Air Force Base</td>
<td>$20,000,000</td>
</tr>
</tbody>
</table>
Air Force: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois</td>
<td>Scott Air Force Base</td>
<td>$7,400,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Andrews Air Force Base</td>
<td>$9,300,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Whiteman Air Force Base</td>
<td>$12,900,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Creech Air Force Base</td>
<td>$2,700,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>McGuire Air Force Base</td>
<td>$7,900,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>$15,000,000</td>
</tr>
<tr>
<td></td>
<td>Holloman Air Force Base</td>
<td>$15,900,000</td>
</tr>
<tr>
<td></td>
<td>Kirtland Air Force Base</td>
<td>$22,500,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Seymour Johnson Air Force Base</td>
<td>$86,900,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Minot Air Force Base</td>
<td>$11,500,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Wright Patterson Air Force Base</td>
<td>$58,600,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Altus Air Force Base</td>
<td>$20,300,000</td>
</tr>
<tr>
<td></td>
<td>Tinker Air Force Base</td>
<td>$18,137,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Shaw Air Force Base</td>
<td>$21,183,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Dyess Air Force Base</td>
<td>$4,500,000</td>
</tr>
<tr>
<td></td>
<td>Goodfellow Air Force Base</td>
<td>$32,400,000</td>
</tr>
<tr>
<td></td>
<td>Laeckland Air Force Base</td>
<td>$113,879,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$26,153,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Langley Air Force Base</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fairchild Air Force Base</td>
<td>$4,150,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>F. E. Warren Air Force Base</td>
<td>$9,100,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(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

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>Bagram Air Base</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>Colombia</td>
<td>Palanquero Air Base</td>
<td>$46,000,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Ramstein Air Base</td>
<td>$34,700,000</td>
</tr>
<tr>
<td></td>
<td>Spangdahlem Air Base</td>
<td>$23,500,000</td>
</tr>
<tr>
<td>Guam</td>
<td>Andersen Air Force Base</td>
<td>$61,702,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Naval Air Station Sigonella</td>
<td>$31,300,000</td>
</tr>
<tr>
<td>Oman</td>
<td>Al Musannah Air Base</td>
<td>$116,000,000</td>
</tr>
<tr>
<td>Qatar</td>
<td>Al Udeid Air Base</td>
<td>$60,000,000</td>
</tr>
<tr>
<td>Turkey</td>
<td>Ineirilik Air Base</td>
<td>$9,200,000</td>
</tr>
</tbody>
</table>

•HR 2647 EH
SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(5)(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 $4,314,000.

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(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $61,787,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,928,208,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), $838,362,000.
(2) For military construction projects outside the United States authorized by section 2301(b), $404,402,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, $23,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $93,407,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $66,101,000.

(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $502,936,000.

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) Extension.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), 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, 2010, or the date
of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) **Table.**—The table referred to in subsection (a) is as follows:

**Air Force: Extension of 2007 Project Authorizations**

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delaware ......</td>
<td>Dover Air Force Base ....</td>
<td>C-17 Aircrew Life Support ..........</td>
<td>$7,400,000</td>
</tr>
<tr>
<td>Idaho ..........</td>
<td>Mountain Home Air Force Base ..</td>
<td>Replace Family Housing (457 units) ..........</td>
<td>$107,800,000</td>
</tr>
</tbody>
</table>

5 **SEC. 2306. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECTS.**


(b) **Table.**—The table referred to in subsection (a) is as follows:
Air Force: Extension of 2006 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Eielson Air Force Base</td>
<td>Replace Family Housing (92 units)</td>
<td>$37,650,000</td>
</tr>
<tr>
<td></td>
<td>Eielson Air Force Base</td>
<td>Purchase Build/Lease Housing (300 units)</td>
<td>$18,144,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Grand Forks Air Force Base</td>
<td>Replace Family Housing (150 units)</td>
<td>$43,353,000</td>
</tr>
</tbody>
</table>

**TITLE XXIV—DEFENSE AGENCIES**

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.


Sec. 2403. Modification of authority to carry out certain fiscal year 2008 project.

Sec. 2404. Modification of authority to carry out certain fiscal year 2009 project.

Sec. 2405. Extension of authorizations of certain fiscal year 2007 project.

Subtitle B—Chemical Demilitarization Authorizations

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

**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 2402(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

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$2,330,000</td>
</tr>
<tr>
<td></td>
<td>Fort Stewart/Hunter Army Air Field</td>
<td>$45,003,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$3,439,000</td>
</tr>
</tbody>
</table>

### Defense Information Systems Agency

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>Naval Station Pearl Harbor, Ford Island</td>
<td>$9,633,000</td>
</tr>
</tbody>
</table>

### Defense Logistics Agency

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>El Centro</td>
<td>$11,000,000</td>
</tr>
<tr>
<td></td>
<td>Travis Air Force Base</td>
<td>$15,357,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Jacksonville International Airport (Air National Guard)</td>
<td>$11,500,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Duluth International Airport (Air National Guard)</td>
<td>$15,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Altus Air Force Base</td>
<td>$2,700,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Hood</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fairchild Air Force Base</td>
<td>$7,500,000</td>
</tr>
</tbody>
</table>

### Missile Defense Agency

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Naval Support Facility, Dahlgren</td>
<td>$24,500,000</td>
</tr>
</tbody>
</table>

### National Security Agency

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maryland</td>
<td>Fort Meade</td>
<td>$203,800,000</td>
</tr>
</tbody>
</table>

### Special Operations Command

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Naval Amphibious Base, Coronado</td>
<td>$15,722,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$48,246,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Eglin Air Force Base</td>
<td>$3,946,000</td>
</tr>
<tr>
<td></td>
<td>Hurlburt Field</td>
<td>$8,156,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$3,046,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Campbell</td>
<td>$32,335,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon Air Force Base</td>
<td>$52,864,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$101,488,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Base, Camp Lejeune</td>
<td>$11,791,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Naval Amphibious Base, Little Creek</td>
<td>$18,669,000</td>
</tr>
<tr>
<td></td>
<td>Naval Surface Warfare Center, Dam Neck</td>
<td>$6,100,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>$14,500,000</td>
</tr>
</tbody>
</table>
TRICARE Management Activity

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>Elmendorf Air Force Base</td>
<td>$25,017,000</td>
</tr>
<tr>
<td></td>
<td>Fort Richardson</td>
<td>$3,518,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Fort Carson</td>
<td>$52,773,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$17,200,000</td>
</tr>
<tr>
<td></td>
<td>Fort Stewart/Hunter Army Field</td>
<td>$26,386,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Campbell</td>
<td>$8,600,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Fort Detrick</td>
<td>$29,807,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$5,570,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$57,658,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>$10,554,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Lackland Air Force Base</td>
<td>$101,928,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bliss</td>
<td>$996,295,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>$15,636,000</td>
</tr>
</tbody>
</table>

Washington Headquarters Services

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Pentagon Reservation</td>
<td>$27,672,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2404(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 Education Activity

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>Brussels</td>
<td>$38,124,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Kaiserslautern</td>
<td>$93,545,000</td>
</tr>
<tr>
<td></td>
<td>Wiesbaden Air Base</td>
<td>$5,379,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Lakenheath</td>
<td>$4,509,000</td>
</tr>
</tbody>
</table>

Defense Intelligence Agency

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Korea</td>
<td>K–16 Airfield</td>
<td>$5,050,000</td>
</tr>
</tbody>
</table>

Defense Logistics Agency

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cuba</td>
<td>Naval Air Station, Guantanamo Bay</td>
<td>$12,500,000</td>
</tr>
</tbody>
</table>
Defense Logistics Agency—Continued

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Naval Air Station, Agana</td>
<td>$4,900,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Osan Air Base</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Mildenhall</td>
<td>$4,700,000</td>
</tr>
</tbody>
</table>

National Security Agency

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Menwith Hill Station</td>
<td>$37,588,000</td>
</tr>
</tbody>
</table>

TRICARE Management Activity

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Naval Activities, Guam</td>
<td>$446,450,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Royal Air Force Alconbury</td>
<td>$14,227,000</td>
</tr>
</tbody>
</table>

SEC. 2402. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) In general.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, 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 $3,132,024,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), $1,170,314,000.

(2) For military construction projects outside the United States authorized by section 2401(b), $857,678,000.
(3) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $33,025,000.

(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, $121,442,000.

(6) For energy conservation projects under chapter 173 of title 10, United States Code, $90,000,000.

(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), $77,898,000.

(8) For the construction of increment 4 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-
(9) For the construction of increment 2 of replacement fuel storage facilities at Point Loma Annex, California, 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), as amended by section 2405 of this Act, $92,300,000.

(10) For the construction of increment 3 of a special operations 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), $15,967,000.

(11) For the construction of increment 2 of the United States Army Medical Research Institute of Chemical Defense replacement facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act of Fiscal Year 2009 (division B of Public Law 110–417 122 Stat. 4689), $111,400,000.

(12) For the construction of fuel storage tanks and pipeline replacement at Souda Bay, Greece, authorized by section 2401(b) of the Military Consti-
struction Authorization Act of Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4691), as amended by section 2406 of this Act, $24,000,000.

(13) For the construction of increment 2 of a National Security Agency data center at Camp Williams, Utah, authorized as a Military Construction, Defense-Wide project by the Supplemental Appropriations Act, 2009, $500,000,000.

(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 total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) AVAILABILITY OF FUNDS FOR ENERGY CONSERVATION PROJECTS OF RESERVE COMPONENTS.—Of the amount authorized to be appropriated by subsection (a)(6) for energy conservation projects under chapter 173 of title 10, United States Code, the Secretary of Defense shall reserve a portion of the amount for energy conservation projects for the reserve components in an amount that bears the same proportion to the total amount authorized
to be appropriated as the total quantity of energy consumed by reserve facilities (as defined in section 18232(2) of such title) during fiscal year 2009 bears to the total quantity of energy consumed by all military installations (as defined in section 2687(e)(1) of such title) during that fiscal year, as determined by the Secretary.

SEC. 2403. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2008 PROJECT.  
(a) Modification.—The table relating to the Defense Logistics Agency in section 2401 (a) of the Military Construction Authorization Act for Fiscal Year 2008 (division B of Public Law 110–181; 122 Stat. 521) is amended in the item relating to Point Loma Annex, California, by striking “$140,000,000” in the amount column and inserting “$195,000,000”.  
(b) Conforming Amendment.—Section 2403(b)(2) of that Act (122 Stat. 524) is amended by striking “$84,300,000” and inserting “$139,300,000”.

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2009 PROJECT.  
(a) Modification.—The table relating to the Defense Logistics Agency in section 2401 (b) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4691) is amended in the item relating to Souda Bay, Greece, by
striking “$8,000,000” in the amount column and inserting “$32,000,000”.

(b) CONFORMING AMENDMENT.—Section 2403(b) of that Act (122 Stat. 4692) is amended by adding at the end the following new paragraph:

“(5) $24,000,000 (the balance of the amount authorized for the Defense Logistics Agency under section 2401(b) for fuel storage tanks and pipeline replacement at Souda Bay, Greece).”.

SEC. 2405. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECT.

(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), authorizations set forth in the table in subsection (b), as provided in section 2402 of that Act, shall remain in effect until October 1, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Units</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia ......</td>
<td>Defense Supply Center, Richmond.</td>
<td>Whole House Renovation.</td>
<td>$484,000</td>
</tr>
</tbody>
</table>
Subtitle B—Chemical
Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction and land acquisition for chemical demilitarization in the total amount of $146,541,000 as follows:


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 pur-
pose in section 2502 and the amount collected from the
North Atlantic Treaty Organization as a result of con-
struction 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, 2009, for con-
tributions 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 $276,314,000.

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

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CON-
STRUCTION AND LAND ACQUISITION
PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts
appropriated pursuant to the authorization of appropria-
tions 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 inside the United States, and in the amounts, set forth in the following table:

### Army National Guard: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Fort McClellan</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Arizona</td>
<td>Camp Navajo</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>California</td>
<td>Los Alamitos Joint Forces Training Base</td>
<td>$31,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Benning</td>
<td>$15,500,000</td>
</tr>
<tr>
<td></td>
<td>Hunter Army Air Field</td>
<td>$8,967,000</td>
</tr>
<tr>
<td>Idaho</td>
<td>Gowen Field</td>
<td>$16,100,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Muscatatuck Urban Training Center</td>
<td>$10,100,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Hanscom Air Force Base</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Michigan</td>
<td>Fort Custer</td>
<td>$7,732,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Arden Hills</td>
<td>$6,700,000</td>
</tr>
<tr>
<td></td>
<td>Camp Ripley</td>
<td>$1,710,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Camp Shelby</td>
<td>$16,100,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Boonville</td>
<td>$1,800,000</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Lincoln Municipal Airport</td>
<td>$23,000,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Santa Fe</td>
<td>$39,000,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>North Las Vegas</td>
<td>$26,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>East Flat Rock</td>
<td>$2,516,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg</td>
<td>$6,038,000</td>
</tr>
<tr>
<td>Oregon</td>
<td>Polk County</td>
<td>$12,100,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>McEntire Joint National Guard Base</td>
<td>$26,000,000</td>
</tr>
<tr>
<td></td>
<td>Donaldson Air Force Base</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Austin</td>
<td>$22,200,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Fort Pickett</td>
<td>$32,000,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(1)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:
Army National Guard: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Barrigada</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>Virgin Islands</td>
<td>St. Croix</td>
<td>$20,000,000</td>
</tr>
</tbody>
</table>

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606(2)(A), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>$19,500,000</td>
</tr>
<tr>
<td></td>
<td>Los Angeles</td>
<td>$29,000,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Colorado Springs</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Bridgeport</td>
<td>$18,500,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Panama City</td>
<td>$7,300,000</td>
</tr>
<tr>
<td></td>
<td>West Palm Beach</td>
<td>$26,000,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Atlanta</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Chicago</td>
<td>$23,000,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Fort Snelling</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Rochester</td>
<td>$13,600,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Cincinnati</td>
<td>$13,000,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Ashland</td>
<td>$9,800,000</td>
</tr>
<tr>
<td></td>
<td>Harrisburg</td>
<td>$7,600,000</td>
</tr>
<tr>
<td></td>
<td>Newton Square</td>
<td>$20,000,000</td>
</tr>
<tr>
<td></td>
<td>Uniontown</td>
<td>$11,800,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Austin</td>
<td>$20,000,000</td>
</tr>
<tr>
<td></td>
<td>Bryan</td>
<td>$12,200,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bliss</td>
<td>$9,500,000</td>
</tr>
<tr>
<td></td>
<td>Houston</td>
<td>$24,000,000</td>
</tr>
<tr>
<td></td>
<td>Robstown</td>
<td>$10,200,000</td>
</tr>
<tr>
<td></td>
<td>San Antonio</td>
<td>$20,000,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Fort McCoy</td>
<td>$25,000,000</td>
</tr>
</tbody>
</table>

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropria-
tions in section 2606(2)(B), the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve location outside the United States, and in the amount, set forth in the following table:

**Army Reserve: Outside the United States**

<table>
<thead>
<tr>
<th>Country</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Puerto Rico</td>
<td>Caguas</td>
<td>$12,400,000</td>
</tr>
</tbody>
</table>

**SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(3), the Secretary 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**

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Lake Air Force Base</td>
<td>$10,986,000</td>
</tr>
<tr>
<td>California</td>
<td>Alameda</td>
<td>$5,960,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Joliet Army Ammunition Plant</td>
<td>$7,957,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Goose Creek</td>
<td>$4,240,000</td>
</tr>
<tr>
<td>Texas</td>
<td>San Antonio</td>
<td>$8,210,000</td>
</tr>
<tr>
<td></td>
<td>Forth Worth Naval Air Station Joint</td>
<td>$6,170,000</td>
</tr>
<tr>
<td></td>
<td>Reserve Base.</td>
<td></td>
</tr>
<tr>
<td>Virginia</td>
<td>Oceana Naval Air Station</td>
<td>$30,400,000</td>
</tr>
</tbody>
</table>
SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(4)(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**

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Davis-Monthan Air Force Base</td>
<td>$5,600,000</td>
</tr>
<tr>
<td>California</td>
<td>South California Logistics Airport</td>
<td>$8,400,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Bradley International Airport</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Hickam Air Force</td>
<td>$33,000,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Lincoln Capital Airport</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>McConnell Air Force Base</td>
<td>$8,700,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Bangor International Airport</td>
<td>$28,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Andrews Air Force Base</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Barnes Air National Guard Base</td>
<td>$8,100,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Gulfport-Biloxi Regional Airport</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Lincoln Municipal Airport</td>
<td>$2,700,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Mansfield Lahm Airport</td>
<td>$11,400,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Will Rogers World Airport</td>
<td>$7,300,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Kelly Field Annex</td>
<td>$7,900,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>General Mitchell International Airport</td>
<td>$5,000,000</td>
</tr>
</tbody>
</table>

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606(4)(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

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>March Air Reserve Base</td>
<td>$9,800,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Schriever Air Force Base</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Keesler Air Force Base</td>
<td>$9,800,000</td>
</tr>
<tr>
<td>New York</td>
<td>Niagara Falls Air Reserve Station</td>
<td>$5,700,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Lackland Air Force Base</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill Air Force Base</td>
<td>$3,200,000</td>
</tr>
</tbody>
</table>

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 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, for the Army National Guard of the United States—

(A) for military construction projects inside the United States authorized by section 2601(a), $509,129,000; and

(B) for military construction projects outside the United States authorized by section 2601(b), $20,000,000.

(2) For the Department of the Army, for the Army Reserve—
(A) for military construction projects inside the United States authorized by section 2602(a), $420,116,000; and  
(B) for military construction projects outside the United States authorized by section 2602(b), $12,400,000.  
(3) For the Department of the Navy, for the Navy and Marine Corps Reserve, $172,177,000.  
(4) For the Department of the Air Force—  
(A) for the Air National Guard of the United States, $226,126,000; and  
(B) for the Air Force Reserve, $103,169,000.

SEC. 2607. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2007 PROJECTS.

(a) Extension.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2463), 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, 2010, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2011, whichever is later.  
(b) Table.—The table referred to in subsection (a) is as follows:

•HR 2647 EH
Army National Guard: Extension of 2007 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Fresno</td>
<td>AVCRAD Add/Alt, PH I. Consolidated Logistics Training Facility, PH II.</td>
<td>$30,000,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Lakehurst</td>
<td></td>
<td>$20,024,000</td>
</tr>
</tbody>
</table>

SEC. 2608. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2006 PROJECT.


(b) Table.—The table referred to in subsection (a) is as follows:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montana</td>
<td>Townsend</td>
<td>Automated Qualification Training Range.</td>
<td>$2,532,000</td>
</tr>
</tbody>
</table>
TITLE XXVII—BASE CLOSURE
AND REALIGNMENT ACTIVITIES

Subtitle A—Authorizations

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

Sec. 2702. Authorized base closure and realignment activities funded through Department of Defense Base Closure Account 2005.

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

Subtitle B—Amendments to Base Closure and Related Laws

Sec. 2711. Use of economic development conveyances to implement base closure and realignment property recommendations.

Subtitle C—Other Matters

Sec. 2721. Sense of Congress on ensuring joint basing recommendations do not adversely affect operational readiness.

Sec. 2722. Modification of closure instructions regarding Paul Doble Army Reserve Center, Portsmouth, New Hampshire.

Subtitle A—Authorizations

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, 2009, 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 sec-
tion 2906 of such Act, in the total amount of 

$536,768,000, as follows:

(1) For the Department of the Army, 

$133,723,000.

(2) For the Department of the Navy, 

$228,000,000.

(3) For the Department of the Air Force, 

$172,364,000.

(4) For the Defense Agencies, $2,681,000.

SEC. 2702. AUTHORIZED BASE CLOSURE AND REALIGN-
MENT ACTIVITIES FUNDED THROUGH DE-
PARTMENT OF DEFENSE BASE CLOSURE AC-
COUNT 2005.

Using amounts appropriated pursuant to the author-
ization 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 $5,934,740,000.
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, 2009, 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 section 2906A of such Act, in the total amount of $7,129,498,000, as follows:

(1) For the Department of the Army, $4,081,037,000.
(2) For the Department of the Navy, $591,572,000.
(3) For the Department of the Air Force, $418,260,000.
(4) For the Defense Agencies, $2,038,629,000.
Subtitle B—Amendments to Base Closure and Related Laws

SEC. 2711. USE OF ECONOMIC DEVELOPMENT CONVEYANCES TO IMPLEMENT BASE CLOSURE AND REALIGNMENT PROPERTY RECOMMENDATIONS.


(1) in subparagraph (A), by striking “job generation” and inserting “economic redevelopment”;

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

“(B) Real or personal property at a military installation shall be conveyed, without consideration, under subparagraph (A) to the redevelopment authority with respect to the installation if the authority—

“(i) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment authority during at least the first seven years after the date of the initial transfer of the property under subparagraph (A) or the completion of the initial redevelopment of the
property, whichever is earlier, shall be used to support the economic redevelopment of, or related to, the installation; and

“(ii) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the requirements associated with subsection (c) are satisfied.”; and

(3) in subparagraph (C), by adding at the end the following new clause:

“(xiii) Environmental restoration, waste management, and environmental compliance activities provided pursuant to subsection (e).”.

(b) RECOUPMENT AUTHORITY.—Subsection (b)(4)(D) of such section is amended—

(1) by striking “The Secretary” and inserting “At the conclusion of the period specified in subparagraph (B) applicable to an installation, the Secretary”; and

(2) by striking “for the period specified in subparagraph (B)” and inserting “before the conclusion of such period”.

(c) REGULATIONS AND REPORT CONCERNING PROPERTY CONVEYANCES.—

(1) REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Sec-
retary of Defense shall prescribe regulations to implement the amendments made by this section to support the conveyance of surplus real and personal property at closed or realigned military installations to local redevelopment authorities for economic development purposes.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the status of current and anticipated economic development conveyances involving surplus real and personal property at closed or realigned military installations, projected job creation as a result of the conveyances, community reinvestment, and progress made as a result of the implementation of the amendments made by this section.

Subtitle C—Other Matters

SEC. 2721. SENSE OF CONGRESS ON ENSURING JOINT BASING RECOMMENDATIONS DO NOT ADVERSELY AFFECT OPERATIONAL READINESS.

It is the sense of Congress that, in implementing the joint basing recommendations of the Defense Base Closure and Realignment Commission contained in the report of the Commission transmitted to Congress on September 15, 2005, under section 2903(e) of the Defense Base Clo-
sure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary of Defense should ensure that the joint basing of military installations at any of the recommended locations does not adversely impact—

(1) the ability of commanders, and the units of the Armed Forces under their command, to perform their operational missions;

(2) the command and control of commanders at each military installation that has an operational mission requirement; and

(3) the readiness of the units of the Armed Forces under their command.

SEC. 2722. MODIFICATION OF CLOSURE INSTRUCTIONS REGARDING PAUL DOBLE ARMY RESERVE CENTER, PORTSMOUTH, NEW HAMPSHIRE.

With respect to the closure of the Paul Doble Army Reserve Center in Portsmouth, New Hampshire, and relocation of units to a new reserve center and associated training and maintenance facilities, the new reserve center and associated training and maintenance facilities may be located adjacent to or in the vicinity of Pease Air National Guard Base.
SEC. 2723. SENSE OF CONGRESS REGARDING TRAFFIC MITIGATION IN VICINITY OF NATIONAL NAVAL MEDICAL CENTER, BETHESDA, MARYLAND, IN RESPONSE TO INSTALLATION EXPANSION.

Given the anticipated significant increases in local traffic in the vicinity of the National Naval Medical Center, Bethesda, Maryland, and the unusual impact that such traffic increases will have on the surrounding community due to the planned expansion of the installation, it is the sense of Congress that—

(1) multiple methods are available to the Department of Defense to implement the defense access roads program (section 210 of title 23, United States Code) to help alleviate traffic congestion, including expansion of adjacent highways, improvements to nearby intersections, on-base queuing options, and multi-modal expansion, including expanded support of buses and subways and other measures; and

(2) all of the efforts to alleviate the significant traffic impact need to be pursued to ensure readily available access to health care at the installation.
TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing

Sec. 2801. Modification of unspecified minor construction authorities.
Sec. 2802. Congressional notification of facility repair projects carried out using operation and maintenance funds.
Sec. 2803. Authorized scope of work variations for military construction projects and military family housing projects.
Sec. 2804. Imposition of requirement that acquisition of reserve component facilities be authorized by law.
Sec. 2805. Report on Department of Defense contributions to States for acquisition, construction, expansion, rehabilitation, or conversion of reserve component facilities.
Sec. 2806. Authority to use operation and maintenance funds for construction projects inside the United States Central Command area of responsibility.
Sec. 2807. Expansion of First Sergeants Barracks Initiative.
Sec. 2808. Reports on privatization initiatives for military unaccompanied housing.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Imposition of requirement that leases of real property to the United States with annual rental costs of more than $750,000 be authorized by law.
Sec. 2812. Consolidation of notice-and-wait requirements applicable to leases of real property owned by the United States.
Sec. 2813. Clarification of authority of military departments to acquire low-cost interests in land and interests in land when need is urgent.
Sec. 2814. Modification of utility systems conveyance authority.
Sec. 2815. Decontamination and use of former bombardment area on island of Culebra.
Sec. 2816. Disposal of excess property of Armed Forces Retirement Home.
Sec. 2817. Acceptance of contributions to support cleanup efforts at former Almaden Air Force Station, California.
Sec. 2818. Limitation on establishment of Navy outlying landing fields.
Sec. 2819. Prohibition on outlying landing field at Sandbanks or Hale’s Lake, North Carolina, for Oceana Naval Air Station.
Sec. 2820. Selection of military installations to serve as locations of brigade combat teams.

Subtitle C—Provisions Related to Guam Realignment

Sec. 2831. Role of Under Secretary of Defense for Policy in management and coordination of Department of Defense activities relating to Guam realignment.
Sec. 2832. Clarifications regarding use of special purpose entities to assist with Guam realignment.
Sec. 2833. Workforce issues related to military construction and certain other transactions on Guam.
Sec. 2834. Composition of workforce for construction projects funded through the Support for United States Relocation to Guam Account.
Sec. 2835. Interagency Coordination Group of Inspector Generals for Guam Realignment.
Sec. 2836. Compliance with Naval Aviation Safety requirements as condition on acceptance of replacement facility for Marine Corps Air Station, Futenma, Okinawa.
Sec. 2837. Report and sense of Congress on Marine Corps training requirements in Asia-Pacific region.

Subtitle D—Energy Security

Sec. 2841. Adoption of unified energy monitoring and management system specification for military construction and military family housing activities.
Sec. 2842. Department of Defense use of electric and hybrid motor vehicles.
Sec. 2843. Department of Defense goal regarding use of renewable energy sources to meet facility energy needs.
Sec. 2844. Comptroller General report on Department of Defense renewable energy initiatives.
Sec. 2845. Study on development of nuclear power plants on military installations.

Subtitle E—Land Conveyances

Sec. 2851. Transfer of administrative jurisdiction, Port Chicago Naval Magazine, California.
Sec. 2852. Land conveyances, Naval Air Station, Barbers Point, Hawaii.
Sec. 2854. Land conveyance, Army Reserve Center, Chambersburg, Pennsylvania.
Sec. 2855. Land conveyance, Naval Air Station Oceana, Virginia.
Sec. 2856. Land conveyance, Haines Tank Farm, Haines, Alaska.
Sec. 2857. Completion of land exchange and consolidation, Fort Lewis, Washington.

Subtitle F—Other Matters

Sec. 2871. Revised authority to establish national monument to honor United States Armed Forces working dog teams.
Sec. 2872. Naming of child development center at Fort Leonard Wood, Missouri, in honor of Mr. S. Lee Kling.
Sec. 2873. Conditions on establishment of Cooperative Security Location in Palanquero, Colombia.
Sec. 2874. Military activities at United States Marine Corps Mountain Warfare Training Center.
Subtitle A—Military Construction
Program and Military Family
Housing Changes

SEC. 2801. MODIFICATION OF UNSPECIFIED MINOR CON-
STRUCTION AUTHORITIES.

(a) Repeal of Limitations on Exercise-Re-
lated Projects Overseas.—Section 2805 of title 10,
United States Code, is amended—

(1) in subsection (a)—

(A) by striking “(1) Except as provided in
paragraph (2), within” and inserting “Within”; 
(B) by striking paragraph (2); and

(C) by striking “An unspecified” and in-
serting the following:
“(2) An unspecified”; and

(2) in subsection (c)—

(A) by striking “Except as provided in
paragraphs (2) and (3)” and inserting “Except
as provided in paragraph (2)”;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as
paragraph (2).

(b) Laboratory Revitalization.—

(1) Revitalization Authorized.—Subsection
(d) of such section is amended—
(A) in paragraph (1)(B), by inserting “or from funds authorized to be available under section 219(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note)” after “authorized by law”; (B) by striking paragraph (3); and (C) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(2) MECHANISMS TO PROVIDE FUNDS FOR REVITALIZATION.—Section 219(a)(1) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note) is amended by adding at the end the following new subparagraph:

“(D) To fund the revitalization and recapitalization of the laboratory pursuant to section 2805(d) of title 10, United States Code.”.

SEC. 2802. CONGRESSIONAL NOTIFICATION OF FACILITY REPAIR PROJECTS CARRIED OUT USING OPERATION AND MAINTENANCE FUNDS.

Section 2811(d) of title 10, United States Code, is amended—
(1) in paragraph (1), by striking “and” at the end; and

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

“(2) if the current estimate of the cost of the repair project exceeds 50 percent of the estimated cost of a military construction project to replace the facility, an explanation of the reasons why replacement of the facility is not in the best interest of the Government; and

“(3) a description of the elements of military construction, including the elements specified in section 2802(b) of this title, incorporated into the repair project.”.

SEC. 2803. AUTHORIZED SCOPE OF WORK VARIATIONS FOR MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

(a) Authorized Process to Increase Scope of Work.—Section 2853 of title 10, United States Code, is amended—

(1) in subsection (b)—

(A) by striking “Except” and inserting “LIMITATION ON SCOPE OF WORK VARIATIONS.—(1) Except”; and
(B) by adding at the end the following new paragraph:

“(2) Except as provided in subsection (c), the scope of work for a military construction project or for the construction, improvement, and acquisition of a military family housing project may not be increased beyond the amount approved for that project, construction, improvement, or acquisition by Congress.”; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “scope reduction in subsection (b) does not apply if the variation in cost or reduction” and inserting “scope of work variations in subsection (b) does not apply if the variation in cost or the variation”; and

(B) in paragraph (1), by striking “reduction” both places it appears and inserting “variation”.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in subsection (a), by inserting “LIMITATION ON COST VARIATIONS.—” before “Except”;

(2) in subsection (c), by inserting “EXCEPTION; NOTICE-AND-WAIT REQUIREMENTS.—” after “(c)”;

and
(3) in subsection (d), by inserting “ADDITIONAL EXCEPTION TO LIMITATION ON COST VARIATIONS.—” after “(d)”.

SEC. 2804. IMPOSITION OF REQUIREMENT THAT ACQUISITION OF RESERVE COMPONENT FACILITIES BE AUTHORIZED BY LAW.

Section 18233(a)(1) of title 10, United States Code, is amended by striking “as he determines to be necessary” and inserting “as are authorized by law”.

SEC. 2805. REPORT ON DEPARTMENT OF DEFENSE CONTRIBUTIONS TO STATES FOR ACQUISITION, CONSTRUCTION, EXPANSION, REHABILITATION, OR CONVERSION OF RESERVE COMPONENT FACILITIES.

(a) REPORT REQUIRED.—Not later than March 1, 2010, the Secretary of Defense shall submit to the congressional defense committees a report specifying, for each of fiscal years 2005 through 2009, the total amount of contributions made by the Secretary to each State under the authority of paragraphs (2) through (6) of section 18233(a) of title 10, United States Code, for reserve component facilities. The amounts contributed under each of such paragraphs for each State shall be specified separately.
(b) DEFINITIONS.—In this section, the terms “State” and “facility” have the meanings given those terms in section 18232 of such title.

SEC. 2806. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS INSIDE THE UNITED STATES CENTRAL COMMAND AREA OF RESPONSIBILITY.


(1) in subsection (a), by striking “During fiscal year 2004” and all that follows through “obligate”; and

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

“(h) EXPIRATION OF AUTHORITY.—The authority to obligate funds under this section expires on September 30, 2010.”.

(b) GEOGRAPHIC AREA OF AUTHORITY.—Subsection (a) of such section is further amended by striking “and
United States Africa Command areas of responsibility” and inserting “area of responsibility”.

(c) **Annual Funding Limitation on Use of Authority; Exception.**—Subsection (c) of such section is amended by striking paragraph (2) and inserting the following new paragraph:

“(2) Notwithstanding paragraph (1), the Secretary of Defense may authorize the obligation under this section of not more than an additional $10,000,000 of appropriated funds available for operation and maintenance for a fiscal year if the Secretary determines that the additional funds are needed for costs associated with contract closeouts.”.

(d) **Clerical Amendment to Correct Reference to Congressional Committee.**—Subsection (f) of such section is amended by striking “Subcommittees on Defense and Military Construction” both places it appears and inserting “Subcommittee on Defense and the Subcommittee on Military Construction, Veterans Affairs, and Related Agencies”.

**SEC. 2807. Expansion of First Sergeants Barracks Initiative.**

(a) **Expansion of Initiative.**—Not later than September 30, 2011, the Secretary of the Army shall expand the First Sergeants Barracks Initiative (FSBI) to include
all Army installations in order to improve the quality of
life and living environments for single soldiers.

(b) Progress Reports.—Not later than February
15, 2010, and February 15, 2011, the Secretary of the
Army shall submit to the congressional defense commit-
tees a report describing the progress made in expanding
the First Sergeants Barracks Initiative to all Army instal-
lations.

SEC. 2808. REPORTS ON PRIVATIZATION INITIATIVES FOR
MILITARY UNACCOMPANIED HOUSING.

(a) Secretary of Defense Report.—Not later
than March 31, 2010, the Secretary of Defense shall sub-
mit to the Committees on Armed Services of the Senate
and the House of Representatives a report containing—

(1) an evaluation of the process by which the
Secretary develops, implements, and oversees hous-
ing privatization transactions involving military un-
accompanied housing;

(2) recommendations regarding additional op-
portunities for members of the Armed Forces to uti-
lose housing privatization transactions involving mili-
tary unaccompanied housing; and

(3) an evaluation of the impact of a prohibition
on civilian occupancy of such housing on the ability
to secure private partners for such housing privat-
ization transactions.

(b) **Comptroller General Report.**—Not later
than March 31, 2010, the Comptroller General shall sub-
it to the Committees on Armed Services of the Senate
and the House of Representatives a report evaluating the
feasibility and cost of privatizing military unaccompanied
housing for all members of the Armed Forces.

(c) **Housing Privatization Transaction De-
defined.**—In this section, the term “housing privatization
transaction” means any contract or other transaction for
the construction or acquisition of military unaccompanied
housing entered into under the authority of subchapter IV
of chapter 169 of title 10, United States Code.

### Subtitle B—Real Property and
Facilities Administration

SEC. 2811. IMPOSITION OF REQUIREMENT THAT LEASES OF
REAL PROPERTY TO THE UNITED STATES
WITH ANNUAL RENTAL COSTS OF MORE
THAN $750,000 BE AUTHORIZED BY LAW.

(a) **Authorization Required.**—Section 2661 of
title 10, United States Code, is amended by inserting after
subsection (b) the following new subsection:

“(c) **Authorization of Certain Leases to the
United States Required by Law.**—If the estimated
annual rental in connection with a proposed lease of real
property to the United States is more than $750,000, the
Secretary of a military department or, with respect to a
Defense Agency, the Secretary of Defense may enter into
the lease or utilize the General Services Administration
to enter into the lease on the Secretary’s behalf only if
the lease is specifically authorized by law.”.

(b) REPEAL OF NOTICE AND WAIT REQUIREMENTS
REGARDING SUCH LEASES.—

(1) REPEAL.—Section 2662 of such title is
amended—

(A) in subsection (a)(1)—

(i) by striking subparagraph (B); and

(ii) by redesignating subparagraphs

(C) through (G) as subparagraphs (B)

through (F), respectively; and

(B) by striking subsection (e).

(2) CONFORMING AMENDMENTS.—Such section
is further amended—

(A) in subsection (a)(2)—

(i) by striking “or (B)”;

(ii) by striking “or leases to be

made”; and

(iii) by striking “subparagraph (E)”

and inserting “subparagraph (D)”; and
(B) in subsection (g)—

(i) in paragraph (1), by striking “,
and the reporting requirement set forth in
subsection (e) shall not apply with respect
to a real property transaction otherwise
covered by that subsection,”; and

(ii) in paragraph (3), by striking “or
(e), as the case may be”.

SEC. 2812. CONSOLIDATION OF NOTICE-AND-WAIT RE-
QUIREMENTS APPLICABLE TO LEASES OF
REAL PROPERTY OWNED BY THE UNITED
STATES.

(a) Notice-and-Wait Requirements.—Section
2662 of title 10, United States Code, as amended by sec-
tion 2811(b), is further amended by inserting after sub-
section (d) the following new subsection:

“(e) Additional Reporting Requirements Re-

(1) In the case of a proposed lease or
license of real property owned by the United States cov-
ered by paragraph (1)(B) of subsection (a), the Secretary
of a military department or the Secretary of Defense may
not issue a contract solicitation or other lease offering with
regard to the transaction unless the Secretary complies
with the notice-and wait requirements of paragraph (3)
of such subsection. The monthly report under such para-
graph shall include the following with regard to the pro-
posed transaction:

“(A) A description of the proposed transaction,
including the proposed duration of the lease or li-
cense.

“(B) A description of the authorities to be used
in entering into the transaction and the intended
participation of the United States in the lease or li-
cense, including a justification of the intended meth-
od of participation.

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

“(D) A determination that the property in-
volved in the transaction is not excess property, as
required by section 2667(a)(3) of this title, including
the basis for the determination.

“(E) A determination that the proposed trans-
action is directly compatible with the mission of the
military installation or Defense Agency at which the
property is located and a description of the antici-
pated long-term use of the property at the conclu-
sion of the lease or license.
“(F) A description of the requirements or conditions within the contract solicitation or other lease offering for the offeror to address taxation issues, including payments-in-lieu-of taxes, and other development issues related to local municipalities.

“(2) The Secretary of a military department or the Secretary of Defense may not enter into the actual lease or license with respect to property for which the information required by paragraph (1) was submitted in a monthly report under subsection (a)(3) unless the Secretary again complies with the notice-and-wait requirements of such subsection. The subsequent monthly report shall include the following with regard to the proposed transaction:

“(A) A cross reference to the prior monthly report that contained the information submitted under paragraph (1) with respect to the transaction.

“(B) A description of the differences between the information submitted under paragraph (1) and the information regarding the transaction being submitted in the subsequent report.

“(C) A description of the payment to be required in connection with the lease or license, including a description of any in-kind consideration that will be accepted.
“(D) A description of any community support facility or provision of community support services under the lease or license, regardless of whether the facility will be operated by a covered entity (as defined in section 2667(d) of this title) or the lessee or the services will be provided by a covered entity or the lessee.

“(E) A description of the competitive procedures used to select the lessee or, in the case of a lease involving the public benefit exception authorized by section 2667(h)(2) of this title, a description of the public benefit to be served by the lease.

“(F) If the proposed lease or license involves a project related to energy production, and the term of the lease or license exceeds 20 years, a certification that the project is consistent with the Department of Defense performance goals and plan required by section 2911 of this title.”.

(b) Exception for Leases Under Base Closure Process.—Subsection (a)(1)(B) of such section, as redesignated by section 2821(b), is amended by inserting after “United States” the following: “(other than a lease or license entered into under section 2667(g) of this title)”.

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(c) Conforming Amendments to Lease of Non-Excess Property Authority.—Section 2667 of such title is amended—

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

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

and

(3) in subsection (h)—

(A) by striking paragraphs (3) and (5);

and

(B) by redesignating paragraph (4) as paragraph (3).

SEC. 2813. CLARIFICATION OF AUTHORITY OF MILITARY DEPARTMENTS TO ACQUIRE LOW-COST INTERESTS IN LAND AND INTERESTS IN LAND WHEN NEED IS URGENT.

Section 2664(a) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “No military”; and

(2) by striking “The foregoing limitation shall not apply to the acceptance” and inserting the following:

“(2) Paragraph (1) shall not apply to the following:

“(A) The acquisition of low-cost interests in land, as authorized by section 2663(c) of this title.
“(B) The acquisition of interests in land when
the need is urgent, as authorized by section 2663(d)
of this title.

“(C) The acceptance”.

SEC. 2814. MODIFICATION OF UTILITY SYSTEMS CONVEYANCE AUTHORITY.

(a) Clarification of Required Determination That Conveyance Reduce Long-Term Costs.—Paragraph (2)(A)(ii) of subsection (a) of section 2688 of title 10, United States Code, is amended by striking “system; and” and inserting the following: “system—

“(I) by 10 percent of the long-term cost for provision of those utility services in the agency tender, for periods of performance specified in subsection (d)(1); or

“(II) 20 percent of the long-term cost for provision of those utility services in the agency tender, for periods of performance specified in subsection (d)(2); and”.

(b) Limitation on Repeated Use of Authority for Same Utility System.—Such subsection is further amended by adding at the end the following new paragraph:

“(3) If, as a result of the economic analysis required by paragraph (2)(A), the Secretary concerned determines
that a utility system, or part of a utility system, is not eligible for conveyance under this subsection, the Secretary concerned may not reconsider the utility system, or part of a utility system, for conveyance under this subsection or for conversion to contractor operation under section 2461 of this title for a period of five years beginning on the date of the determination. In addition, if the results of a public-private competition for conversion of a utility system, or part of a utility system, to operation by a contractor favors continued operation by civilian employees of the Department of Defense, the Secretary concerned may not reconsider the utility system, or part of a utility system, for conversion under such section or for conveyance under this subsection for a period of five years beginning on the date of the completion of the public-private competition.”.

SEC. 2815. DECONTAMINATION AND USE OF FORMER BOMBARDMENT AREA ON ISLAND OF CULEBRA.

Section 204 of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668) is amended by striking subsection (c).

SEC. 2816. DISPOSAL OF EXCESS PROPERTY OF ARMED FORCES RETIREMENT HOME.

(1) by striking the first sentence and inserting the following new sentence: “If the Secretary of De-
fense determines that any property of the Retire-
ment Home is excess to the needs of the Retirement
Home, the Secretary shall dispose of the property in
accordance with subchapter III of chapter 5 of title
40, United States Code (40 U.S.C. 541 et seq.).”; and
(2) by striking the last sentence.

SEC. 2817. ACCEPTANCE OF CONTRIBUTIONS TO SUPPORT
CLEANUP EFFORTS AT FORMER ALMADEN
AIR FORCE STATION, CALIFORNIA.

(a) Acceptance of Contributions; Purpose.—The Secretary of the Air Force may accept contributions
from other Federal entities, the State of California, and
other entities, both public and private, for the purposes
of helping to cover the costs of—

(1) demolition of property at former Almaden
Air Force Station, California; and

(2) environmental remediation and restoration
and other efforts to further the ultimate end use of
the property for conservation and recreation pur-
poses.

(b) Availability.—Amounts received as contribu-
tions under subsection (a) may be merged with other
amounts available to the Secretary to carry out the purposes described in such subsection and shall be available, in such amounts as may be provided in advance in appropriation Act, for such purposes.

SEC. 2818. LIMITATION ON ESTABLISHMENT OF NAVY OUT- LYING LANDING FIELDS.

(a) LIMITATION.—The Secretary of the Navy may not establish an outlying landing field at a proposed location to be used by naval aircraft if, within 90 days after the issuance of the final environmental assessment or environmental impact statement regarding the proposed location pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), the Secretary determines that the governmental body of the political subdivision of a State containing the proposed location is formally opposed to the establishment of the outlying landing field.

(b) EXCEPTION.—Subsection (a) shall not apply if Congress enacts a law authorizing the Secretary to proceed with the outlying landing field notwithstanding the local government action.
SEC. 2819. PROHIBITION ON OUTLYING LANDING FIELD AT SANDBANKS OR HALE’S LAKE, NORTH CAROLINA, FOR OCEANA NAVAL AIR STATION.

The Secretary of the Navy may not establish, consider the establishment of, or purchase land, construct facilities, implement bird management plans, or conduct any other activities that would facilitate the establishment of, an outlying landing field at either of the proposed sites in North Carolina, Sandbanks or Hale’s Lake, to support field carrier landing practice for naval aircraft operating out of Oceana, Naval Air Station, Virginia.

SEC. 2820. SELECTION OF MILITARY INSTALLATIONS TO SERVE AS LOCATIONS OF BRIGADE COMBAT TEAMS.

In selecting the military installations at which brigade combat teams will be stationed, which previously included Fort Bliss, Texas, Fort Carson, Colorado, and Fort Stewart, Georgia, the Secretary of the Army shall take into consideration the availability and proximity of training spaces for the units and the capacity of the installations to support the units.
SEC. 2821. AUTHORITY TO PROVIDE FINANCIAL ASSISTANCE TO LOCAL COMMUNITIES FOR DEVELOPMENT OF PUBLIC INFRASTRUCTURE DIRECTLY SUPPORTING EXPANSION OF MILITARY INSTALLATIONS.

Paragraph (3) of section 2391(d) of title 10, United States Code, is amended to read as follows:

“(3) The terms ‘community adjustment’ and ‘economic diversification’ may include—

“(A) the development of feasibility studies and business plans for market diversification within a community adversely affected by an action described in subparagraph (A), (B), (C), or (E) of subsection (b)(1) by adversely affected businesses and labor organizations located in the community; and

“(B) the development of public infrastructure that directly supports the expansion activities described in subparagraph (A) of subsection (b)(1).”.

SEC. 2822. COMPTROLLER GENERAL REPORT ON NAVY SECURITY MEASURES FOR LAURELWOOD HOUSING COMPLEX, NAVAL WEAPONS STATION, EARLE, NEW JERSEY.

Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit
to the Committees on Armed Services of the Senate and House of Representatives a report containing a cost analysis and audit of the sufficiency of the Navy’s security measures in advance of the proposed occupancy by the general public of units of the Laurelwood Housing complex on Naval Weapons Station, Earle. The report shall include an estimate of costs to be incurred by Federal, State, and local government agencies in the following areas:

(1) Security and safety procedures.

(2) Land/utilities management and services.

(3) Educational assistance.

(4) Emergency services.

(5) Community services.

(6) Environmental services.

**Subtitle C—Provisions Related to Guam Realignment**

**SEC. 2831. ROLE OF UNDER SECRETARY OF DEFENSE FOR POLICY IN MANAGEMENT AND COORDINATION OF DEPARTMENT OF DEFENSE ACTIVITIES RELATING TO GUAM REALIGNMENT.**

Section 134 of title 10, United States Code, is amended by adding at the end the following new subsection:
“(d)(1) Until September 30, 2019, the Under Secretary shall have responsibility for coordinating the activities of the Department of Defense in connection with the realignment of military installations and the relocation of military personnel on Guam (in this subsection referred to as the ‘Guam realignment’).

“(2) The Joint Guam Program Office shall report directly to the Under Secretary in carrying out its activities in connection with the Guam realignment.

“(3) In carrying out the responsibilities assigned by paragraph (1), the Under Secretary shall coordinate with the National Security Advisor and serve as the official representative of the Secretary of Defense at meetings of the Interagency Group on Insular Areas, which was established by Executive Order No. 13299 of May 12, 2003 (68 Fed. Reg. 25477; 48 U.S.C. note prec. 1451), and any sub-group or working group of that interagency group.

“(4) The Under Secretary shall remain the primary lead within the Department of Defense for coordination with the Secretary of State on all matters concerning the implementation of the agreement entitled ‘Agreement between the Government of the United States of America and the Government of Japan concerning the Implementation of the Relocation of the III Marine Expeditionary
Force Personnel and their Dependents from Okinawa to Guam.

“(5) The assignment of responsibilities by paragraph (1) does not confer upon the Under Secretary the authority to control funds made available to the military departments for the Guam realignment. The Joint Guam Program Office shall remain as the primary coordinator of the resources provided by each military department involved in the Guam realignment.”

SEC. 2832. CLARIFICATIONS REGARDING USE OF SPECIAL PURPOSE ENTITIES TO ASSIST WITH GUAM REALIGNMENT.

(a) Special Purpose Entity Defined.—In this section, the term “special purpose entity” means a wholly independent entity established for a specific and limited purpose to facilitate the realignment of military installations and the relocation of military personnel on Guam.

(b) Report on Implementation Guidance for Special Purpose Entities.—

(1) Report required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the implementation guidance developed regarding the use of special purpose entities to assist with the re-
alignment of military installations and the relocation of military personnel on Guam.

(2) NOTICE AND WAIT.—The Secretary of Defense may not authorize the use of the implementation guidance referred to in paragraph (1) until the end of the 30-day period (15-day period if the report is submitted electronically) beginning on the date on which the report required by such paragraph is submitted.

(c) APPLICABILITY OF UNIFIED FACILITIES CRITERIA.—

(1) APPLICABILITY TO SECTION 2350K CONTRIBUTIONS.—Section 2824(c)(4) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by adding at the end the following new subparagraph:

“(D) APPLICABILITY OF UNIFIED FACILITIES CRITERIA.—The unified facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, or any successor to such criteria shall apply to the obligation of contributions referred to in subsection (b)(1) for a transaction authorized by paragraph (1).”.
(2) Applicability to special purpose entity contributions.—The unified facilities criteria promulgated by the Under Secretary of Defense for Acquisition, Technology, and Logistics and dated May 29, 2002, or any successor to such criteria shall apply to the obligation of contributions provided by a special purpose entity.

(3) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing an evaluation of various options, including a preferred option, that the Secretary could utilize to comply with the unified facilities criteria referred to in paragraph (2) in the acquisition of military housing on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam. The report shall specifically consider increasing the overseas housing allowance for members of the Armed Forces serving on Guam and providing a direct Federal subsidy to public-private ventures.

(d) Sense of Congress on Scope of Utility Infrastructure Improvements.—Section 2821 of the Military Construction Authorization Act for Fiscal Year
is amended—

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

(2) in such subsection, by striking “should incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system” and inserting “should support proposed utility infrastructure improvements on Guam that incorporate the civilian and military infrastructure into a single grid to realize and maximize the effectiveness of the overall utility system, rather than simply supporting one or more military installations”.

SEC. 2833. WORKFORCE ISSUES RELATED TO MILITARY CONSTRUCTION AND CERTAIN OTHER TRANSACTIONS ON GUAM.

(a) PREVAILING WAGE REQUIREMENTS.—Subsection (c) of section 2824 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

“(5) APPLICATION OF PREVAILING WAGE REQUIREMENTS.—
“(A) Application; relation to wage rates in Hawaii.—The requirements of subchapter IV of chapter 31 of title 40, United States Code, shall apply to any military construction project or other transaction authorized by paragraph (1) that is carried out on Guam using contributions referred to in subsection (b)(1) or appropriated funds, except that the wage rates determined pursuant to such subchapter for Guam may not be less than the lowest wage rates determined for the applicable class of laborer or mechanic on projects or transactions of a similar character under such subchapter for Hawaii.

“(B) Secretary of Labor authorities.—In order to carry out the requirements of subparagraph (A) and paragraph (6) (relating to composition of workforce for construction projects), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Number 14 of 1950 and section 3145 of title 40, United States Code.

“(C) Addition to weekly statement on the wages paid.—In the case of projects and other transactions covered by subparagraph
(A), the weekly statement required by section 3145 of title 40, United States Code, shall also identify each employee working on the project or transaction who holds a visa issued under section 101(a)(15)(H)(ii)(b) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(b)).

“(D) DURATION OF REQUIREMENTS.—The Secretary of Labor shall make and issue a wage rate determination for Guam annually until 90 percent of the funds in the Account and other funds made available for the realignment of military installations and the relocation of military personnel on Guam have been expended.”.

(b) REPORTING REQUIREMENTS REGARDING SUPPORT OF CONSTRUCTION WORKFORCE.—Subsection (e) of such section is amended—

(1) by striking “Not later than” and inserting the following:

“(1) MILITARY CONSTRUCTION INFORMATION.—Not later than”; and

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

“(2) CONSTRUCTION WORKFORCE INFORMATION.—The annual report shall also include an as-
essment of the living standards of the construction workforce employed to carry out military construction projects covered by the report, including, at a minimum, the adequacy of contract standards and infrastructure that support temporary housing the construction workforce and their medical needs.”

SEC. 2834. COMPOSITION OF WORKFORCE FOR CONSTRUCTION PROJECTS FUNDED THROUGH THE SUPPORT FOR UNITED STATES RELOCATION TO GUAM ACCOUNT.

(a) Composition of Workforce.—Section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 10 U.S.C. 2687 note) is amended by inserting after paragraph (5), as added by section 2833, the following new paragraph:

“(6) Composition of Workforce for Construction Projects.—

“(A) Percentage Limitation.—With respect to each construction project for which ground-breaking occurs before October 1, 2011, and that is carried out using amounts described in subparagraph (B), not more than 30 percent of the total hours worked per month on the construction project may be performed by persons holding visas issued under section

“(B) Source of Funds.—Subparagraph (A) applies to—

“(i) amounts in the Account used for projects associated with the realignment of military installations and the relocation of military personnel on Guam;

“(ii) funds associated with activities under section 2821 of this Act; and

“(iii) funds for authorized military construction projects.

“(C) Solicitation of Workers.—In order to ensure compliance with subparagraph (A), as a condition of a contract covered by such subparagraph, the contractor shall be required to advertise and solicit for construction workers in the United States, including territories in the Pacific region, in accordance with a recruitment plan created by the Secretary of Labor. The contractor shall submit a copy of the employment offer, including a description of wages and other terms and conditions of employment, to the Secretary of Labor. The con-
tractor shall authorize the Secretary of Labor to post a notice of the employment offer on a website, with State and local job banks, with State workforce agencies, and with unemployment agencies and other referral and recruitment sources pertinent to the employment opportunity.”.

(b) Reporting Requirements.—

(1) Secretary of Defense.—Not later than June 30, 2010, the Secretary of Defense shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of efforts to establish a Project Labor Agreement for construction projects associated with the Guam realignment as encouraged by Executive Order 13502, entitled “Use of Project Labor Agreements for Federal Construction Projects” (74 Fed. Reg. 6985), as a means of complying with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a).

(2) Secretary of Labor.—Not later than June 30, 2010, the Secretary of Labor shall submit to the congressional committees specified in paragraph (3) a report containing an assessment of—
(A) the opportunities to expand the recruitment of construction workers in the United States, including territories in the Pacific region, to support the realignment of military installations and the relocation of military personnel on Guam, consistent with the requirements of paragraph (6) of section 2824(c) of the Military Construction Authorization Act for Fiscal Year 2009, as added by subsection (a);

(B) the ability of labor markets to support the Guam realignment; and

(C) the sufficiency of efforts to recruit United States construction workers.

(3) COVERED CONGRESSIONAL COMMITTEES.—The reports required by this subsection shall be submitted to the congressional defense committees, the Committee on Education and Labor of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate.

SEC. 2835. INTERAGENCY COORDINATION GROUP OF INSPECTOR GENERALS FOR GUAM REALIGNMENT.

(a) INTERAGENCY COORDINATION GROUP.—There is hereby established the Interagency Coordination Group of
Inspector Generals for Guam Realignment (in this section referred to as the “Interagency Coordination Group”)—

(1) to provide for the objective conduct and supervision of audits and investigations relating to the programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam in connection with the realignment of military installations and the relocation of military personnel on Guam; and

(2) to provide for coordination of, and recommendations on, policies designed to—

(A) promote economic efficiency, and effectiveness in the administration of the programs and operations described in paragraph (1); and

(B) prevent and detect waste, fraud, and abuse in such programs and operations.

(b) MEMBERSHIP.—

(1) CHAIRPERSON.—The Inspector General of the Department of Defense shall serve as chairperson of the Interagency Coordination Group.

(2) ADDITIONAL MEMBERS.—Additional members of the Interagency Coordination Group shall include the Inspector General of the Department of Interior and Inspectors General of such other Federal agencies as the chairperson considers appro-
priate to carry out the duties of the Interagency Co-
ordination Group.

(c) Duties.—

(1) Oversight of Guam Construction.—It
shall be the duty of the Interagency Coordination
Group to conduct, supervise, and coordinate audits
and investigations of the treatment, handling, and
expenditure of amounts appropriated or otherwise
made available for military construction on Guam
and of the programs, operations, and contracts car-
ried out utilizing such funds, including—

(A) the oversight and accounting of the ob-
ligation and expenditure of such funds;

(B) the monitoring and review of construc-
tion activities funded by such funds;

(C) the monitoring and review of contracts
funded by such funds;

(D) the monitoring and review of the
transfer of such funds and associated informa-
tion between and among departments, agencies,
and entities of the United States and private
and nongovernmental entities;

(E) the maintenance of records on the use
of such funds to facilitate future audits and in-
vestigations of the use of such fund; and
(F) the monitoring and review of the implementation of the Defense Posture Review Initiative relating to the realignment of military installations and the relocation of military personnel on Guam.

(2) Other duties related to oversight.—
The Interagency Coordination Group shall establish, maintain, and oversee such systems, procedures, and controls as the Interagency Coordination Group considers appropriate to discharge the duties under paragraph (1).

(3) Oversight plan.—The chairperson of the Interagency Coordination Group shall prepare an annual oversight plan detailing planned audits and reviews related to the Guam realignment.

(d) Assistance from Federal Agencies.—

(1) Provision of assistance.—Upon request of the Interagency Coordination Group for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Interagency Coordination Group.
(2) Reporting of refused assistance.—Whenever information or assistance requested by the Interagency Coordination Group is, in the judgment of the chairperson of the Interagency Coordination Group, unreasonably refused or not provided, the chairperson shall report the circumstances to the Secretary of Defense and to the congressional defense committees without delay.

(e) Reports.—

(1) Annual reports.—Not later than February 1 of each year, the chairperson of the Interagency Coordination Group shall submit to the congressional defense committees, the Secretary of Defense, and the Secretary of the Interior a report summarizing, for the preceding calendar year, the activities of the Interagency Coordination Group during such year and the activities under programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam. Each report shall include, for the year covered by the report, a detailed statement of all obligations, expenditures, and revenues associated with such construction, including the following:

(A) Obligations and expenditures of appropriated funds.
(B) A project-by-project and program-by-program accounting of the costs incurred to date for military construction in connection with the realignment of military installations and the relocation of military personnel on Guam, together with the estimate of the Department of Defense and the Department of the Interior, as applicable, of the costs to complete each project and each program.

(C) Revenues attributable to or consisting of funds contributed by the Government of Japan in connection with the realignment of military installations and the relocation of military personnel on Guam and any obligations or expenditures of such revenues.

(D) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for military construction on Guam.

(E) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (2)—

(i) the amount of the contract, grant, agreement, or other funding mechanism;
(ii) a brief discussion of the scope of
the contract, grant, agreement, or other
funding mechanism;

(iii) a discussion of how the depart-
ment or agency of the United States Gov-
ernment involved in the contract, grant,
agreement, or other funding mechanism
identified, and solicited offers from, poten-
tial individuals or entities to perform the
contract, grant, agreement, or other fund-
ing mechanism, together with a list of the
potential individuals or entities that were
issued solicitations for the offers; and

(iv) the justification and approval doc-
uments on which was based the determina-
tion to use procedures other than proce-
dures that provide for full and open com-
petition.

(2) COVERED CONTRACTS, GRANTS, AGRE-
MENTS, AND FUNDING MECHANISMS.—A contract,
grant, agreement, or other funding mechanism de-
scribed in this paragraph is any major contract,
grant, agreement, or other funding mechanism that
is entered into by any department or agency of the
United States Government that involves the use of
amounts appropriated or otherwise made available for military construction on Guam with any public or private sector entity.

(3) Form.—Each report required under this subsection shall be submitted in unclassified form, but may include a classified annex if the Interagency Coordination Group considers it necessary.

(4) Rule of Construction.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

(5) Submission of Comments.—Not later than 30 days after receipt of a report under paragraph (1), the Secretary of Defense or the Secretary of the Interior may submit to the congressional defense committees any comments on the matters covered by the report as the Secretary concerned considers appropriate. Any comments on the matters
covered by the report shall be submitted in unclassified form, but may include a classified annex if the Secretary concerned considers it necessary.

(f) Public Availability; Waiver.—

(1) Public Availability.—The Interagency Coordination Group shall publish on a publically-available Internet website each report prepared under subsection (e). Any comments on the report submitted under paragraph (5) of such subsection shall also be published on such website.

(2) Waiver Authority.—The President may waive the requirement under paragraph (1) with respect to availability to the public of any element in a report under subsection (e), or any comment with respect to a report, if the President determines that the waiver is justified for national security reasons.

(3) Notice of Waiver.—The President shall publish a notice of each waiver made under this subsection in the Federal Register no later than the date on which a report required under subsection (e), or any comment under paragraph (5) of such subsection, is submitted to the congressional defense committees. The report and comments shall specify whether waivers under this subsection were made
and with respect to which elements in the report or which comments, as appropriate.

(g) DEFINITIONS.—In this section:

(1) AMOUNTS APPROPRIATED OR OTHERWISE MADE AVAILABLE.—The term “amounts appropriated or otherwise made available for military construction on Guam” includes amounts derived from the Support for United States Relocation to Guam Account.

(2) GUAM.—The term “Guam” includes any island in the Northern Mariana Islands.

(h) TERMINATION.—

(1) IN GENERAL.—The Interagency Coordination Group shall terminate upon the expenditure of 90 percent of all funds appropriated or otherwise made available for Guam realignment.

(2) FINAL REPORT.—Before the termination of the Interagency Coordination Group pursuant to paragraph (1), the chairperson of the Interagency Coordination Group shall prepare and submit to the congressional defense committees a final report containing—

(A) notice that the termination condition in paragraph (1) has occurred; and
(B) a final forensic audit on programs and operations funded with amounts appropriated or otherwise made available for military construction on Guam.

SEC. 2836. COMPLIANCE WITH NAVAL AVIATION SAFETY REQUIREMENTS AS CONDITION ON ACCEPTANCE OF REPLACEMENT FACILITY FOR MARINE CORPS AIR STATION, FUTENMA, OKINAWA.

The Secretary of Defense may not accept, or authorize any other official of the Department of Defense to accept, a replacement facility in Okinawa for air operations conducted at Marine Corps Air Station, Futenma, Okinawa, unless the Secretary certifies to the congressional defense committees that the replacement facility satisfies at least minimum Naval Aviation Safety requirements. The Secretary may not waive any of these requirements.

SEC. 2837. REPORT AND SENSE OF CONGRESS ON MARINE CORPS TRAINING REQUIREMENTS IN ASIA-PACIFIC REGION.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of the Navy and the Joint Guam Program Office, shall submit to the congressional defense committees a report on the training
requirements necessary for Marine Forces Pacific, the
field command of the Marine Corps within the United
States Pacific Command.

(b) CONTENTS OF REPORT.—The report required
under subsection (a) shall contain each of the following:

(1) A description of the units of the Marine
Corps expected to be assigned on a permanent or
temporary basis to Marine Forces Pacific, including
the type of unit, the organizational element, the cur-
rent location of the unit, and proposed location for
the unit.

(2) A description of the training requirements
necessary to sustain the current and planned re-
alignment of forces according to the agreement enti-
tled “Agreement between the Government of the
United States of America and the Government of
Japan concerning the Implementation of the Reloca-
tion of the III Marine Expeditionary Force Per-
sonnel and their Dependents from Okinawa to
Guam”.

(3) A description of the potential effects of un-
dertaking a separate environmental impact study for
expanded training ranges in the Commonwealth of
the Northern Mariana Islands and for alternative
training range options, including locations in the Philippines, Thailand, Australia, and Japan.

(4) The rationale for conducting the Mariana Island Range Complex environmental impact statement without including the additional training requirements necessary to support the additional realignment of Marine Corps units on Guam.

(5) A description of the strategic- and tactical-lift requirements associated with Marine Forces Pacific, including programming information regarding the intent of the Department of Defense to eliminate deficiencies in the strategic-lift capabilities.

(c) SENSE OF CONGRESS.—It is the sense of Congress that an evaluation of training requirements for Marine Forces Pacific—

(1) should be conducted and completed as soon as possible;

(2) should include a training analysis that, at a minimum, reviews the capabilities required to support a Marine Air-Ground Task Force; and

(3) should not impact the implementation of the recently signed international agreement referred to in subsection (b)(2).
Subtitle D—Energy Security

SEC. 2841. ADOPTION OF UNIFIED ENERGY MONITORING AND MANAGEMENT SYSTEM SPECIFICATION FOR MILITARY CONSTRUCTION AND MILITARY FAMILY HOUSING ACTIVITIES.

(a) Adoption Required.—

(1) In general.—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2866 at the end the following new section:

"§ 2867. Energy monitoring and management system specification for military construction and military family housing activities

"(a) Adoption of Department-wide, open source, energy monitoring and management system specification.—The Secretary of Defense shall adopt an open source energy monitoring and management system specification for use throughout the Department of Defense in connection with a military construction project, military family housing activity, or other activity under this chapter for the purpose of monitoring and controlling the following with respect to the project or activity:

"(1) Utilities and energy usage, including electricity, gas, steam, and water usage."
“(2) Indoor environments, including temperature and humidity levels.

“(3) Heating, ventilation, and cooling components.

“(4) Central plant equipment.

“(5) Renewable energy generation systems.

“(6) Lighting systems.

“(7) Power distribution networks.

“(b) Exclusion.—(1) The Secretary concerned may waive the application of the energy monitoring and management system specification adopted under subsection (a) with respect to a specific military construction project, military family housing activity, or other activity under this chapter if the Secretary determines that the application of the specification to the project or activity is not life cycle cost-effective.

“(2) The Secretary concerned shall notify the congressional defense committees of any waiver granted under paragraph (1).”.

(2) Clerical Amendment.—The table of sections at the beginning of subchapter III is amended inserting after the item relating to section 2866 the following new item:

“2867. Energy monitoring and management system specification for military construction and military family housing activities.”.
(3) **DEADLINE FOR ADOPTION.**—The Secretary of Defense shall adopt the open source energy monitoring and management system specification required by section 2867 of title 10, United States Code, as added by paragraph (1), not later than 180 days after the date of the enactment of this Act.

(b) **REPORTING REQUIREMENT.**—Not later than 180 days after the date of the enactment of the Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following items:

(1) A contract specification that will implement the open source energy monitoring and management system specification required by section 2867 of title 10, United States Code, as added by subsection (a).

(2) A description of the method to ensure compliance of the Department of Defense information assurance certification and accreditation process.

(3) An expected timeline for integration of existing components with the energy monitoring and management system.

(4) A list of the justifications and authorizations provided by the Department, pursuant to Federal Acquisition Regulations Chapter 6.3, relating to Other Than Full and Open Competition, for energy
monitoring and management systems during fiscal year 2009.

SEC. 2842. DEPARTMENT OF DEFENSE USE OF ELECTRIC AND HYBRID MOTOR VEHICLES.

(a) PREFERENCE.—Subchapter II of chapter 173 of title 10, United States Code, is amended by inserting after section 2922g, as added by title III of this Act, the following new section:

“§ 2922h. Preference for motor vehicles using electric or hybrid propulsion systems

“(a) PREFERENCE.—In leasing or procuring motor vehicles for use by a military department or Defense Agency, the Secretary of the military department or the head of the Defense Agency shall provide a preference for the lease or procurement of motor vehicles using electric or hybrid propulsion systems, including plug-in hybrid systems, if the electric or hybrid vehicles—

“(1) will meet the requirements or needs of the Department of Defense; and

“(2) are commercially available at a cost reasonably comparable, on the basis of life-cycle cost, to motor vehicles containing only an internal combustion or heat engine using combustible fuel.
“(b) EXCEPTION.—Subsection (a) does not apply with respect to tactical vehicles designed for use in combat.

“(c) HYBRID DEFINED.—In this section, the term ‘hybrid’, with respect to a motor vehicle, means a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

“(1) an internal combustion or heat engine using combustible fuel; and

“(2) a rechargeable energy storage system.”.

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

“2922h. Preference for motor vehicles using electric or hybrid propulsion systems.”.

SEC. 2843. DEPARTMENT OF DEFENSE GOAL REGARDING USE OF RENEWABLE ENERGY SOURCES TO MEET FACILITY ENERGY NEEDS.

(a) FACILITY BASIS OF GOAL.—Subsection (e) of section 2911 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in subparagraph (A) (as so redesignated)—

(A) by striking “electric energy” and inserting “facility energy”;

(B) by striking “and in its activities”; and
(C) by striking “(as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)))”; and

(3) in subparagraph (B) (as so redesignated), by striking “electric energy” and inserting “facility energy”.

(b) DEFINITION OF RENEWABLE ENERGY SOURCE.—Such subsection is further amended—

(1) by striking “It shall be” and inserting “(1) It shall be”; and

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

“(2) In this subsection, the term ‘renewable energy source’ means energy generated from renewable sources, including the following:

“(A) Solar.
“(B) Wind.
“(C) Biomass.
“(D) Landfill gas.
“(E) Ocean, including tidal, wave, current, and thermal.
“(F) Geothermal, including electricity and heat pumps.
“(G) Municipal solid waste.
“(H) New hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric project. For purposes of this subparagraph, hydroelectric generation capacity is ‘new’ if it was placed in service on or after January 1, 1999.

“(I) Thermal energy generated by any of the preceding sources.”.

(e) Clerical Amendment.—The heading of such subsection is amended by striking “ELECTRICITY NEEDS” and inserting “FACILITY ENERGY NEEDS”.

SEC. 2844. COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE RENEWABLE ENERGY INITIATIVES.

Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on all renewable energy initiatives being funded by the Department of Defense or a military department down to the base commander level. The Comptroller General shall specifically address the following in the report:

(1) The costs associated with each renewable energy initiative.

(2) Whether the renewable energy initiative has a clearly delineated set of goals or targets.
(3) Whether those goals or targets are being met or are likely to be met by the conclusion of the renewable energy initiative.

SEC. 2845. STUDY ON DEVELOPMENT OF NUCLEAR POWER PLANTS ON MILITARY INSTALLATIONS.

(a) Study Required; Elements.—The Secretary of Defense shall conduct a study to assess the feasibility of developing nuclear power plants on military installations. As part of the study, the Secretary shall—

(1) summarize options available for public-private partnerships for construction and operation of the power plants;

(2) estimate the cost per kilowatt-hour and consider the potential for life cycle cost savings to the Department of Defense, including potential environmental liabilities;

(3) consider the potential energy security advantages to the Department of Defense of generating electricity on military installations through the use of nuclear energy;

(4) assess the additional infrastructure costs that would be needed to enable the power plants to sell power back to the general electricity grid;
(5) consider impact on quality of life of mem-
ners stationed at an installation containing a nuclear
power plant;

(6) consider regulatory, State, and local con-
cerns to production of nuclear power on military in-
stallations;

(7) assess to what degree nuclear power plants
would adversely affect operations on military instal-
lations, including consideration of training and read-

(8) assess potential environmental liabilities for
the Department of Defense;

(9) consider factors impacting safe co-location
of nuclear power plants on military installations; and

(10) consider any other factors that bear on the
feasibility of developing nuclear power plants on
military installations.

(b) Submission of Results of Study.—Not later
than June 1, 2010, the Secretary shall submit to the Com-
mittees on Armed Services of the Senate and House of
Representatives a report containing the results of the
study.
SEC. 2846. DEPARTMENT OF DEFENSE PARTICIPATION IN PROGRAMS FOR MANAGEMENT OF ENERGY DEMAND OR REDUCTION OF ENERGY USAGE DURING PEAK PERIODS.

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

“§ 2919. Participation in programs for management of energy demand or reduction of energy usage during peak periods

“(a) PARTICIPATION IN DEMAND RESPONSE OR LOAD MANAGEMENT PROGRAMS.—The Secretary of Defense shall permit and encourage the Secretaries of the military departments, heads of Defense agencies, and the heads of other instrumentalities of the Department of Defense to participate in demand response programs for the management of energy demand or the reduction of energy usage during peak periods conducted by—

“(1) an electric utility;

“(2) independent system operator;

“(3) State agency; or

“(4) third-party entity (such as a demand response aggregator or curtailment service provider) implementing demand response programs on behalf of an electric utility, independent system operator, or State agency.
“(b) Treatment of Certain Financial Incentives.—Financial incentives received from an entity specified in subsection (a) shall be received in cash and deposited into the Treasury as a miscellaneous receipt. Amounts received shall be available for obligation only to the extent provided in advance in an appropriations act. The Secretary concerned or head of the Defense Agency or other instrumentality shall pay for the cost of the design and implementation of these services in full in the year in which they are received from amounts provided in advance in an appropriations Act.

“(c) Use of Certain Financial Incentives.—Of the amounts provided in advance in an appropriations Act derived from subsection (b) above, 100 percent shall be available to the military installation where the proceeds were derived, and at least 25 percent of that appropriated amount shall be designated for use in energy management initiatives by the military installation where the proceeds were derived.”.

(b) Clerical Amendment.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2919. Participation in programs for management of energy demand or reduction of energy usage during peak periods.”.
Subtitle E—Land Conveyances

SEC. 2851. TRANSFER OF ADMINISTRATIVE JURISDICTION, PORT CHICAGO NAVAL MAGAZINE, CALIFORNIA.

(a) Transfer Required; Administration.—Section 203 of the Port Chicago National Memorial Act of 1992 (Public Law 102–562; 16 U.S.C. 431; 106 Stat. 4235) is amended by striking subsection (c) and inserting the following new subsections:

“(c) Administration.—The Secretary of the Interior shall administer the Port Chicago Naval Magazine National Memorial as a unit of the National Park System in accordance with this Act and laws generally applicable to units of the National Park System, including the National Park Service Organic Act (39 Stat. 535; 16 U.S.C. 1 et seq.) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461 et seq.). Land transferred to the administrative jurisdiction of the Secretary of the Interior under subsection (d) shall be administered in accordance with this subsection.

“(d) Transfer of Land.—The Secretary of Defense shall transfer a parcel of land, consisting of approximately 5 acres, depicted within the proposed boundary on the map titled ‘Port Chicago Naval Magazine National Memorial, Proposed Boundary’, numbered 018/80,001,
and dated August 2005, to the administrative jurisdiction of the Secretary of the Interior if the Secretary of Defense determines that—

“(1) the land is excess to military needs; and

“(2) all environmental remediation actions necessary to respond to environmental contamination related to the land have been completed in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and other applicable laws.

“(e) PUBLIC ACCESS.—The Secretary of the Interior shall enter into an agreement with the Secretary of Defense to provide as much public access as possible to the Port Chicago Naval Magazine National Memorial without interfering with military needs. This subsection shall no longer apply if, at some point in the future, the National Memorial ceases to be an enclave within the Concord Naval Weapons Station.

“(f) AGREEMENT WITH CITY OF CONCORD AND EAST BAY REGIONAL PARK DISTRICT.—The Secretary of the Interior is authorized to enter into an agreement with the City of Concord, California, and the East Bay Regional Park District, to establish and operate a facility for visitor orientation and parking, administrative offices, and curatorial storage for the National Memorial.”.
(b) Sense of Congress on Remediation and Repair of National Memorial.—

(1) Remediation.—It is the sense of Congress that, in order to facilitate the land transfer described in subsection (d) of section 203 of the Port Chicago National Memorial Act of 1992, as added by subsection (a), the Secretary of Defense should remediate remaining environmental contamination related to the land.

(2) Repair.—It is the sense of Congress that, in order to preserve the Port Chicago Naval Magazine National Memorial for future generations, the Secretary of Defense and the Secretary of the Interior should work together to develop a process by which future repairs and necessary modifications to the National Memorial can be achieved in as timely and cost-effective a manner as possible.

SEC. 2852. LAND CONVEYANCES, NAVAL AIR STATION, BARBERS POINT, HAWAII.

(a) Conveyance Authorized.—The Secretary of the Navy shall convey, without consideration, to the Hawaii Community Development Authority (in this section referred to as the “Authority”), which is the local redevelopment authority for former Naval Air Station, Barbers Point, Oahu, Hawaii, all right, title, and interest of the
United States in and to the following parcels of real property, including any improvements thereon and clear of all liens and encumbrances, at the installation:

(1) An approximately 10.569-acre parcel of land identified as “Parcel No. 13126 B” and further identified by Oahu Tax Map Key No. 9–1–031:047.

(2) An approximately 145.785-acre parcel of land identified as “Parcel No. 13058 D” and further identified by Oahu Tax Map Key No. 9–1–013:039.

(3) An approximately 9.303-acre parcel of land identified as “Parcel No. 13058 F” and further identified by Oahu Tax Map Key No. 9–1–013:041.

(4) An approximately 57.937-acre parcel of land identified as “Parcel No. 13058 G” and further identified by Oahu Tax Map Key No. 9–1–013:042.

(5) An approximately 11.501-acre parcel of land identified as “Parcel No. 13073 D” and further identified by Oahu Tax Map Key No. 9–1–013:069.

(6) An approximately 65.356-acre parcel of land identified as “Parcel No. 13073 B” and further identified by Oahu Tax Map Key No. 9–1–013:067.

(b) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Authority to cover costs to be incurred by the Secretary, or to reimburse the Secretary for
costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Authority in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Authority.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601
et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal descriptions of the parcels of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2853. MODIFICATION OF LAND CONVEYANCE, FORMER GRIFFISS AIR FORCE BASE, NEW YORK.

(a) ADDITIONAL CONVEYANCE.—Subsection (a)(1) of section 2873 of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2152) is amended—

(1) by striking “two parcels” and inserting “three parcels”;

(2) by striking “and 1.742 acres and containing the four buildings” and inserting “, 1.742 acres, and 4.5 acres, respectively, and containing all or a portion of the five buildings”; and
(3) by inserting “and the Modification and Fabrication Facility” after “Reconnaissance Laboratory”.

(b) Description of Property.—Subsection (a)(2) of such section is amended by adding at the end the following new subparagraph:

“(E) Bay Number 4 in Building 101 (approximately 115,000 square feet).”.

(c) Purpose of Conveyance.—Subsection (a)(3) of such section is amended by adding before the period at the end the following: “and to provide adequate reimbursement, real property, and replacement facilities for the Air Force Research Laboratory units that are relocated as a result of the conveyance”.

(d) Consideration.—Subsection (e) of such section is amended by striking “in-kind contribution” and inserting “in-kind consideration (including land and new facilities)”.

SEC. 2854. LAND CONVEYANCE, ARMY RESERVE CENTER, CHAMBERSBURG, PENNSYLVANIA.

(a) Conveyance Authorized.—At such time as the Army Reserve vacates the Army Reserve Center at 721 South Sixth Street, Chambersburg, Pennsylvania, the Secretary of the Army may convey, without consideration, to the Chambersburg Area School District (in this section re-
ferred to as the “School District”), all right, title, and interest of the United States in and to the Reserve Center for the purpose of permitting the School District to utilize the property for educational, educational support, and community activities.

(b) Reversionary Interest.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) Payment of Costs of Conveyances.—

(1) Payment Required.—The Secretary shall require the School District to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry
out the conveyance under subsection (a), including
survey costs, costs related to environmental docu-
mentation, and other administrative costs related to
the conveyance. If amounts are collected from the
School District in advance of the Secretary incurring
the actual costs, and the amount collected exceeds
the costs actually incurred by the Secretary to carry
out the conveyance, the Secretary shall refund the
excess amount to the School District.

(2) TREATMENT OF AMOUNTS RECEIVED.—
Amounts received as reimbursements under para-
graph (1) shall be credited to the fund or account
that was used to cover the costs incurred by the Sec-
retary in carrying out the conveyance. Amounts so
credited shall be merged with amounts in such fund
or account and shall be available for the same pur-
poses, and subject to the same conditions and limita-
tions, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Sec-
retary may require such additional terms and conditions
in connection with the conveyance under subsection (a) as
the Secretary considers appropriate to protect the inter-
est s of the United States.
SEC. 2855. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the “City”), all right, title, and interest of the United States in and to parcels of non-contiguous real property, including any improvements thereon, consisting of a total of approximately 2.4 acres at Naval Air Station Oceana, Virginia, for the purpose of permitting the City to expand services to support the Marine Animal Care Center.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the City shall provide compensation to the Secretary of the Navy in an amount equal to the fair market value of the real property conveyed under such subsection, as determined by appraisals acceptable to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by surveys satisfactory to the Secretary.

(d) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance...
under this section, including survey costs related to
the conveyance. If amounts are collected from the
City in advance of the Secretary incurring the actual
costs, and the amount collected exceeds the costs ac-
tually incurred by the Secretary to carry out the
conveyance, the Secretary shall refund the excess
amount to the City.

(2) TREATMENT OF AMOUNTS RECEIVED.—
Amounts received under paragraph (1) as reim-
bursement for costs incurred by the Secretary to
carry out the conveyance under this section shall be
credited to the fund or account that was used to
cover the costs incurred by the Secretary in carrying
out the conveyance. Amounts so credited shall be
merged with amounts in such fund or account and
shall be available for the same purposes, and subject
to the same conditions and limitations, as amounts
in such fund or account.

(c) ADDITIONAL TERM AND CONDITIONS.—The Sec-
retary may require such additional terms and conditions
in connection with the conveyance under this section as
the Secretary considers appropriate to protect the inter-
est of the United States.
SEC. 2856. LAND CONVEYANCE, HAINES TANK FARM, HAINES, ALASKA.

(a) Conveyance Authorized.—The Secretary of the Army may convey to the Chilkoot Indian Association (in this section referred to as the “Association”) all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 201 acres located at the former Haines Fuel Terminal (also known as the Haines Tank Farm) in Haines, Alaska, for the purpose of permitting the Association to develop a Deep Sea Port and for other industrial and commercial development purposes. To the extent practicable, the Secretary is encouraged to complete the conveyance by September 30, 2013.

(b) Consideration.—As consideration for the conveyance of the property described in subsection (a), the Association shall pay to the Secretary an amount equal to the fair market value of the property, as determined by the Secretary. The determination of the Secretary shall be final. At the election of the Secretary, the Secretary may accept in-kind consideration in lieu of all or a portion of the cash payment.

(c) Reversionary Interest.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest
in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) Payment of Costs of Conveyances.—

(1) Payment Required.—The Secretary shall require the Association to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Association in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Association.

(2) Treatment of Amounts Received.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Sec-
retary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) SAVINGS PROVISION.—Nothing in this section shall be construed to affect or limit the application of, or any obligation to comply with, any environmental law, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERM AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2857. COMPLETION OF LAND EXCHANGE AND CON-
SOLIDATION, FORT LEWIS, WASHINGTON.

Subsection (a)(1) of section 2837 of the Military Construction Authorization Act for Fiscal Year 2002 (division

(1) in the first sentence, by striking “The Secretary of the Army may transfer” and inserting “Not later than 60 days after the date of the enactment of the Military Construction Authorization Act for Fiscal Year 2010, the Secretary of the Army shall transfer”; and

(2) in the second sentence—

(A) by striking “may make the transfer” and inserting “shall make the transfer”; and

(B) by striking “may accept” and inserting “shall accept”.

SEC. 2858. LAND CONVEYANCE, FERNDALE HOUSING AT CENTERVILLE BEACH NAVAL FACILITY TO CITY OF FERNDALE, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—At such time as the Navy vacates the Ferndale Housing, which previously supported the now closed Centerville Beach Naval Facility in the City of Ferndale, California, the Secretary of the Navy may convey, at fair market value, to the City of Ferndale (in this section referred to as the “City”), all right, title, and interest of the United States in and to the parcels
of real property, including improvements thereon, for the purpose of permitting the City to utilize the property for low- and moderate-income housing for seniors, families, or both.

(b) **Reversionary Interest.**—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including any improvements and appurtenant easements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) **Description of Property.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) **Payment of Costs of Conveyances.**—

(1) **Payment Required.**—The Secretary shall require the City to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs
related to environmental documentation, and other
administrative costs related to the conveyance. If
amounts are collected from the city in advance of
the Secretary incurring the actual costs, and the
amount collected exceeds the costs actually incurred
by the Secretary to carry out the conveyance, the
Secretary shall refund the excess amount to the
City.

(2) TREATMENT OF AMOUNTS RECEIVED.—
Amounts received as reimbursements under para-
graph (1) shall be credited to the fund or account
that was used to cover the costs incurred by the Sec-
retary in carrying out the conveyance. Amounts so
credited shall be merged with amounts in such fund
or account and shall be available for the same pur-
poses, and subject to the same conditions and limita-
tions, as amounts in such fund or account.

(e) ADDITIONAL TERM AND CONDITIONS.—The Sec-
retary may require such additional terms and conditions
in connection with the conveyance under subsection (a) as
the Secretary considers appropriate to protect the inter-
est of the United States.
Subtitle F—Other Matters

SEC. 2871. REVISED AUTHORITY TO ESTABLISH NATIONAL MONUMENT TO HONOR UNITED STATES ARMED FORCES WORKING DOG TEAMS.


SEC. 2872. NAMING OF CHILD DEVELOPMENT CENTER AT FORT LEONARD WOOD, MISSOURI, IN HONOR OF MR. S. LEE KLING.

A child development center at Fort Leonard Wood, Missouri, shall be known and designated as the “S. Lee Kling Child Development Center”. Any reference in a law, map, regulation, document, paper, or other record of the United States to such child development center shall be deemed to be a reference to the S. Lee Kling Child Development Center.

SEC. 2873. CONDITIONS ON ESTABLISHMENT OF COOPERATIVE SECURITY LOCATION IN PALANQUERO, COLOMBIA.

(a) Congressional Notification of Agreement.—None of the amounts authorized to be appro-
appropriated by this division or otherwise made available for military construction for fiscal year 2010 may be obligated to commence construction of a Cooperative Security Location at the German Olano Airbase (the Palanquero AB Development Project) in Palanquero, Colombia, until at least 15 days after the date on which the Secretary of Defense certifies to the congressional defense committees that an agreement has been entered into with the Government of Colombia that permits the establishment of the Cooperative Security Location at the German Olano Airbase in a manner that will enable the United States Southern Command to execute its Theater Posture Strategy in cooperation with the Armed Forces of Colombia.

(b) Prohibition on Permanent United States Military Installation.—The agreement referred to in subsection (a) may not provide for or authorize the establishment of a United States military installation or base for the permanent stationing of United States Armed Forces in Colombia.

SEC. 2874. MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.

Section 1806 of the Omnibus Public Land Management Act of 2009 (Public Law 111–11; 123 Stat. 1056;
16 U.S.C. 460vvv) is amended by adding at the end the following new subsection:

“(g) MILITARY ACTIVITIES AT UNITED STATES MARINE CORPS MOUNTAIN WARFARE TRAINING CENTER.—The designation of the Bridgeport Winter Recreation Area by this section is not intended to restrict or preclude the activities conducted by the United States Armed Forces at the United States Marine Corps Mountain Warfare Training Center.”.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2901. Authorized Army construction and land acquisition projects.
Sec. 2902. Authorized Air Force construction and land acquisition projects.
Sec. 2903. Construction authorization for facilities for Office of Defense Representative-Pakistan.

SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE 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 for the installations or locations outside the United States, and in the amounts, set forth in the following table:
Army: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>Airborne</td>
<td>$7,800,000</td>
</tr>
<tr>
<td>Afghanistan</td>
<td>Altimur</td>
<td>$7,750,000</td>
</tr>
<tr>
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<td>Asadabad</td>
<td>$5,500,000</td>
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<tr>
<td>Afghanistan</td>
<td>Bagram Air Base</td>
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<tr>
<td>Afghanistan</td>
<td>Camp Joyce</td>
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<tr>
<td>Afghanistan</td>
<td>Camp Kabul</td>
<td>$137,000,000</td>
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<tr>
<td>Afghanistan</td>
<td>Camp Kandahar</td>
<td>$132,500,000</td>
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<td>Camp Salerno</td>
<td>$50,200,000</td>
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<tr>
<td>Afghanistan</td>
<td>Forward Operating Base Blessing</td>
<td>$5,600,000</td>
</tr>
<tr>
<td>Afghanistan</td>
<td>Forward Operating Base Bostick</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>Afghanistan</td>
<td>Forward Operating Base Dwyer</td>
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<td>Afghanistan</td>
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<td>Afghanistan</td>
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<td>Afghanistan</td>
<td>Frontenac</td>
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<td>Jalalabad Airfield</td>
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<td>Afghanistan</td>
<td>Maywand</td>
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<td>Methar-Lam</td>
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<tr>
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<td>Tombstone/Bastion</td>
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<tr>
<td>Afghanistan</td>
<td>Wolverine</td>
<td>$14,900,000</td>
</tr>
</tbody>
</table>

(b) Authorization of Appropriations.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $930,484,000 as follows:

(1) For military construction projects outside the United States authorized by subsection (a), $834,100,000.

(2) For unspecified minor military construction projects under section 2805 of title 10, United States Code, $20,100,000.
(3) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $76,284,000.

SEC. 2902. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in subsection (b)(1), 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:

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Afghanistan</td>
<td>Bagram Air Base</td>
<td>$29,100,000</td>
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<td>Camp Kandahar</td>
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<td>Forward Operating Base Dwyer</td>
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<td>Forward Operating Base Shank</td>
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<td>$4,900,000</td>
</tr>
<tr>
<td>Provincial Reconstruction Team Tarin Kowt.</td>
<td></td>
<td>$4,900,000</td>
</tr>
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<td>Tombstone/Bastion</td>
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<td>$156,200,000</td>
</tr>
<tr>
<td>Wolverine</td>
<td></td>
<td>$4,900,000</td>
</tr>
</tbody>
</table>

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2009, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $474,500,000, as follows:
(1) For military construction projects outside the United States authorized by subsection (a), $439,500,000.

(2) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $35,000,000.

SEC. 2903. CONSTRUCTION AUTHORIZATION FOR FACILITIES FOR OFFICE OF DEFENSE REPRESENTATIVE-PAKISTAN.

(a) IN GENERAL.—Notwithstanding the definition of military construction in section 2801 of title 10, United States Code, of the amounts authorized to be appropriated by this division for military construction, the Secretary of Defense may use not more than $25,000,000 to plan, design, and construct facilities on the United States Embassy Compound in Islamabad, Pakistan, in support of the Office of the Defense Representative-Pakistan (in this section referred to as the “ODRP”).

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of Defense shall submit to the appropriate congressional committees a report on the number of personnel and activities of the ODRP.
(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A detailed accounting of the number of personnel permanently assigned or on temporary duty in the ODRP.

(B) A description of the mission of those personnel assigned on a temporary or permanent basis to the ODRP.

(C) A projection of space requirements for the ODRP.

(3) FORM.—The report under paragraph (1) may be submitted in a classified form.

(4) APPROPRIATE COMMITTEES.—For the purposes of this subsection, the appropriate congressional committees are the following:

(A) The Committees on Armed Services and Foreign Affairs of the House of Representatives.

(B) The Committees on Armed Services and Foreign Relations of the Senate.

(5) TERMINATION.—The requirement to submit a report under this subsection terminates on the date occurring two years after the date on which the first report is submitted.
DIVISION C—DEPARTMENT OF
ENERGY NATIONAL SECURITY
AUTHORIZATIONS AND
OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF
ENERGY NATIONAL SECURITY
PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.
Sec. 3104. Defense nuclear waste disposal.
Sec. 3105. Energy security and assurance.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Stockpile stewardship program.
Sec. 3112. Stockpile management program.
Sec. 3113. Plan for execution of stockpile stewardship and stockpile management programs.
Sec. 3114. Dual validation of annual weapons assessment and certification.
Sec. 3115. Annual long-term plan for the modernization and refurbishment of the nuclear security complex.

Subtitle C—Reports

Sec. 3121. Comptroller General review of management and operations contract costs for national security laboratories.
Sec. 3122. Plan to ensure capability to monitor, analyze, and evaluate foreign nuclear weapons activities.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-

TION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds
are hereby authorized to be appropriated to the Depart-
ment of Energy for fiscal year 2010 for the activities of
the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $10,479,627,000, to be allocated as follows:

(1) For weapons activities, $6,516,431,000.

(2) For defense nuclear nonproliferation activities, $2,539,309,000.

(3) For naval reactors, $1,003,133,000.

(4) For the Office of the Administrator for Nuclear Security, $420,754,000.

(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 project:


(2) For safeguards and security, the following new plant project:

Project 10–D–701, security improvement project, Y–12 National Security Complex, Oak Ridge, Tennessee, $49,000,000.
(3) For naval reactors, the following new plant projects:

    Project 10–D–903, KAPL security upgrades, Schenectady, New York, $1,500,000.

    Project 10–D–904, Naval Reactors Facility infrastructure upgrades, Naval Reactors Facility, Idaho, $700,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for defense environmental cleanup activities in carrying out programs necessary for national security in the amount of $5,024,491,000.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for other defense activities in carrying out programs necessary for national security in the amount of $872,468,000.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 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 $98,400,000.
SEC. 3105. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2010 for energy security and assurance programs necessary for national security in the amount of $6,188,000.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. STOCKPILE STEWARDSHIP PROGRAM.

(a) IN GENERAL.—Subsection (a) of section 4201 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2521) is amended to read as follows:

“(a) E STABLISHMENT.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall establish a stewardship program to ensure—

“(1) the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification; and

“(2) that the nuclear weapons stockpile is safe, secure, and reliable without the use of underground nuclear weapons testing.”.

(b) ELEMENTS.—Subsection (b) of such section is amended—
(1) in paragraph (1), by inserting “and performance over time” after “detonation”; and

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

“(4) Material support for the use of, and experiments facilitated by, the advanced experimental facilities of the United States, including—

“(A) the National Ignition Facility at Lawrence Livermore National Laboratory;

“(B) the Dual Axis Radiographic Hydrodynamic Test Facility at Los Alamos National Laboratory; and

“(C) the Z Machine at Sandia National Laboratories.

“(5) Material support for the sustainment and modernization of facilities with production and manufacturing capabilities that are necessary to ensure the safety, security, and reliability of the nuclear weapons stockpile, including—

“(A) the Pantex Plant;

“(B) the Y–12 National Security Complex;

“(C) the Kansas City Plant; and

“(D) the Savannah River Site.”.
(c) Prior Authorization of Appropriations for Fiscal Year 1994.—Such section is further amended by striking subsection (c).

SEC. 3112. STOCKPILE MANAGEMENT PROGRAM.

(a) In General.—The Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2501 et seq.) is amended—

(1) by repealing section 4204A (50 U.S.C. 2524a); and

(2) by amending section 4204 (50 U.S.C. 2524) to read as follows:

"SEC. 4204. STOCKPILE MANAGEMENT PROGRAM.

"(a) Program Required.—The Secretary of Energy, acting through the Administrator for Nuclear Security and in consultation with the Secretary of Defense, shall carry out a program, to be known as the stockpile management program, to provide for the effective management of the weapons in the nuclear weapons stockpile (including any weapon proposed to be added to the stockpile). The program shall have the following objectives:

"(1) To increase the reliability, safety, and security of the nuclear weapons stockpile of the United States.

"(2) To further reduce the likelihood of the resumption of underground nuclear weapons testing."
“(3) To achieve reductions in the future size of the nuclear weapons stockpile.

“(4) To reduce the risk of an accidental detonation of an element of the stockpile.

“(5) To reduce the risk of an element of the stockpile being used by a person or entity hostile to the United States, its vital interests, or its allies.

“(b) Program Budget.—For each budget submitted by the President to Congress under section 1105 of title 31, United States Code, the amounts requested for the program shall be clearly identified in the budget justification materials submitted to Congress in support of that budget.

“(c) Program Limitations.—In carrying out the stockpile management program under subsection (a), the Secretary shall ensure that—

“(1) any changes made to the stockpile shall be made to achieve the objectives identified in subsection (a); and

“(2) any such changes made to the stockpile shall—

“(A) remain consistent with basic design parameters by including, to the maximum extent feasible, components that are well understood or are certifiable without the need to re-
sume underground nuclear weapons testing;
and

“(B) use the design, certification, and production expertise resident in the nuclear complex to fulfill current mission requirements of the existing stockpile.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107–314; 50 U.S.C. 2501 note) is amended by striking the items relating to sections 4204 and 4204A and inserting the following new item:

“Sec. 4204. Stockpile management program.”.

SEC. 3113. PLAN FOR EXECUTION OF STOCKPILE STEWARDSHIP AND STOCKPILE MANAGEMENT PROGRAMS.

(a) PLAN.—Section 4203 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2523) is amended to read as follows:

“SEC. 4203. PLAN FOR EXECUTION OF STOCKPILE STEWARDSHIP AND STOCKPILE MANAGEMENT PROGRAMS.

“(a) PLAN REQUIREMENT.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall develop and annually update a plan for maintaining the nuclear weapons stockpile. The plan shall cover, at a minimum, stockpile stewardship, stockpile
management, and program direction and shall be con-
sistent with the programmatic and technical requirements
of the most recent annual Nuclear Weapons Stockpile
Memorandum.

“(b) PLAN ELEMENTS.—The plan and each update
of the plan shall set forth the following:

“(1) The number of warheads (including active
and inactive warheads) for each warhead type in the
nuclear weapons stockpile.

“(2) The current age of each warhead type, and
any plans for stockpile lifetime extensions and modi-
fications or replacement of each warhead type.

“(3) The process by which the Secretary of En-
ergy is assessing the lifetime and requirements for
maintenance of the nuclear and nonnuclear compo-
nents of the warheads (including active and inactive
warheads) in the nuclear weapons stockpile.

“(4) The process used in recertifying the safety,
security, and reliability of each warhead type in the
nuclear weapons stockpile without the use of nuclear
testing.

“(5) Any concerns which would affect the abil-
ity of the Secretary of Energy to recertify the safety,
security, or reliability of warheads in the nuclear
weapons stockpile (including active and inactive warheads).

“(c) ASSESSMENT.—In addition to the elements described under subsection (b), the plan and each update of the plan shall include a joint assessment of the stockpile stewardship program by the heads of the national security laboratories. Each assessment shall set forth the following:

“(1) An identification and description of—

“(A) any key technical challenges to the program; and

“(B) the strategies to address such challenges without the use of nuclear testing.

“(2) A strategy for using the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory to ensure that the nuclear weapons stockpile is safe, secure, and reliable without the use of nuclear testing.

“(3) An assessment of the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory that exist at the time of the plan compared with the science-based tools expected to exist during the period covered by the future-years nuclear security program.
“(4) Clear and specific criteria for judging whether the science-based tools being used by the Department of Energy for determining the safety and reliability of the nuclear weapons stockpile are performing in a manner that will provide an adequate degree of certainty that the stockpile is safe and reliable.

“(5) An assessment of the core scientific and technical competencies required to achieve the objectives of the stockpile stewardship program and other weapons and weapons-related activities of the Department of Energy, including—

“(A) the number of scientists, engineers, and technicians, by discipline, required to maintain such competencies; and

“(B) a description of any shortage of such individuals that exists at the time of the plan compared with any shortage expected to exist during the period covered by the future-years nuclear security program.

“(d) REPORTS TO CONGRESS.—Not later than February 1 of each year, beginning with February 1, 2010, the Secretary of Energy shall submit to the congressional defense committees a report describing the plan required by subsection (a).
“(e) DEFINITIONS.—In this section:

“(1) The term ‘future-years nuclear security program’ means the program required by section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453).

“(2) The term ‘national security laboratory’ has the meaning given such term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

“(3) The term ‘weapons activities’ means each activity within the budget category of weapons activities in the budget of the National Nuclear Security Administration.

“(4) The term ‘weapons–related activities’ means each activity under the Department of Energy that involves nuclear weapons, nuclear weapons technology, or fissile or radioactive materials, including activities related to—

“(A) nuclear non-proliferation;

“(B) nuclear forensics;

“(C) nuclear intelligence;

“(D) nuclear safety; and

“(E) nuclear incident response.”.
(b) Clerical Amendment.—The item relating to section 4203 in the table of contents for such Act is amended to read as follows:

“Sec. 4203. Plan for execution of stockpile stewardship and stockpile management programs.”.

(e) Conforming Repeal.—Section 4202 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2522) is repealed.

SEC. 3114. DUAL VALIDATION OF ANNUAL WEAPONS ASSESSMENT AND CERTIFICATION.

(a) Dual Validation.—

(1) In General.—Section 4205 of the Atomic Energy Defense Act (division D of Public Law 107–314; 50 U.S.C. 2525) is amended—

(A) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively; and

(B) by inserting after subsection (b) the following new subsection (c):

“(c) Dual Validation Teams in Support of Assessments.—In support of the assessments required by subsection (a), the Administrator for Nuclear Security shall establish teams, known as ‘dual validation teams’, to provide Lawrence Livermore National Laboratory and Los Alamos National Laboratory with independent evalua-
tions of the condition of each warhead for which such labor-
atory has lead responsibility. Each such team shall—

“(1) be comprised of weapons experts from the labor-
y that does not have lead responsibility for
fielding the warhead being evaluated;

“(2) have access to all surveillance and under-
ground test data for all stockpile systems for use in
the independent evaluations;

“(3) use all relevant available data to conduct
independent calculations; and

“(4) pursue independent experiments to support
the independent evaluations.”.

(2) PLAN.—Not later than March 1, 2010, the
Administrator for Nuclear Security shall submit to
the congressional defense committees a plan (includ-
ing a schedule) to carry out subsection (e) of section
4205 of such Act, as added by paragraph (1) of this
subsection.

(b) RED TEAM REVIEWS.—Subsection (d)(1) of such
section, as redesignated by subsection (a)(1)(A) of this
section, is amended—

(1) by inserting “both” after “review”; and

(2) by inserting after “that laboratory” the fol-
lowing: “and the independent evaluations conducted
by a dual validation team under subsection (e)”.

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(c) SUMMARY.—Subsection (e)(3) of such section, as redesignated by subsection (a)(1)(A) of this section, is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period and inserting “; and”; and

(3) by adding at the end the following new sub-
paragraph:

“(D) a concise summary of the results of any independent evaluation conducted by a dual validation team under subsection (c).”.

(d) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in paragraph (3)(C) of subsection (e), as re-
designated by subsection (a)(1)(A) of this section, by striking “subsection (c)” and inserting “subsection (d)”;

(2) in paragraph (1)(A) of subsection (f), as re-
designated by subsection (a)(1)(A) of this section, by striking “subsection (d)” and inserting “subsection (e)”;

(3) in subsection (g), as redesignated by sub-
section (a)(1)(A) of this section, by striking “subsection (e)” and inserting “subsection (f)” ; and
(4) in subsection (i), as redesignated by subsection (a)(1)(A) of this section—

(A) in paragraph (1), by striking “subsection (d)” and inserting “subsection (e)”; and

(B) in paragraph (2), by striking “subsection (e)” and inserting “subsection (f)”.

SEC. 3115. ANNUAL LONG-TERM PLAN FOR THE MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.

(a) POLICY.—It is the policy of the United States that sustainment, modernization, and refurbishment of the nuclear security complex is mandatory for maintaining the future viability of the United States nuclear deterrent and a prerequisite for any reductions to the nuclear weapons stockpile of the United States.

(b) GENERAL REQUIREMENT.—Subtitle D of the National Nuclear Security Administration Act (50 U.S.C. 2451 et seq.) is amended by adding at the end the following new section:

“SEC. 3255. BUDGETING FOR MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX: ANNUAL PLAN AND CERTIFICATION.

“(a) Annual Nuclear Security Complex Modernization and Refurbishment Plan and Certification.—The Administrator for Nuclear Security shall
include with the nuclear security budget materials for each fiscal year—

“(1) a plan for the modernization and refurbishment of the nuclear security complex developed in accordance with this section; and

“(2) a certification by the Administrator that both the budget for that fiscal year and the future-years nuclear security program submitted to Congress in relation to such budget under section 3253 provide for funding of the nuclear security complex at a level that is sufficient for the modernization and refurbishment of the nuclear security complex provided for in the plan under paragraph (1) on the schedule provided in the plan.

“(b) Annual Nuclear Security Complex Modernization and Refurbishment Plan.—(1) The annual nuclear security complex modernization and refurbishment plan developed for a fiscal year for purposes of subsection (a)(1) should be designed so that the nuclear security complex provided for under that plan is capable of supporting—

“(A) 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 such plan is submitted with the nuclear security 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 such annual plan should be designed so that the nuclear security complex modernization and refurbishment provided for under that plan is capable of supporting the nuclear security complex recommended in the report of the most recent Quadrennial Defense Review; and

“(B) the nuclear posture of the United States as set forth in the most recent Nuclear Posture Review.

“(2) Each such nuclear security complex modernization and refurbishment plan shall include the following:

“(A) A detailed program with schedule and associated funding for the modernization and refurbishment of the nuclear security complex for the National Nuclear Security Administration over the next 30 fiscal years.
“(B) A description of the necessary modernization and refurbishment measures 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), and the Nuclear Posture Review.

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

“(c) Assessment When Nuclear Security Complex Modernization and Refurbishment Budget Is Insufficient to Meet Applicable Requirements.—If the budget for a fiscal year provides for funding of the modernization and refurbishment of the nuclear security complex at a level that is not sufficient to sustain the requirements specified in the plan for that fiscal year under subsection (a), the Administrator shall include with the nuclear security budget materials for that fiscal year an assessment that describes and discusses the risks and implications associated with the ability of the nuclear security complex to support the annual certification of the nuclear stockpile of the United States and maintain its long-
term safety, security, and reliability. Such assessment
shall be coordinated in advance with the Secretary of De-
fense and the Commander of the United States Strategic
Command.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘nuclear security complex’ means
the physical facilities, technology, and human capital
of—

“(A) the national security laboratories;
“(B) the Pantex Plant;
“(C) the Y–12 National Security Complex;
“(D) the Kansas City Plant;
“(E) the Savannah River Site; and
“(F) the Nevada test site.

“(2) 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 sec-
tion 1105(a) of title 31.

“(3) The term ‘nuclear security budget mate-
rinals’, with respect to a fiscal year, means the mate-
rinals submitted to Congress by the Administrator for
Nuclear Security in support of the budget for that
fiscal year.

“(4) The term ‘Quadrennial Defense Review’
means the review of the defense programs and poli-
cies of the United States that is carried out every four years under section 118 of title 10, United States Code.”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3254 the following new item:

“3255. Budgeting for modernization and refurbishment of the nuclear security complex: annual plan and certification.”.

Subtitle C—Reports

SEC. 3121. COMPTROLLER GENERAL REVIEW OF MANAGEMENT AND OPERATIONS CONTRACT COSTS FOR NATIONAL SECURITY LABORATORIES.

(a) REVIEW REQUIRED.—The Comptroller General shall review the effects of the contracts entered into by the Department of Energy in 2006 and 2007 that provide for the management and operations of the covered national laboratories. The review shall include the following:

(1) A detailed description of the costs related to the transition from the period when the management and operations of the covered national laboratories were performed by the University of California to the period when such management and operations were performed by a covered contractor, including—

(A) a description of any continuing differences in the cost structure of the manage-
ment and operations when performed by the University of California and the cost structure of the management and operations when performed by a covered contractor; and

(B) an assessment of the effect of such cost differences on the resources available to support scientific and technical programs at the covered national laboratories.

(2) A quantitative assessment of the ability of the covered national laboratories to perform other important laboratory functions, including safety, security, and environmental management.

(b) REPORT.—Not later than March 1, 2010, the Comptroller General shall submit to the congressional defense committees a report on the results of the review.

(e) DEFINITIONS.—In this section:

(1) The term “covered contractor” means—

(A) with respect to Los Alamos National Laboratory, Los Alamos National Security, LLC; and

(B) with respect to Lawrence Livermore National Laboratory, Lawrence Livermore National Security, LLC.

(2) The term “covered national laboratories” means—
(A) the Los Alamos National Laboratory;

and

(B) the Lawrence Livermore National Laboratory.

SEC. 3122. PLAN TO ENSURE CAPABILITY TO MONITOR, ANALYZE, AND EVALUATE FOREIGN NUCLEAR WEAPONS ACTIVITIES.

(a) PLAN.—The Secretary of Energy, in consultation with the Director of National Intelligence and the Secretary of Defense, shall prepare a plan to ensure that the national laboratories overseen by the Department of Energy maintain a robust technical capability to monitor, analyze, and evaluate foreign nuclear weapons activities.

(b) REPORT.—Not later than February 28, 2010, the Secretary of Energy shall submit a report to the appropriate committees of Congress describing the plan required under subsection (a) and the resources necessary to implement the plan. The report shall be in unclassified form, but may include a classified annex.

(c) APPROPRIATE COMMITTEES.—For purposes of this section, the appropriate committees of Congress are the following:

(1) the Committee on Armed Services, the Committee on Appropriations, and the Permanent
Select Committee on Intelligence of the House of Representatives; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

Sec. 3201. Authorization.

**SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 2010, $26,086,000 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.).

**TITLE XXXIV—NAVAL PETROLEUM RESERVES**

Sec. 3401. Authorization of appropriations.

**SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

(a) Amount.—There are hereby authorized to be appropriated to the Secretary of Energy $23,627,000 for fiscal year 2010 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.
(b) Period of Availability.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3502. Liquidation of unused leave balance at the United States Merchant Marine Academy.
Sec. 3503. Adjunct professors.
Sec. 3504. Maritime loan guarantee program.
Sec. 3505. Defense measures against unauthorized seizures of Maritime Security Fleet vessels.
Sec. 3506. Technical corrections to State maritime academies student incentive program.
Sec. 3507. Limitation on disposal of interest in certain vessels.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2010.

Funds are hereby authorized to be appropriated for fiscal year 2010, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for the Maritime Administration as follows:

(1) For expenses necessary for operations and training activities, $152,900,000, of which—

(A) $15,391,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy;

(B) $11,240,000 shall remain available until expended for maintenance and repair of
training ships of the State Maritime Academies; and

(C) $53,208,000 shall be available for operations at the United States Merchant Marine Academy.

(2) For expenses to maintain a preserve a United States-flag merchant fleet to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $174,000,000.

(3) For expenses to dispose of obsolete vessels in the National Defense Reserve Fleet, $15,000,000.

(4) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $60,000,000.

SEC. 3502. LIQUIDATION OF UNUSED LEAVE BALANCE AT THE UNITED STATES MERCHAND MARINE ACADEMY.

The Maritime Administrator may, subject to the availability of appropriations, make a lump-sum payment for the accumulated balance of unused leave to any former employee of a United States Merchant Marine Academy nonappropriated fund instrumentality who was terminated
from such employment in 2009 or whose position as such
an employee was converted to the Civil Service in 2009
under authority granted by section 3506 of the Duncan
Hunter National Defense Authorization Act for fiscal year

SEC. 3503. ADJUNCT PROFESSORS.

Section 3506 of the Duncan Hunter National De-
fense Authorization Act for Fiscal Year 2009 (Public Law
110–417; 122 Stat. 4356) is amended—

(1) in subsection (a), by striking “temporary”;

(2) in subsection (b), by inserting “and” after
the semicolon at the end of paragraph (1), by strik-
ing “; and” at the end of paragraph (2) and insert-
ing a period, and by striking paragraph (3); and

(3) by striking subsection (d) and inserting the
following:

“(d) REPORTING REQUIREMENTS.—When the au-
 thority granted by subsection (a) is used to hire an ad-
junct professor at the Academy, the Administrator shall
notify the Committee on Armed Services of the House of
Representatives and the Committee on Commerce,
Science, and Transportation of the Senate, including the
need for and the term of employment of the adjunct pro-
fessor.”.
SEC. 3504. MARITIME LOAN GUARANTEE PROGRAM.

The Congress finds that—

(1) it is in the national security interest of the United States to foster commercial shipbuilding in the United States;

(2) the maritime loan guarantee program authorized by chapter 537 or title 46, United States Code, has a long and successful history of facilitating construction of commercial vessels in domestic shipyards;

(3) the Maritime Loan Guarantee Program strengthens our Nation’s industrial base allowing domestic shipyards and their allied service and supply industries to more effectively produce commercial vessels that enhance the commercial sealift capability of the Department of Defense; and

(4) a revitalized and effective Maritime Loan Guarantee Program would result in construction of a more modern and more numerous fleet of commercial vessels manned by United States citizens, thereby providing a pool of trained United States citizen mariners available to assist the Department of Defense in times of war or national emergency.
SEC. 3505. DEFENSE MEASURES AGAINST UNAUTHORIZED SEIZURES OF MARITIME SECURITY FLEET VESSELS.

Section 53107(b) of title 46, United States Code, is amended by adding at the end the following new paragraph:

“(3) DEFENSE MEASURES AGAINST UNAUTHORIZED SEIZURES.—(A) The Emergency Preparedness Agreement for any operating agreement that first takes effect or is renewed after the date of enactment of the National Defense Authorization Act for Fiscal Year 2010 shall require that any vessel operating under the agreement in hazardous carriage shall be equipped with appropriate non-lethal defense measures to protect the vessel, crew, and cargo from unauthorized seizure at sea.

“(B) In this paragraph the term ‘hazardous carriage’ means the carriage of cargo for the Department of Defense in an area that is designated by the Coast Guard or the International Maritime Bureau of the International Chamber Of Commerce as an area of high risk of piracy.”.

SEC. 3506. DEFENSE OF VESSELS AND CARGOS AGAINST PIRACY.

(a) FINDINGS.—Congress finds the following:
(1) Protecting cargoes owned by the United States Government and transported on United States-flag vessels through an area designated by the Coast Guard or the International Maritime Bureau of the International Chamber of Commerce as an area of high risk of piracy is in our national interest.

(2) Protecting United States-citizen mariners employed on United States-flag vessels transiting an area designated by the Coast Guard or the International Maritime Bureau of the international Chamber of Commerce as an area of high risk of piracy is in our national interest.

(3) Weapons and supplies that may be used to support military operations should not fall into the hands of pirates.

(b) EMBARKATION OF MILITARY PERSONNEL.—The Secretary of Defense shall embark military personnel on board a United States-flag vessel carrying Government-impelled cargoes if the vessel is—

(1) operating in an area designated by the Coast Guard or the International Maritime Bureau of the International Chamber of Commerce as an area of high risk of piracy; and
(2) determined by the Coast Guard to be at risk of being boarded by pirates.

(c) LIMITATION ON APPLICATION.—This section shall not apply with respect to an area referred to in subsection (b)(1) on the earlier of—

(1) September 30, 2011; or

(2) the date on which the Secretary of Defense notifies the Congress that the Secretary believes that there is not a credible threat to United States-flag vessels carrying Government-impelled cargoes operating in such area.

SEC. 3507. TECHNICAL CORRECTIONS TO STATE MARITIME ACADEMIES STUDENT INCENTIVE PROGRAM.

(a) INSTALLMENT PAYMENTS.—Section 51509(b) of title 46, United States Code, is amended—

(1) by striking “and be paid before the start of each academic year, as prescribed by the Secretary,” and inserting “and be paid in such installments as the Secretary shall determine”;

(2) by striking “academy.” and inserting “academy, as prescribed by the Secretary.”.

(b) REPEAL OF REDUNDANT SECTION.—Section 177 of division I of Public Law 111–8 (123 Stat. 945; relating to amendments previously enacted by section 3503 of divi-
cision C of Public Law 110–417 (122 Stat. 4762)) is re-
pealed and shall have no force or effect.

SEC. 3508. LIMITATION ON DISPOSAL OF INTEREST IN CER-
TAIN VESSELS.

(a) LIMITATION.—If the United States acquires any
financial interest in a covered vessel as a consequence of
a default on a loan guaranteed for the vessel under chap-
ter 537 of title 46, United States Code, no action to dis-
pose of the financial interest may be taken by the Mari-
time Administrator until 180 days after the date the Mari-
time Administrator notifies the Secretary of the Navy that
the United States has such financial interest.

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

(1) the vessel HUAKAI (United States official
number 1215902); and

(2) the vessel ALAKAI (United States official
number 1182234).

DIVISION D—DISABLED MILI-
TARY RETIREE RELIEF ACT
OF 2009

SEC. 1. SHORT TITLE.

This division may be cited as the “Disabled Military
Retiree Relief Act of 2009”.

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1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents for this division is as follows:

DIVISION D—DISABLED MILITARY RETIREE RELIEF ACT OF 2009

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—COMPENSATION AND BENEFITS FOR MEMBERS OF THE ARMED FORCES AND MILITARY RETIREES

Subtitle A—Bonuses and Special and Incentive Pays

Sec. 101. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 102. One-year extension of certain bonus and special pay authorities for health care professionals.
Sec. 103. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 104. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
Sec. 105. One-year extension of authorities relating to payment of other title 37 bonuses and special pay.
Sec. 106. One-year extension of authorities relating to payment of referral bonuses.
Sec. 107. Technical corrections and conforming amendments to reconcile conflicting amendments regarding continued payment of bonuses and similar benefits for certain members.

Subtitle B—Retired Pay Benefits

Sec. 111. Recomputation of retired pay and adjustment of retired grade of Reserve retirees to reflect service after retirement.
Sec. 112. Election to receive retired pay for non-regular service upon retirement for service in an active reserve status performed after attaining eligibility for regular retirement.

Subtitle C—Concurrent Receipt of Military Retired Pay and Veterans’ Disability Compensation

Sec. 121. One-year expansion of eligibility for concurrent receipt of military retired pay and veterans’ disability compensation to include all chapter 61 disability retirees regardless of disability rating percentage or years of service.

TITLE II—FEDERAL EMPLOYEE BENEFITS

Subtitle A—General Provisions

Sec. 201. Credit for unused sick leave.
Sec. 202. Limited expansion of the class of individuals eligible to receive an actuarially reduced annuity under the civil service retirement system.
Sec. 203. Computation of certain annuities based on part-time service.
Sec. 204. Authority to deposit refunds under FERS.
Sec. 205. Retirement credit for service of certain employees transferred from District of Columbia service to Federal service.
Subtitle B—Non-Foreign Area Retirement Equity Assurance

Sec. 211. Short title.
Sec. 212. Extension of Locality Pay.
Sec. 213. Adjustment of special rates.
Sec. 214. Transition schedule for locality-based comparability payments.
Sec. 215. Savings provision.
Sec. 216. Application to other eligible employees.
Sec. 217. Election of additional basic pay for annuity computation by employees.
Sec. 218. Regulations.
Sec. 219. Effective dates.

TITLE III—DEEPWATER OIL AND GAS RESEARCH AND DEVELOPMENT FUNDING SOURCE REPEAL

Sec. 301. Repeal.

1 TITLE I—COMPENSATION AND BENEFITS FOR MEMBERS OF THE ARMED FORCES AND MILITARY RETIREES

Subtitle A—Bonuses and Special and Incentive Pays

SEC. 101. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

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

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.
(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

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

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

(7) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 102. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

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

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.
(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:

(1) Section 302c-1(f), relating to accession and retention bonuses for psychologists.

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

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

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

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

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

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.
(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 103. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

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

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

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

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

SEC. 104. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

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

(1) Section 331(h), relating to general bonus authority for enlisted members.
(2) Section 332(g), relating to general bonus authority for officers.

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

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

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

(6) Section 351(i), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

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

(9) Section 355(i), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 105. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAY.

The following sections of chapter 5 of title 37, United States Code, are amended by striking “December 31, 2009” and inserting “December 31, 2010”:
(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

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

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

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

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

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

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

SEC. 106. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF REFERRAL BONUSES.

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

(1) Section 1030(i), relating to health professions referral bonus.
(2) Section 3252(h), relating to Army referral bonus.

SEC. 107. TECHNICAL CORRECTIONS AND CONFORMING AMENDMENTS TO RECONCILE CONFLICTING AMENDMENTS REGARDING CONTINUED PAYMENT OF BONUSES AND SIMILAR BENEFITS FOR CERTAIN MEMBERS.

(a) TECHNICAL CORRECTIONS TO RECONCILE CONFLICTING AMENDMENTS.—Section 303a(e) of title 37, United States Code, is amended—

(1) in paragraph (1)(A), by striking “paragraph (2)” and inserting “paragraphs (2) and (3)”;  
(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;  
(3) in paragraph (5), as so redesignated, by striking “paragraph (3)(B)” and inserting “paragraph (4)(B)”;

(4) by redesignating paragraph (2), as added by section 651(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4495), as paragraph (3); and  
(5) by redesignating the second subparagraph (B) of paragraph (1), originally added as paragraph (2) by section 2(a)(3) of the Hubbard Act (Public Law 110–417; 122 Stat. 4495), as paragraph (3); and
Law 110–317; 122 Stat. 3526) and erroneously des-
ignated as subparagraph (B) by section 651(a)(3) of
the Duncan Hunter National Defense Authorization
Act for Fiscal Year 2009 (Public Law 110–417; 122
Stat. 4495), as paragraph (2).

(b) INCLUSION OF HUBBARD ACT AMENDMENT IN
CONсолIDATED SPECIAL PAY AND Bonus AUTHORI-
TIES.—Section 373(b) of such title is amended—

(1) in paragraph (2), by striking the paragraph
heading and inserting “SPECIAL RULE FOR DE-
CEASED AND DISABLED MEMBERS.—”; and

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

“(3) SPECIAL RULE FOR MEMBERS WHO RE-
CEIVE SOLE SURVIVORSHIP DISCHARGE.—(A) If a
member of the uniformed services receives a sole
survivorship discharge, the Secretary concerned—

“(i) shall not require repayment by the
member of the unearned portion of any bonus,
incentive pay, or similar benefit previously paid
to the member; and

“(ii) may grant an exception to the re-
quirement to terminate the payment of any un-
paid amounts of a bonus, incentive pay, or simi-
lar benefit if the Secretary concerned deter-
mines that termination of the payment of the unpaid amounts would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

“(B) In this paragraph, the term ‘sole survivorship discharge’ means the separation of a member from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early separation of a member who is the only surviving child in a family in which—

“(i) the father or mother or one or more siblings—

“(I) served in the Armed Forces; and

“(II) was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

“(ii) the death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not in-
occurred during a period of unauthorized absence.”.

Subtitle B—Retired Pay Benefits

SEC. 111. RECOMPUTATION OF RETIRED PAY AND ADJUSTMENT OF RETIRED GRADE OF RESERVE RETIREES TO REFLECT SERVICE AFTER RETIREMENT.

(a) Recomputation of Retired Pay.—Section 12739 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) If a member of the Retired Reserve is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to the recomputation under this section of the retired pay of the member.

“(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

“(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;

“(B) completes at least 6 months of service in such position; and
“(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.”.

(b) ADJUSTMENT OF RETIRED GRADE.—Section 12771 of such title is amended—

(1) by striking “Unless” and inserting “(a) GRADE ON TRANSFER.—Unless”; and

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

“(b) EFFECT OF SUBSEQUENT RECALL TO ACTIVE STATUS.—(1) If a member of the Retired Reserve who is a commissioned officer is recalled to an active status in the Selected Reserve of the Ready Reserve under section 10145(d) of this title and completes not less than two years of service in such active status, the member is entitled to an adjustment in the retired grade of the member in the manner provided in section 1370(d) of this title.

“(2) The Secretary concerned may reduce the two-year service requirement specified in paragraph (1) in the case of a member who—

“(A) is recalled to serve in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general;
“(B) completes at least 6 months of service in such position; and

“(C) fails to complete the minimum two years of service solely because the appointment of the member to such position is terminated or vacated as described in section 324(b) of title 32.”.

(c) Retroactive Applicability.—The amendments made by this section shall take effect as of January 1, 2008.

SEC. 112. ELECTION TO RECEIVE RETIRED PAY FOR NON-REGULAR SERVICE UPON RETIREMENT FOR SERVICE IN AN ACTIVE RESERVE STATUS PERFORMED AFTER ATTAINING ELIGIBILITY FOR REGULAR RETIREMENT.

(a) Election Authority; Requirements.—Subsection (a) of section 12741 of title 10, United States Code, is amended to read as follows:

“(a) Authority to Elect to Receive Reserve Retired Pay.—(1) Notwithstanding the requirement in paragraph (4) of section 12731(a) of this title that a person may not receive retired pay under this chapter when the person is entitled, under any other provision of law, to retired pay or retainer pay, a person may elect to receive retired pay under this chapter, instead of receiving
retired or retainer pay under chapter 65, 367, 571, or 867 of this title, if the person—

“(A) satisfies the requirements specified in paragraphs (1) and (2) of such section for entitlement to retired pay under this chapter;

“(B) served in an active status in the Selected Reserve of the Ready Reserve after becoming eligible for retirement under chapter 65, 367, 571, or 867 of this title (without regard to whether the person actually retired or received retired or retainer pay under one of those chapters); and

“(C) completed not less than two years of satisfactory service (as determined by the Secretary concerned) in such active status (excluding any period of active service).

“(2) The Secretary concerned may reduce the minimum two-year service requirement specified in paragraph (1)(C) in the case of a person who—

“(A) completed at least 6 months of service in a position of adjutant general required under section 314 of title 32 or in a position of assistant adjutant general subordinate to such a position of adjutant general; and

“(B) failed to complete the minimum years of service solely because the appointment of the person
to such position was terminated or vacated as de-
dscribed in section 324(b) of title 32.”.

(b) ACTIONS TO EFFECTUATE ELECTION.—Sub-
section (b) of such section is amended by striking para-
graph (1) and inserting the following new paragraph:

“(1) terminate the eligibility of the person to
retire under chapter 65, 367, 571, or 867 of this
title, if the person is not already retired under one
of those chapters, and terminate entitlement of the
person to retired or retainer pay under one of those
chapters, if the person was already receiving retired
or retainer pay under one of those chapters; and”.

(c) CONFORMING AMENDMENT TO REFLECT NEW
VARIABLE AGE REQUIREMENT FOR RETIREMENT.—Sub-
section (d) of such section is amended—

(1) in paragraph (1), by striking “attains 60
years of age” and inserting “attains the eligibility
age applicable to the person under section 12731(f)
of this title”; and

(2) in paragraph (2)(A), by striking “attains 60
years of age” and inserting “attains the eligibility
age applicable to the person under such section”.

(d) CLERICAL AMENDMENTS.—
(1) Section heading.—The heading for section 12741 of such title is amended to read as follows:

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§ 12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.
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(2) Table of sections.—The table of sections at the beginning of chapter 1223 of such title is amended by striking the item relating to section 12741 and inserting the following new item:

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12741. Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement.
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(e) Retroactive applicability.—The amendments made by this section shall take effect as of January 1, 2008.
Subtitle C—Concurrent Receipt of Military Retired Pay and Veterans’ Disability Compensation

SEC. 121. ONE-YEAR EXPANSION OF ELIGIBILITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AND VETERANS’ DISABILITY COMPENSATION TO INCLUDE ALL CHAPTER 61 DISABILITY RETIREES REGARDLESS OF DISABILITY RATING PERCENTAGE OR YEARS OF SERVICE.

(a) Phased Expansion Concurrent Receipt.—Subsection (a) of section 1414 of title 10, United States Code, is amended to read as follows:

“(a) Payment of Both Retired Pay and Disability Compensation.—

“(1) Payment of both required.—

“(A) In general.—Subject to subsection (b), a member or former member of the uniformed services who is entitled for any month to retired pay and who is also entitled for that month to veterans’ disability compensation for a qualifying service-connected disability (in this section referred to as a ‘qualified retiree’) is entitled to be paid both for that month without regard to sections 5304 and 5305 of title 38.
“(B) Applicability of full concurrent receipt phase-in requirement.—During the period beginning on January 1, 2004, and ending on December 31, 2013, payment of retired pay to a qualified retiree is subject to subsection (c).

“(C) Phase-in exception for 100 percent disabled retirees.—The payment of retired pay is subject to subsection (c) only during the period beginning on January 1, 2004, and ending on December 31, 2004, in the case of the following qualified retirees:

“(i) A qualified retiree receiving veterans’ disability compensation for a disability rated as 100 percent.

“(ii) A qualified retiree receiving veterans’ disability compensation at the rate payable for a 100 percent disability by reason of a determination of individual unemployability.

“(D) Temporary phase-in exception for certain Chapter 61 disability retirees; termination.—Subject to subsection (b), during the period beginning on January 1, 2010, and ending on September 30, 2010, sub-
section (c) shall not apply to a qualified retiree described in subparagraph (B) or (C) of paragraph (2).

“(2) Qualifying service-connected disability defined.—In this section, the term ‘qualifying service-connected disability’ means the following:

“(A) In the case of a member or former member receiving retired pay under any provision of law other than chapter 61 of this title, or under chapter 61 with 20 years or more of service otherwise creditable under section 1405 or computed under section 12732 of this title, a service-connected disability or combination of service-connected disabilities that is rated as not less than 50 percent disabling by the Secretary of Veterans Affairs.

“(B) In the case of a member or former member receiving retired pay under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 or computed under section 12732 of this title, a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling
level specified in one of the following clauses
(and, subject to paragraph (3), is effective on
or after the date specified in the applicable clause):

“(i) January 1, 2010, rated 100 percent, or a rate payable at 100 percent by reason of individual unemployability or rated 90 percent.

“(ii) January 1, 2011, rated 80 percent or 70 percent.

“(iii) January 1, 2012, rated 60 percent or 50 percent.

“(C) In the case of a member or former member receiving retired pay under chapter 61 regardless of years of service, a service-connected disability or combination of service-connected disabilities that is rated by the Secretary of Veterans Affairs at the disabling level specified in one of the following clauses (and, subject to paragraph (3), is effective on or after the date specified in the applicable clause):

“(i) January 1, 2013, rated 40 percent or 30 percent.

“(3) Limited duration.—Notwithstanding the effective date specified in each clause of subparagraphs (B) and (C) of paragraph (2), the clause shall apply only if the termination date specified in subparagraph (D) of paragraph (1) occurs during or after the calendar year specified in the clause, except that, eligibility may not extend beyond the termination date.”.

(b) Conforming Amendment to Special Rules for Chapter 61 Disability Retirees.—Subsection (b) of such section is amended to read as follows:

“(b) Special Rules for Chapter 61 Disability Retirees When Eligibility Has Been Established for Such Retirees.—

“(1) General reduction rule.—The retired pay of a member retired under chapter 61 of this title is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the members retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member’s service in the uniformed services if the member had not been retired under chapter 61 of this title.
“(2) Retirees with fewer than 20 years of service.—

“(A) Before termination date.—If a member with a qualifying service-connected disability (as defined in subsection (a)(2)) is retired under chapter 61 of this title with fewer than 20 years of creditable service otherwise creditable under section 1405 or computed under section 12732 of this title, and the termination date specified in subsection (a)(1)(D) has not occurred, the retired pay of the member is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member’s retired pay under chapter 61 of this title exceeds the amount equal to 2½ percent of the member’s years of creditable service multiplied by the member’s retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.

“(B) After termination date.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title, or with less than 20
years of service computed under section 12732 of this title, at the time of the retirement of the member if the termination date in paragraph (1)(D) of such subsection has occurred.”.

(c) CONFORMING AMENDMENT TO FULL CONCURRENT RECEIPT PHASE-IN.—Subsection (c) of such section is amended by striking “the second sentence of”.

(d) CLERICAL AMENDMENTS.—

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

“§ 1414. Concurrent receipt of retired pay and veterans’ disability compensation”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 71 of such title is amended by striking the item related to section 1414 and inserting the following new item:

“1414. Concurrent receipt of retired pay and veterans’ disability compensation.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2010.

TITLE II—FEDERAL EMPLOYEE BENEFITS

Subtitle A—General Provisions

SEC. 201. CREDIT FOR UNUSED SICK LEAVE.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—
(1) by redesignating the second subsection (k) and subsection (l) as subsections (l) and (m), respectively; and

(2) in subsection (l) (as so redesignated by paragraph (1))—

(A) by striking “(l) In computing” and inserting “(l)(1) In computing”; and

(B) by adding at the end the following:

“(2) Except as provided in paragraph (1), in computing an annuity under this subchapter, the total service of an employee who retires on an immediate annuity or who dies leaving a survivor or survivors entitled to annuity includes the days of unused sick leave to his credit under a formal leave system and for which days the employee has not received payment, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter. For purposes of this subsection, in the case of any such employee who is excepted from subchapter I of chapter 63 under section 6301(2)(x) through (xiii), the days of unused sick leave standing to his credit when he was excepted from such subchapter.”.

(b) EXCEPTION FROM DEPOSIT REQUIREMENT.—Section 8422(d)(2) of title 5, United States Code, is
amended by striking “section 8415(k)” and inserting “paragraph (1) or (2) of section 8415(l)”.

(c) Effectiv e Date.—The amendments made by this section shall apply with respect to annuities computed based on separations occurring on or after the date of enactment of this Act.

SEC. 202. LIMITED EXPANSION OF THE CLASS OF INDIVIDUALS ELIGIBLE TO RECEIVE AN ACTUARILY REDUCED ANNUITY UNDER THE CIVIL SERVICE RETIREMENT SYSTEM.

(a) In General.—Section 8334(d)(2)(A)(i) of title 5, United States Code, is amended by striking “October 1, 1990” each place it appears and inserting “March 1, 1991”.

(b) Applicability.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 203. COMPUTATION OF CERTAIN ANNUITIES BASED ON PART-TIME SERVICE.

(a) In General.—Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

“(3) In the administration of paragraph (1)—
“(A) subparagraph (A) of such paragraph shall apply with respect to service performed before, on, or after April 7, 1986; and

“(B) subparagraph (B) of such paragraph—

“(i) shall apply with respect to that portion of any annuity which is attributable to service performed on or after April 7, 1986; and

“(ii) shall not apply with respect to that portion of any annuity which is attributable to service performed before April 7, 1986.”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective with respect to any annuity, entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

SEC. 204. AUTHORITY TO DEPOSIT REFUNDS UNDER FERS.

(a) DEPOSIT AUTHORITY.—Section 8422 of title 5, United States Code, is amended by adding at the end the following:

“(i)(1) Each employee or Member who has received a refund of retirement deductions under this or any other retirement system established for employees of the Government covering service for which such employee or Member may be allowed credit under this chapter may deposit the amount received, with interest. Credit may not be al-
lowed for the service covered by the refund until the de-
posit is made.

“(2) Interest under this subsection shall be computed in accordance with paragraphs (2) and (3) of section 8334(e) and regulations prescribed by the Office. The op-
tion under the third sentence of section 8334(e)(2) to make a deposit in one or more installments shall apply to deposits under this subsection.

“(3) For the purpose of survivor annuities, deposits authorized by this subsection may also be made by a sur-
vivor of an employee or Member.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) DEFINITIONAL AMENDMENT.—Section 8401(19)(C) of title 5, United States Code, is amended by striking “8411(f);” and inserting “8411(f) or 8422(i);”.

(2) CREDITING OF DEPOSITS.—Section 8422(c) of title 5, United States Code, is amended by adding at the end the following: “Deposits made by an em-
ployee, Member, or survivor also shall be credited to the Fund.”.

(3) SECTION HEADING.—(A) The heading for section 8422 of title 5, United States Code, is amended to read as follows:
“§ 8422. Deductions from pay; contributions for other service; deposits”.

(B) The analysis for chapter 84 of title 5, United States Code, is amended by striking the item relating to section 8422 and inserting the following: “8422. Deductions from pay; contributions for other service; deposits.”.

(4) Restoration of Annuity Rights.—The last sentence of section 8424(a) of title 5, United States Code, is amended by striking “based.” and inserting “based, until the employee or Member is reemployed in the service subject to this chapter.”.

SEC. 205. RETIREMENT CREDIT FOR SERVICE OF CERTAIN EMPLOYEES TRANSFERRED FROM DISTRICT OF COLUMBIA SERVICE TO FEDERAL SERVICE.

(a) Retirement Credit.—

(1) In General.—Any individual who is treated as an employee of the Federal Government for purposes of chapter 83 or chapter 84 of title 5, United States Code, on or after the date of enactment of this Act who performed qualifying District of Columbia service shall be entitled to have such service included in calculating the individual’s creditable service under section 8332 or 8411 of title 5, United States Code, but only for purposes of the following provisions of such title:
(A) Sections 8333 and 8410 (relating to eligibility for annuity).

(B) Sections 8336 (other than subsections (d), (h), and (p) thereof) and 8412 (relating to immediate retirement).

(C) Sections 8338 and 8413 (relating to deferred retirement).

(D) Sections 8336(d), 8336(h), 8336(p), and 8414 (relating to early retirement).

(E) Section 8341 and subchapter IV of chapter 84 (relating to survivor annuities).

(F) Section 8337 and subchapter V of chapter 84 (relating to disability benefits).

(2) Treatment of detention officer service as law enforcement officer service.—Any portion of an individual’s qualifying District of Columbia service which consisted of service as a detention officer under section 2604(2) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1–626.04(2), D.C. Official Code) shall be treated as service as a law enforcement officer under sections 8331(20) or 8401(17) of title 5, United States Code, for purposes of applying paragraph (1) with respect to the individual.
(3) Service not included in computing amount of any annuity.—Qualifying District of Columbia service shall not be taken into account for purposes of computing the amount of any benefit payable out of the Civil Service Retirement and Disability Fund.

(b) Qualifying District of Columbia Service Defined.—In this section, “qualifying District of Columbia service” means any of the following:

(1) Service performed by an individual as a nonjudicial employee of the District of Columbia courts—

(A) which was performed prior to the effective date of the amendments made by section 11246(b) of the Balanced Budget Act of 1997; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(2) Service performed by an individual as an employee of an entity of the District of Columbia government whose functions were transferred to the Pretrial Services, Parole, Adult Supervision, and Of-
feder Supervision Trustee under section 11232 of
the Balanced Budget Act of 1997—

(A) which was performed prior to the ef-
fective date of the individual’s coverage as an
employee of the Federal Government under sec-
tion 11232(f) of such Act; and

(B) for which the individual did not ever
receive credit under the provisions of sub-
chapter III of chapter 83 or chapter 84 of title
5, United States Code (other than by virtue of
section 8331(1)(iv) of such title).

(3) Service performed by an individual as an
employee of the District of Columbia Public De-
defender Service—

(A) which was performed prior to the ef-
fective date of the amendments made by section
7(e) of the District of Columbia Courts and
Justice Technical Corrections Act of 1998; and

(B) for which the individual did not ever
receive credit under the provisions of sub-
chapter III of chapter 83 or chapter 84 of title
5, United States Code (other than by virtue of
section 8331(1)(iv) of such title).

(4) In the case of an individual who was an em-
ployee of the District of Columbia Department of
Corrections who was separated from service as a result of the closing of the Lorton Correctional Complex and who was appointed to a position with the Bureau of Prisons, the District of Columbia courts, the Pretrial Services, Parole, Adult Supervision, and Offender Supervision Trustee, the United States Parole Commission, or the District of Columbia Public Defender Service, service performed by the individual as an employee of the District of Columbia Department of Corrections—

(A) which was performed prior to the effective date of the individual's coverage as an employee of the Federal Government; and

(B) for which the individual did not ever receive credit under the provisions of subchapter III of chapter 83 or chapter 84 of title 5, United States Code (other than by virtue of section 8331(1)(iv) of such title).

(c) CERTIFICATION OF SERVICE.—The Office of Personnel Management shall accept the certification of the appropriate personnel official of the government of the District of Columbia or other independent employing entity concerning whether an individual performed qualifying District of Columbia service and the length of the period of such service the individual performed.
Subtitle B—Non-Foreign Area
Retirement Equity Assurance

SEC. 211. SHORT TITLE.
This subtitle may be cited as the “Non-Foreign Area Retirement Equity Assurance Act of 2009” or the “Non-Foreign AREA Act of 2009”.

SEC. 212. EXTENSION OF LOCALITY PAY.
(a) LOCALITY-BASED COMPARABILITY PAYMENTS.—
Section 5304 of title 5, United States Code, is amended—
(1) in subsection (f)(1), by striking subparagraph (A) and inserting the following:
“(A) each General Schedule position in the United States, as defined under section 5921(4), and its territories and possessions, including the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands, shall be included within a pay locality;”;
(2) in subsection (g)—
(A) in paragraph (2)—
(i) in subparagraph (A), by striking “and” after the semicolon;
(ii) in subparagraph (B) by striking the period and inserting “; and”; and
(iii) by adding after subparagraph (B) the following:
“(C) positions under subsection (h)(1)(C) not covered by appraisal systems certified under section 5382; and’’; and

(B) by adding at the end the following:

“(3) The applicable maximum under this subsection shall be level II of the Executive Schedule for positions under subsection (h)(1)(C) covered by appraisal systems certified under section 5307(d).”; and

(3) in subsection (h)(1)—

(A) in subparagraph (B) by striking “and” after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

“(C) a Senior Executive Service position under section 3132 or 3151 or a senior level position under section 5376 stationed within the United States, but outside the 48 contiguous States and the District of Columbia in which the incumbent was an individual who on the day before the date of enactment of the Non-
Foreign Area Retirement Equity Assurance Act
of 2009 was eligible to receive a cost-of-living allowance under section 5941; and’’;

(D) in clause (iv) in the matter following subparagraph (D), by inserting ‘‘, except for members covered by subparagraph (C)” before the semicolon; and

(E) in clause (v) in the matter following subparagraph (D), by inserting ‘‘, except for members covered by subparagraph (C)” before the semicolon.

(b) ALLOWANCES BASED ON LIVING COSTS AND CONDITIONS OF ENVIRONMENT.—Section 5941 of title 5, United States Code, is amended—

(1) in subsection (a), by adding after the last sentence ‘‘Notwithstanding any preceding provision of this subsection, the cost-of-living allowance rate based on paragraph (1) shall be the cost-of-living allow- lance rate in effect on the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009, except as adjusted under subsection (c).’’;

(2) by redesignating subsection (b) as subsection (d); and

(3) by inserting after subsection (a) the fol- lowing:
“(b) This section shall apply only to areas that are designated as cost-of-living allowance areas as in effect on December 31, 2009.

“(c)(1) The cost-of-living allowance rate payable under this section shall be adjusted on the first day of the first applicable pay period beginning on or after—

“(A) January 1, 2010; and

“(B) January 1 of each calendar year in which a locality-based comparability adjustment takes effect under section 214 (2) and (3) of the Non-Foreign Area Retirement Equity Assurance Act of 2009.

“(2)(A) In this paragraph, the term ‘applicable locality-based comparability pay percentage’ means, with respect to calendar year 2010 and each calendar year thereafter, the applicable percentage under section 214 (1), (2), or (3) of Non-Foreign Area Retirement Equity Assurance Act of 2009.

“(B) Each adjusted cost-of-living allowance rate under paragraph (1) shall be computed by—

“(i) subtracting 65 percent of the applicable locality-based comparability pay percentage from the cost-of-living allowance percentage rate in effect on December 31, 2009; and
“(ii) dividing the resulting percentage determined under clause (i) by the sum of—

“(I) one; and

“(II) the applicable locality-based comparability payment percentage expressed as a numeral.

“(3) No allowance rate computed under paragraph (2) may be less than zero.

“(4) Each allowance rate computed under paragraph (2) shall be paid as a percentage of basic pay (including any applicable locality-based comparability payment under section 5304 or similar provision of law and any applicable special rate of pay under section 5305 or similar provision of law).”.

SEC. 213. ADJUSTMENT OF SPECIAL RATES.

(a) In General.—Each special rate of pay established under section 5305 of title 5, United States Code, and payable in an area designated as a cost-of-living allowance area under section 5941(a) of that title, shall be adjusted, on the dates prescribed by section 214 of this subtitle, in accordance with regulations prescribed by the Director of the Office of Personnel Management under section 218 of this subtitle.

(b) Agencies With Statutory Authority.—
(1) IN GENERAL.—Each special rate of pay es-
established under an authority described under para-
graph (2) and payable in a location designated as a
cost-of-living allowance area under section
5941(a)(1) of title 5, United States Code, shall be
adjusted in accordance with regulations prescribed
by the applicable head of the agency that are con-
sistent with the regulations issued by the Director of
the Office of Personnel Management under sub-
section (a).

(2) STATUTORY AUTHORITY.—The authority re-
ferred to under paragraph (1), is any statutory au-
thority that—

(A) is similar to the authority exercised
under section 5305 of title 5, United States
Code;

(B) is exercised by the head of an agency
when the head of the agency determines it to be
necessary in order to obtain or retain the serv-
ices of persons specified by statute; and

(C) authorizes the head of the agency to
increase the minimum, intermediate, or max-
imum rates of basic pay authorized under appli-
cable statutes and regulations.
(c) Temporary Adjustment.—Regulations issued under subsection (a) or (b) may provide that statutory limitations on the amount of such special rates may be temporarily raised to a higher level during the transition period described in section 214 ending on the first day of the first pay period beginning on or after January 1, 2012, at which time any special rate of pay in excess of the applicable limitation shall be converted to a retained rate under section 5363 of title 5, United States Code.

SEC. 214. TRANSITION SCHEDULE FOR LOCALITY-BASED COMPARABILITY PAYMENTS.

Notwithstanding any other provision of this subtitle or section 5304 or 5304a of title 5, United States Code, in implementing the amendments made by this subtitle, for each non-foreign area determined under section 5941(b) of that title, the applicable rate for the locality-based comparability adjustment that is used in the computation required under section 5941(c) of that title shall be adjusted effective on the first day of the first pay period beginning on or after January 1—

(1) in calendar year 2010, by using $\frac{1}{3}$ of the locality pay percentage for the rest of United States locality pay area;
(2) in calendar year 2011, by using \( \frac{2}{3} \) of the otherwise applicable comparability payment approved by the President for each non-foreign area; and

(3) in calendar year 2012 and each subsequent year, by using the full amount of the applicable comparability payment approved by the President for each non-foreign area.

**SEC. 215. SAVINGS PROVISION.**

(a) Sense of Congress.—It is the sense of Congress that—

(1) the application of this subtitle to any employee should not result in a decrease in the take home pay of that employee;

(2) in calendar year 2012 and each subsequent year, no employee shall receive less than the Rest of the U.S. locality pay rate;

(3) concurrent with the surveys next conducted under the provisions of section 5304(d)(1)(A) of title 5, United States Code, beginning after the date of the enactment of this Act, the Bureau of Labor Statistics should conduct separate surveys to determine the extent of any pay disparity (as defined by section 5302 of that title) that may exist with respect to positions located in the State of Alaska, the State of Hawaii, and the United States territories, includ-
ing American Samoa, Guam, Commonwealth of the
Northern Mariana Islands, Commonwealth of Puerto
Rico, and the United States Virgin Islands;

(4) if the surveys under paragraph (3) indicate
that the pay disparity determined for the State of
Alaska, the State of Hawaii, or any 1 of the United
States territories including American Samoa, Guam,
Commonwealth of the Northern Mariana Islands,
Commonwealth of Puerto Rico, and the United
States Virgin Islands exceeds the pay disparity de-
determined for the locality which (for purposes of sec-
tion 5304 of that title) is commonly known as the
“Rest of the United States”, the President’s Pay
Agent should take appropriate measures to provide
that each such surveyed area be treated as a sepa-
rate pay locality for purposes of that section; and

(5) the President’s Pay Agent will establish 1
locality area for the entire State of Hawaii and 1 lo-
cality area for the entire State of Alaska.

(b) SAVINGS PROVISIONS.—

(1) IN GENERAL.—During the period described
under section 214 of this subtitle, an employee paid
a special rate under 5305 of title 5, United States
Code, who the day before the date of enactment of
this Act was eligible to receive a cost-of-living allow-
ance under section 5941 of title 5, United States Code, and who continues to be officially stationed in an allowance area, shall receive an increase in the employee’s special rate consistent with increases in the applicable special rate schedule. For employees in allowance areas, the minimum step rate for any grade of a special rate schedule shall be increased at the time of an increase in the applicable locality rate percentage for the allowance area by not less than the dollar increase in the locality-based comparability payment for a non-special rate employee at the same minimum step provided under section 214 of this subtitle, and corresponding increases shall be provided for all step rates of the given pay range.

(2) Continuation of cost of living allowance rate.—If an employee, who the day before the date of enactment of this Act was eligible to receive a cost-of-living allowance under section 5941 of title 5, United States Code, would receive a rate of basic pay and applicable locality-based comparability payment which is in excess of the maximum rate limitation set under section 5304(g) of title 5, United States Code, for his position (but for that maximum rate limitation) due to the operation of
this subtitle, the employee shall continue to receive
the cost-of-living allowance rate in effect on December
31, 2009 without adjustment until—

(A) the employee leaves the allowance area
or pay system; or

(B) the employee is entitled to receive
basic pay (including any applicable locality-
based comparability payment or similar supple-
ment) at a higher rate,

but, when any such position becomes vacant, the pay
of any subsequent appointee thereto shall be fixed in
the manner provided by applicable law and regula-
tion.

(3) **Locality-based comparability payments.**—Any employee covered under paragraph (2)
shall receive any applicable locality-based com-
parability payment extended under section 214 of
this subtitle which is not in excess of the maximum
rate set under section 5304(g) of title 5, United
States Code, for his position including any future in-
crease to statutory pay limitations under 5318 of
title 5, United States Code. Notwithstanding para-
graph (2), to the extent that an employee covered
under that paragraph receives any amount of local-
ity-based comparability payment, the cost-of-living
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allowance rate under that paragraph shall be re-
duced accordingly, as provided under section
5941(c)(2)(B) of title 5, United States Code.

SEC. 216. APPLICATION TO OTHER ELIGIBLE EMPLOYEES.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term
“covered employee” means—

(A) any employee who—

(i) on the day before the date of en-
actment of this Act—

(I) was eligible to be paid a cost-
of-living allowance under 5941 of title
5, United States Code; and

(II) was not eligible to be paid lo-
cality-based comparability payments
under 5304 or 5304a of that title; or

(ii) on or after the date of enactment
of this Act becomes eligible to be paid a
cost-of-living allowance under 5941 of title
5, United States Code; or

(B) any employee who—

(i) on the day before the date of en-
actment of this Act—
(I) was eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) was eligible to be paid an allowance under section 1005(b) of title 39, United States Code;

(III) was employed by the Transportation Security Administration of the Department of Homeland Security and was eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) was eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code; or

(ii) on or after the date of enactment of this Act—

(I) becomes eligible to be paid an allowance under section 1603(b) of title 10, United States Code;

(II) becomes eligible to be paid an allowance under section 1005(b) of title 39, United States Code;
(III) is employed by the Transportation Security Administration of the Department of Homeland Security and becomes eligible to be paid an allowance based on section 5941 of title 5, United States Code; or

(IV) is eligible to be paid under any other authority a cost-of-living allowance that is equivalent to the cost-of-living allowance under section 5941 of title 5, United States Code.

(2) APPLICATION TO COVERED EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of this subtitle (including the amendments made by this subtitle) any covered employee shall be treated as an employee to whom section 5941 of title 5, United States Code (as amended by section 212 of this subtitle), and section 214 of this subtitle apply.

(B) PAY FIXED BY STATUTE.—Pay to covered employees under section 5304 or 5304a of title 5, United States Code, as a result of the application of this subtitle shall be considered to be fixed by statute.
(C) PERFORMANCE APPRAISAL SYSTEM.—

With respect to a covered employee who is subject to a performance appraisal system no part of pay attributable to locality-based comparability payments as a result of the application of this subtitle including section 5941 of title 5, United States Code (as amended by section 212 of this subtitle), may be reduced on the basis of the performance of that employee.

(b) POSTAL EMPLOYEES IN NON-FOREIGN AREAS.—

(1) IN GENERAL.—Section 1005(b) of title 39, United States Code, is amended—

(A) by inserting “(1)” after “(b)”; 

(B) by striking “Section 5941,” and inserting “Except as provided under paragraph (2), section 5941”; 

(C) by striking “For purposes of such section,” and inserting “Except as provided under paragraph (2), for purposes of section 5941 of that title,”; and 

(D) by adding at the end the following:

“(2) On and after the date of enactment of the Non-Foreign Area Retirement Equity Assurance Act of 2009—
“(A) the provisions of that Act and section 5941 of title 5 shall apply to officers and employees covered by section 1003 (b) and (c) whose duty station is in a nonforeign area; and

“(B) with respect to officers and employees of the Postal Service (other than those officers and employees described under subparagraph (A)) of section 216(b)(2) of that Act shall apply.”.

(2) CONTINUATION OF COST OF LIVING ALLOWANCE.—

(A) IN GENERAL.—Notwithstanding any other provision of this subtitle, any employee of the Postal Service (other than an employee covered by section 1003 (b) and (c) of title 39, United States Code, whose duty station is in a nonforeign area) who is paid an allowance under section 1005(b) of that title shall be treated for all purposes as if the provisions of this subtitle (including the amendments made by this subtitle) had not been enacted, except that the cost-of-living allowance rate paid to that employee—
(i) may result in the allowance exceeding 25 percent of the rate of basic pay of that employee; and

(ii) shall be the greater of—

(I) the cost-of-living allowance rate in effect on December 31, 2009 for the applicable area; or

(II) the applicable locality-based comparability pay percentage under section 214.

(B) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to—

(i) provide for an employee described under subparagraph (A) to be a covered employee as defined under subsection (a); or

(ii) authorize an employee described under subparagraph (A) to file an election under section 217 of this subtitle.

SEC. 217. ELECTION OF ADDITIONAL BASIC PAY FOR ANNUITY COMPUTATION BY EMPLOYEES.

(a) DEFINITION.—In this section the term “covered employee” means any employee—

(1) to whom section 214 applies;
(2) who is separated from service by reason of retirement under chapter 83 or 84 of title 5, United States Code, during the period of January 1, 2010, through December 31, 2012; and

(3) who files an election with the Office of Personnel Management under subsection (b).

(b) ELECTION.—

(1) IN GENERAL.—An employee described under subsection (a) (1) and (2) may file an election with the Office of Personnel Management to be covered under this section.

(2) DEADLINE.—An election under this subsection may be filed not later than December 31, 2012.

(c) COMPUTATION OF ANNUITY.—

(1) IN GENERAL.—Except as provided under paragraph (2), for purposes of the computation of an annuity of a covered employee any cost-of-living allowance under section 5941 of title 5, United States Code, paid to that employee during the first applicable pay period beginning on or after January 1, 2010 through the first applicable pay period ending on or after December 31, 2012, shall be considered basic pay as defined under section 8331(3) or 8401(4) of that title.
(2) LIMITATION.—The amount of the cost-of-
living allowance which may be considered basic pay
under paragraph (1) may not exceed the amount of
the locality-based comparability payments the em-
ployee would have received during that period for
the applicable pay area if the limitation under sec-
tion 214 of this subtitle did not apply.

(d) CIVIL SERVICE RETIREMENT AND DISABILITY
RETIREMENT FUND.—

(1) EMPLOYEE CONTRIBUTIONS.—A covered
employee shall pay into the Civil Service Retirement
and Disability Retirement Fund—

(A) an amount equal to the difference be-
tween—

(i) employee contributions that would
have been deducted and withheld from pay
under section 8334 or 8422 of title 5,
United States Code, during the period de-
scribed under subsection (c) of this section
if the cost-of-living allowances described
under that subsection had been treated as
basic pay under section 8331(3) or
8401(4) of title 5, United States Code; and

(ii) employee contributions that were
actually deducted and withheld from pay
under section 8334 or 8422 of title 5, 
United States Code, during that period; 
and
(B) interest as prescribed under section 
8334(e) of title 5, United States Code, based on 
the amount determined under subparagraph 
(A).

(2) AGENCY CONTRIBUTIONS.—

(A) IN GENERAL.—The employing agency 
of a covered employee shall pay into the Civil 
Service Retirement and Disability Retirement 
Fund an amount for applicable agency con-
tributions based on payments made under para-
graph (1).

(B) SOURCE.—Amounts paid under this 
paragraph shall be contributed from the appro-
priation or fund used to pay the employee.

(3) REGULATIONS.—The Office of Personnel 
Management may prescribe regulations to carry out 
this section.

SEC. 218. REGULATIONS.

(a) IN GENERAL.—The Director of the Office of Per-
sonnel Management shall prescribe regulations to carry 
out this subtitle, including—
(1) rules for special rate employees described under section 213;

(2) rules for adjusting rates of basic pay for employees in pay systems administered by the Office of Personnel Management when such employees are not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, without regard to otherwise applicable statutory pay limitations during the transition period described in section 214 ending on the first day of the first pay period beginning on or after January 1, 2012; and

(3) rules governing establishment and adjustment of saved or retained rates for any employee whose rate of pay exceeds applicable pay limitations on the first day of the first pay period beginning on or after January 1, 2012.

(b) OTHER PAY SYSTEMS.—With the concurrence of the Director of the Office of Personnel Management, the administrator of a pay system not administered by the Office of Personnel Management shall prescribe regulations to carry out this subtitle with respect to employees in such pay system, consistent with the regulations prescribed by the Office under subsection (a). With respect to employees not entitled to locality-based comparability payments under section 5304 of title 5, United States Code, regula-
tions prescribed under this subsection may provide for spe-
cial payments or adjustments for employees who were eli-
gible to receive a cost-of-living allowance under section
5941 of that title on the date before the date of enactment
of this Act.

SEC. 219. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided by subsection
(b), this subtitle (including the amendments made by this
subtitle) shall take effect on the date of enactment of this
Act.

(b) LOCALITY PAY AND SCHEDULE.—The amend-
ments made by section 212 and the provisions of section
214 shall take effect on the first day of the first applicable
pay period beginning on or after January 1, 2010.

TITLE III—DEEPWATER OIL AND
GAS RESEARCH AND DEVELOPMENT FUNDING SOURCE
REPEAL

SEC. 301. REPEAL.

Effective October 1, 2010, section 999H of the En-
ergy Policy Act of 2005 (42 U.S.C. 16378) is amended—
(1) by striking subsections (a), (b), (c), and (f);
(2) by redesignating subsections (d) and (e) as
subsections (a) and (b), respectively;
(3) in subsection (a), as so redesignated, by striking “obligated from the Fund under subsection (a)(1)” and inserting “available under this section”; and

(4) in subsection (b), as so redesignated, by striking “In addition to other amounts that are made available to carry out this section, there” and inserting “There”.

Passed the House of Representatives June 25, 2009.

Attest:

_Clerk._
AN ACT

To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Veterans Affairs, to authorize the receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.

H. R. 2647

111TH CONGRESS
1ST SESSION

AN ACT

To authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Veterans Affairs, to authorize the receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes.

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111TH CONGRESS
1ST SESSION